



Appeal Decision

Site visit made on 20 August 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2024

Appeal Ref: APP/L5240/W/23/3329167

62 Dennett Road, Croydon CR0 3JA

- 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 S Tadmalla against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/00864/FUL.
 - The development proposed is described as "Erection of part 2-storey, part single storey side and rear extensions and erection of rear dormer window. Sub-division of resulting building to provide 1 x 2 bed 3 persons, 1 x 1 bed house, 1 x 1 bed 2 person and 1 bed one person. Application is for an alteration of approved planning 19/03124/FUL (1 x 1 bed retained unaltered and 1 x 4 bed 8 person is amended and subdivided)."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A draft National Planning Policy Framework was published in July 2024. The proposed changes would not materially affect the main issues in this case, so the parties were not invited to make further comments. As the draft document is currently subject to consultation, it carries very little weight.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposal on the supply of small family homes in the Borough;
 - whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to the provision of external amenity space; and
 - the effect of the proposal on parking provision and highway safety.

Reasons

Character and appearance

4. The appeal site comprises a two storey dwelling located within a residential area where terraced buildings are prevalent. The properties generally have

narrow, enclosed front gardens containing three refuse bins, but the appeal site has an open, wider frontage.

5. Policy DM13 of the Croydon Local Plan 2018 (Local Plan) requires refuse facilities to be within the building envelope or behind the building line, with visual screening, to ensure they are an integral element of the design. Further, Local Plan Policy DM10 outlines the need for cycle parking to be within weather-proof shelters unobtrusively located within the setting of the building.
6. The proposed scheme would provide the amount of cycle spaces required by Policy T5 of the London Plan 2021 (London Plan). Although four of these would be to the rear, conveniently located covered storage for two bicycles would be sited immediately adjacent to the footway.
7. The proposal would also include three covered bin storage areas in front of the building, near the boundary. I acknowledge that future residents would have easy access to the refuse storage. However, the number and amount of space occupied by the front bin and cycle stores and their location forward of the building close to the footway would create a cluttered frontage, discordant in the street scene.
8. Therefore, I conclude that the proposed development would harm the character and appearance of the area. This would be contrary to Policy D3 of the London Plan and Policies DM10 and DM13 of the Local Plan. Together, these require high quality development which enhances local context and unobtrusively sited refuse and cycle facilities, amongst other things.

Family homes

9. Policy DM1.2 of the Local Plan states that the Council will permit the redevelopment of residential units where it does not result in the net loss of three bedroom homes (as originally built) or the loss of homes smaller than 130sqm. I note that Local Plan Policy SP2.7 seeks a choice of homes to address the Borough's need for different sized homes and the London Plan promotes the efficient use of housing stock. However, retaining the existing stock of family sized dwellings in the Borough reflects its role in meeting the identified need for larger homes in the area.
10. The appeal site comprises a three bedroom family sized home with an indicated gross internal floor area of around 120sqm. The proposed scheme would provide four dwellings ranging in size from a 40sqm studio to a 61sqm two bedroom flat. Although the larger proposed flat could accommodate upto three people, as this would be significantly smaller than set out in Policy DM1.2, the proposal would result in the loss of a small family home contrary to this policy.
11. The appellant states that the proposed scheme would provide affordable accommodation for key workers and individuals on low incomes who cannot afford to buy or rent a three bedroom dwelling. Whilst smaller flats would inevitably be cheaper than a house, this does not preclude the requirement to retain small family homes to meet local needs.
12. There are references to planning permissions for the subdivisions of plots granted by the Council and on appeal at other sites in the Borough. However, it is indicated that these either provided a separate unit of family sized accommodation or did not result in the net loss of family homes. Therefore, they are not comparable to the appeal scheme.

13. Consequently, I conclude that the proposal would have a harmful effect on the supply of small family homes in the Borough. This would conflict with Policy DM1.2 of the Local Plan.

