



Appeal Decision

Site visit made on 9 July 2024

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

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/L5240/W/23/3334978

Denia Court, 55A Bensham Grove, Thornton Heath, Croydon CR7 8FY

- 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 Noel Rebello, Zoo Design, against the decision of the Council of the London Borough of Croydon.
 - The application Reference is 23/01505/FUL.
 - The development proposed is the erection of an additional storey to the building to create two new flats, with other associated alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an additional storey to the building to create two new flats, with other associated alterations at Denia Court, 55A Bensham Grove, Thornton Heath, in accordance with the terms of the application, Ref. 23/01505/FUL and the plans submitted with it, subject to the conditions in the attached Schedule.

Main Issues

2. The main issues are (i) whether the proposed development would be in harmful conflict with the Council's policies for three bedroom homes, and (ii) the effect on car parking on the site and in Bensham Grove.

Reasons

3. On the first issue, the Council's objection is that the appeal scheme fails to include a family three bedroom home as part of the development. In this regard Policy SP2.7a of the Croydon Local Plan 2018 ('the Local Plan') sets a strategic target for 30% of all new homes up to 2036 to have three or more bedrooms. Policy H10 of the London Plan 2021 requires schemes to have a range of unit sizes in terms of the number of bedrooms with the appropriate mix in any one case to have regard to a range of criteria set out in the policy.
4. However, in this case the potential for the type and size of residential accommodation is heavily constrained by the fact that the additional floorspace to be provided can only be in the form of an additional storey to the existing three storey building. The option chosen is for 2 No. two bedroom flats of the same size and a very similar layout, with the quantum of floor area meeting that required in the Nationally Described Space Standards.
5. In order to provide the three bedroom unit that the Council seeks, it is probable that the development would need to be in the form of either a particularly large single unit or alternatively as the three bedroom dwelling plus

a single bed unit (there being an insufficient residual area for a well-designed two bedroom flat). However, a single three bedroom flat would be an inefficient use of space and probably unviable, whilst in the case of the alternative the relevant policies discourage single bed units in this location with its poor PTAL rating of 1a. And in this context I note that Denia Court already has 3 No. one bedroom flats.

6. Accordingly, I consider that two 2 bedroom flats are the optimum choice for the available floor area, particularly as they would be of a good quality including dual aspect with external rear amenity space in the form of 13sqm terraces. And whilst the scheme in this form does not meet the policy requirements for a 3 bedroom unit, the 2 bedroom units would be suitable for smaller families. An example would be a couple starting a family with their first child, and in this situation a one bedroom dwelling would clearly be inadequate, whilst I also note that Local Plan paragraph 4.13 states that '*.. a good quality design can mean that a smaller two bedroom property is suitable for smaller families*'. Overall on this issue, I consider that the Council's objection is not of sufficient weight to justify the refusal of permission on the basis of a conflict with the above-mentioned Local Plan Policy SP2.7 and London Plan Policy H10.
7. Turning to the second issue, the Officers' Report argues that the proposed on-site parking would be both insufficient and inadequately accessible in an area where Bensham Grove is already under considerable parking stress. It is considered that three spaces are needed rather than the two to be provided and that in any event the appellant has failed to demonstrate that the revised basement parking layout to accommodate one of these is impractical because of inadequate space (the other parking bay is to be provided on the access drive and would be of a size suitable for a person with disabilities).
8. The appellant's Statement of Case addresses the basement parking issue with a reconfigured arrangement including swept path details to permit easier access and parking with further improvement in the form of the provision of cycle parking. And whilst I share the Council's reservations as to the basement's ease of use, the scheme at least goes some way towards addressing the issue. I also acknowledge that there would be a potential for increased demand for on-street spaces in Bensham Grove, albeit in my view any consequential increase in inconvenience and highway danger from two flats would be more marginal than significant.
9. In essence, although I consider the effect of the appeal scheme on parking would not be wholly neutral, nor would it be so harmful as to cause an unacceptable level of non-compliance with Local Plan Policies DM29 & DM30 and London Plan Policy T6. In the National Planning Policy Framework December 2023 ('the Framework') Government policy is that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. I do not consider this to apply here.
10. To the extent that there would in fact be any adverse effect, the planning balance is also a significant factor in my decision. The appeal scheme would provide two additional homes at a time when national planning policy is one of exhorting Local Planning Authorities to increase the volume and speed of housing delivery.

Other Matters

11. The appeal application has resulted in objections from local residents relating mainly to the potential for problems associated with construction and the effect of the additional storey on living conditions. As regards the latter, it is inevitable that development in an already built up area will have at least some effect, but with a basement and three storey building already there, the impact of the additional two flats would not be such as to justify a refusal of permission.
12. I acknowledge that the additional building works may well cause inconvenience and disturbance, but this will be for a limited period and will be far less than for the original building. Only very rarely can a development be refused on this basis and a condition requiring the preparation of a Construction Logistics Plan ('CLP') should mitigate the effect. Finally, I have noted the appellant's reply letters to the concerns expressed by the occupiers of Nos. 57 and 59 Bensham Grove and have had regard to the reassurances therein.

Conclusion and Conditions

13. For the reasons explained and having carefully considered all other matters raised, I shall allow the appeal and grant planning permission. The Council and the appellant have agreed a list of conditions. In addition to the condition requiring a CLP, the requirement for the construction to be in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning.
14. A condition in respect of external materials will ensure that the additional building works are in keeping with Denia Court and thereby preserve visual amenity. A condition in respect of refuse and cycle storage will respectively ensure the satisfactory provision of these day-to-day facilities for residents and encourage travel other than by car.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
- 2) The development shall be carried out in accordance with the following approved plans: Drawing Nos. LP1501; EX-3DA; EX-E001 Rev. A; EX-002 Rev. A; EX-E003 Rev. A; EX-P00; EX-P001; EX-P002; EX-P003; EX-P004 Rev. A; EX-P005 Rev. A; PR-3D; PR-3D-1; PR-P00; PR-P001; PR-P002; PR-E001; PR-E002; PR-E003; PR-P005; PR-P003; PR-P004;
- 3) Prior to the commencement of above-ground works, full details of the external facing materials including samples of all facing materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details;
- 4) Prior to the commencement of development including any demolition, a Construction Logistics Plan ('CLP') shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall include the following information for all construction phases of the development: a) hours of construction; b) hours of deliveries; c) parking of vehicles associated with deliveries, site personnel, operatives and visitors; d) facilities for the loading and unloading of plant and materials; e) details of any site hoardings; f) details of the precautions to guard against the deposit of mud and substances on the public highway, and g) dust control methods. All phases of the development shall be carried out strictly in accordance with the details so approved;
- 5) Prior to the first occupation of the development, full details of cycle and refuse storage facilities including elevational drawings shall be submitted to and approved in writing by the Local Planning Authority and constructed in full accordance with these approved details. The facilities shall thereafter be retained in a fully usable condition for the lifetime of the development.