

Appeal Decision

Site visit made on 22 August 2024

by R Lawrence BSc (Hons), PGDip (TP), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2024

Appeal Ref: APP/L5240/W/24/3338424

1 - 2 Grant Place, Croydon CR0 6PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr David Hancock against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/03960/GPDO.
 - The development proposed is conversion of the first floor using Class G into 2 flats with associated bin storage and installation of door at the front of the property.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr David Hancock against the Council of the London Borough of Croydon. This application is the subject of a separate decision.

Background and Procedural Matters

3. The appeal site is given as 2 Grant Place on the application form, and as 1 – 2 Grant Place on the submitted plans and appeal form. As the red line boundary is shown around 1-2 Grant Place, I have used this address in the above banner heading.
4. The application was made under Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). This permits development consisting of a change of use of a building from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and up to 2 flats; and, subject to satisfying a number of conditions.
5. The Council has confirmed that it determined the application against Schedule 2, Part 3, Class MA of the GPDO in error. In its appeal submissions, the Council has refined the extent of its objections to the proposal and confirmed that it no longer maintains objections relating to transport and parking, which

fall outside the scope of prior approval matters. For the avoidance of doubt, I have assessed the proposal against the provisions of Schedule 2, Part 3, Class G of the GPDO.

6. Development permitted by Class G is subject to various conditions listed under paragraph G.1 of the GPDO. The Council does not dispute that conditions (a) to (c) of G.1 are met. In respect of G.1 condition (d) the Council is content that prior approval of the authority would not be required in relation to (d) (i)-(iv). I have no reason to disagree.
7. The only matter in dispute, relates to condition G.1(d)(v) and arrangements required for the storage and management of domestic waste.

Main Issue

8. The main issue is whether the proposal would constitute permitted development under the provisions of Schedule 2, Part 3, Class G of the GPDO, having regard to the condition G.1(d)(v) and arrangements required for the storage and management of domestic waste.

Reasons

9. The appeal site fronts directly onto Grant Place, which is a narrow lane providing access to the rear of a number of properties, as well as various garages. The proposal would involve the conversion of the first floor of the appeal site to provide two flats. The Council has indicated a requirement 4 different bins per flat or 8 in total.
10. The submitted plans show a dedicated space for refuse storage at the back of the existing ground floor. A door would provide access onto a side alley off Grant Place. Within the dedicated space, the plans show provision for 6 bins, although their dimensions and capacity are not specified.
11. The provision shown therefore amounts to a shortfall in the amount of storage the proposed development would provide. It is unclear whether or not an alternative arrangement of bins, or the use of difference sized containers, could address this shortfall. On the available evidence, however, the proposal would fail to provide satisfactory arrangements required for the storage of domestic waste.
12. There are no details as to the proposed refuse collection point, or how domestic waste for the flats would be managed. Due to the narrow width of Grant Place, it is highly unlikely that a refuse vehicle could access the lane. As such, the nearest refuse collection would likely be Nicholson Road. The distance to Nicholson Road would exceed an acceptable drag distance for waste and refuse operatives. The Council acknowledges the possibility of an on-site management company moving the bins to/from the main road; however, this does not form part of the proposal before me. Given the lack of evidence as to how waste and refuse would be collected from the site, I am unable to conclude that satisfactory arrangements could be provided for the management of domestic waste.
13. In light of the above, and the information provided in respect of the arrangements for the storage and management of domestic waste, the proposal fails to satisfy condition (d)(v) of paragraph G.1 of the GPDO. The

proposal would therefore not constitute permitted development under the provisions of Schedule 2, Part 3, Class G of the GPDO.

Other Matters

14. The appellant has queried whether the Council's decision was legally binding, in light of the Council having assessed the proposal against a different part of the GPDO to that applied for. However, there is no substantive evidence to support this. As an appeal has been submitted against the refusal by the Council, I have assessed the appeal on this basis.

Conclusion

15. For the reasons given above, the appeal should be dismissed.

R. Lawrence

INSPECTOR