



Appeal Decision

Site visit made on 8 July 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2024

Appeal Ref: APP/L5240/W/23/3334903

Flat 2, 54 Bensham Lane, Croydon CR0 2RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr E Dublin against the decision of the Council of the London Borough of Croydon.
 - The application Reference is 23/01857/FUL.
 - The development proposed is the conversion of the upper flat (first/second floors) into 2 one bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the principle and suitability of the alterations to the accommodation, and (ii) whether it has been demonstrated that the development would be functionally adequate as regards cycle and refuse storage/recycling, parking and fire safety.

Reasons

Principle and Suitability of the Proposed Sub-division

3. On this issue the Council's objection relates firstly to the principle of the conversion of the existing four bedroom first and second floor flat into two one bedroom flats with one on each floor. The ground floor is a separate self-contained flat and does not form part of the appeal.
4. The Council's refusal of permission is based on two policies, SP2 and DM1 of the Croydon Local Plan 2018 ('the Local Plan'). Policy SP2.7 sets a target for 30% of all new homes up to 2016 to have three or more bedrooms. Policy DM1.2 permits the redevelopment of residential units where it does not result in the net loss of 3 bedroom homes.
5. For the appellant it is argued that the conversion would not result in a permanent loss of a family sized dwelling as an additional entrance would not be required and that the internal layout would not significantly change. However, I regard this as a specious argument given that there would be expenditure on internal building works to secure self-containment of each unit and the installation of a new kitchen.
6. It is reasonable to assume that this financial investment would be recouped by higher returns in the form of either the higher overall value of the premises

when sold or increased rent, and that without any personal factors cited for the proposal this is the reason for the application. As a matter of fact, the loss of the four bedroom flat would be a reduction in the existing stock of family accommodation in Croydon in breach of the policies and I do not consider the suggestion of reversion to a single unit at some point in the future as anything other than supposition.

7. The Council's second objection on this issue is that the ceiling height in Flat 1 would be inadequate and that both Flats 1 and 2 would have no amenity space. As regards the former, the Council's technical housing standards require a minimum ceiling height of 2.3m for 75% of the floor area whereas the appeal scheme would result in only about 60% with the balance being at 2.18m. Whilst I accept the Council is correct in terms of the shortfall applying to habitable areas, the deficiency is slight and on my visit was not such as to be noticeably affecting the amenity of the room. In itself I do not regard this factor as being sufficient to dismiss the appeal.
8. The third objection on this issue relates to the private amenity space. Whilst there is a rear garden, it would appear that this is for the exclusive use of the ground floor flat that does not form part of this appeal. Whilst paragraph 5.29 of the appeal statement says that the proposed one bedroom flats would have access to this amenity area via the alleyway, there is no evidence in the appeal to support this assertion and indeed I was not shown it as part of my site visit. Accordingly, I attach little credence to the grounds of appeal's assertion that the occupiers of the two flats would have access to the garden and I find the Council's objection on this point to be justified.
9. I have also had regard to the appellant's arguments as regards the benefits of two single dwellings and their greater affordability, but I do not consider that these should be achieved at the expense of the loss of also much needed family accommodation that the premises currently provides.
10. Overall on this issue, I conclude both the principle and suitability of the alterations to the accommodation to be unacceptable and in harmful conflict with Local Plan Policies SP2, SP4, DM1 & DM10 and Policy D6 of the London Plan 2021. In respect of ceiling height I do not consider the deviation from standards to be significant, but this is insufficient to outweigh my overall findings.

Functional Adequacy of the Proposed Development

11. As I have concluded on the first issue that both the principle and suitability of the proposed development are unacceptable, I shall deal with the remaining refusal reasons together, as aspects of functional adequacy. An important factor in these is that in common with other buildings in this part of Bensham Lane, there is a minimal front building line with no on-site parking and very limited room for storage, especially when the need for pedestrian access is taken into account. The side alleyway to the rear is similarly narrow.
12. As regards refuse storage /recycling, I saw at my visit that there were overflowing refuse bins on the front forecourt which were adversely affecting the street scene. These were already obstructing access across the front and to the side alleyway, and with the proposed three flats at No. 54 I do not consider the sketch plan in the appeal statement satisfactorily addresses this important element of the scheme. A similar plan shows cycle storage to the rear, but this

does not appear to be secure and in any event the refuse storage would significantly impede access to this area. And as with the rear garden, there is no evidence that this area is available to the occupiers of the first and second floors of the building.

13. In respect of parking, the appeal property is in an area with a PTAL rating of 3 to 4 (moderate access to public transport) and is within the North area of the Controlled Parking Zone. In the absence of detailed and credible evidence as regards the degree of parking stress (and I do not regard the appellant's evidence as fitting this description) I consider it reasonable and necessary for the development proposal to be accompanied by a S106 precluding future occupiers from obtaining resident parking permits. Such an arrangement is a pre-requisite of a grant of planning permission, including at appeal.
14. Finally, as regards fire safety, London Plan Policy D12 requires development proposals to include fire safety as part of the initial design, rather than as a supplemental consideration. As no Fire Safety Strategy was submitted as part of the application, the refusal reason is in my view therefore justified. I have noted the fire prevention measures in the appeal statement, but as they have been submitted at this late stage they would need to be the subject of a condition. This approach is contrary to Policy D12 and therefore unacceptable.
15. Overall on the issue of functional adequacy, I find that the appeal scheme fails and is in conflict with Local Plan Policies DM10, DM13, DM30 & SP4 and London Plan Policy D3 as regards refuse storage/recycling and cycle storage. In respect of car parking there is conflict with Local Plan Policies SP8, DM29 & DM30 and London Plan Policies T4, T6 & T7. And as referred to in paragraph 14 above, belated fire safety measures in the appeal scheme fail to satisfy London Plan Policy D12.
16. The grounds of appeal extensively quote aspects of Government policy in the National Planning Policy Framework 2023 ('the Framework'), but taking that document as a whole I am of the view that it is the Council's application of its policies in this case that is consistent with the Framework's provisions.

Conclusion

17. For the reasons explained above and having had regard to all other matters raised, I conclude that the appeal must fail. In coming to this conclusion I have also taken account of the appellant's reference to four examples of similar development in the area for which the Council has granted permission.
18. However, each case must be decided on its individual merits and in this appeal I am satisfied that the combination of the characteristics of the site/ property with the details of the proposal and the information provided is such that a permission should not be granted.

Martin Andrews

INSPECTOR