Living conditions

14. Local Plan Policy DM10 requires all new residential development to provide functional private amenity space amounting to a minimum of 5sqm for 1-2 person units and an additional 1sqm per extra occupant thereafter. This reflects the requirements set out in Policy D6 of the London Plan and the London Housing Supplementary Planning Guidance 2016. Policy DM10 also sets out the need for all flatted development to incorporate outdoor communal amenity and play space.
15. There is no dispute that sufficient functional private gardens for the larger units 1 and 2 would be provided. I consider that the sizes of these, significantly in excess of the policy requirement, would negate the need to provide separate play space in this instance. However, the occupiers of units 3 and 4 would not have any access to private or communal outdoor space, creating an unsatisfactory living environment for the future residents of these small flats. Although there is a recreation ground close by, this has a different function to a private space and does not replace the need to provide it.
16. For these reasons, I conclude that the proposed development would provide unacceptable living conditions for the future occupants of units 3 and 4, with particular regard to the provision of external amenity space. This would be contrary to Policies D3 and D6 of the London Plan and Policies SP2, SP4 and DM10 of the Local Plan. Together, these require development of a high quality which provides comfortable outdoor environments, including sufficient amenity space, amongst other things.

Parking provision and highway safety

17. The appeal site is within a controlled parking zone (CPZ) with only paid and permit holder parking available during the daytimes from Monday to Saturday. Within outer London, it has a public transport access level (PTAL) of 3 but is very close to areas with PTALs of 5 and 6a which have very good access to public transport. The plans indicate off street car parking in front of proposed unit 1, but there would be insufficient space to accommodate a vehicle without obstructing the footway.
18. London Plan Policy T6.1 sets out maximum parking standards for residential schemes within outer London PTAL 3 though it seeks car free development within all areas of PTAL 5 and 6. Given its proximity to public transport, the parties accept that the scheme could be car free.
19. The proposal would create three additional units and could thereby increase the demand for on-street parking by future residents. The Council considers that in the absence of a legal agreement¹ to restrict future occupiers from applying for parking permits, the proposed scheme would have an unacceptable impact on parking stress in the locality.
20. However, although only a snapshot in time, at my daytime site visit I observed that there was adequate space available for on-street parking in this part of the

¹ Under Section 106 of the Town and Country Planning Act 1990.

road and therefore limited parking stress. As such, in the absence of evidence to show that the area experiences parking stress during the restricted times in this CPZ, it has not been demonstrated that removing access to parking permits for future occupiers would be necessary in this case.

21. Consequently, I conclude that the proposal would not harm parking provision and highway safety. It would comply with Policy T6.1 of the London Plan and Policies SP8 and DM30 of the Local Plan. Together, these set out maximum parking standards and seek to ensure that highway safety and the movement of other road users is not compromised, amongst other things.

Other Matters

22. The proposal would make more efficient use of residential land, contributing three additional homes towards the local supply of housing on a small site with access to services and public transport. This would be consistent with London and national planning policies. There is no substantive evidence to demonstrate that the Council is failing to meet the needs for housing in its area which tempers the weight I have attached to housing delivery. Nevertheless, the provision of three additional mixed sized flats is still a limited benefit to be factored into the planning balance.
23. The appellant considers that the Council has been inconsistent as it granted permission (application ref 19/03124/FUL) for extensions and subdivision of the appeal building in 2019. As the previous proposal was to create two units including a four-bed dwelling, the two schemes are not comparable.
24. The Council did not find harm or development plan conflict in relation to several other matters, including the extension design, neighbouring living conditions, fire safety, heritage assets and flood risk. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposed scheme.

Planning Balance and Conclusion

25. I have found that the proposal would harm the character and appearance of the area, have a harmful effect on the Borough's supply of small family homes and provide unacceptable living conditions for the future occupants of units 3 and 4. These are planning harms which attract considerable weight. The delivery of housing attracts limited weight and the remaining matters only neutral weight, which accordingly do not outweigh the harm I have found.
26. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

A Wright

INSPECTOR