



Appeal Decision

Site visit made on 25 October 2024

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/L5240/W/24/3343874

13 Blenheim Park Road, South Croydon CR2 6BG

- 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 L Shah against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/01521/FUL.
 - The development proposed is described as the subdivision of existing dwellinghouse into two flats, installation of balcony area at rear first floor level and pergola with associated landscaping changes.
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Decision

1. The appeal is allowed and planning permission is granted for the subdivision of existing dwellinghouse into two flats, installation of balcony area at rear first floor level and pergola with associated landscaping changes at 13 Blenheim Park Road, South Croydon CR2 6BG in accordance with the terms of the application, Ref 23/01521/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. As stated on the application form, development is complete and is accordingly retrospective. However, my assessment of the proposal is based on the plans before the Council at the time of the planning application. I will refer to the 'proposed development' throughout my decision, although certain aspects may already be complete. Equally any reference to 'existing' in this decision relates to the situation before any unauthorised works commenced.

Main Issue

3. The main issue is the effect of the proposed development on highway safety with particular regard to parking.

Reasons

4. The application form states that the proposed development would subdivide the existing dwelling to provide one, one-bedroom flat and one, three-bedroom flat. No off-street parking is proposed.
5. Policy T6 of the London Plan (2021) states that car-free development should be the starting point for all development proposals in places that are well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking. Policy SP8 of the Croydon Local Plan (2018) ("Local Plan") states that where there are high levels of PTAL (Public

Transport Accessibility Level)¹ car free development will be encouraged. The appeal site has a PTAL of 3 and this would fall below the identified high levels of PTAL as set out in the Local Plan.

6. The appellant's Transport Technical Note ("TTN") includes a parking stress survey which identified high levels of parking stress above the threshold within the survey area. The TTN acknowledges that while there are available spaces in the survey area, it has reached a point at which on-street parking capacity is considered saturated, and above which issues may occur.
7. These findings accord with my site visit, while a snapshot in time, I also found parking to be limited in the survey area. For these reasons, any increase in demand for on street parking would be likely to lead to vehicles parking in unsuitable and unsafe locations with resultant harm to pedestrian and highway safety.
8. However, before I can conclude on this matter, it is relevant to consider the increase in demand over existing levels. The appellant states on the application form that the existing use of the appeal site is C3 (Dwellinghouse) and this position is not challenged by the Council.
9. The drawings show that the existing dwelling has more than five bedrooms and there is no documented reason in evidence to suggest the existing dwelling benefits from any off-street parking provision. It is not unreasonable, therefore, to opine that the existing dwelling places parking pressure on the surrounding area.
10. I accept that high parking stress can compromise highway safety, however, it has not been robustly shown, in evidence as part of this appeal, that the proposed development would generate a net uplift in parking demand when compared against the existing generously size dwelling. Therefore, I cannot be certain that any unacceptable harm would occur, or that proposed development would have a severe impact on the transport network because of the proposed development.
11. In coming to my overall conclusion, I have carefully considered the findings of another appeal, reference APP/L5240/W/3332055². This case found high levels of parking stress existed in the area and the increase in demand for on street parking would be likely to lead to vehicles parking in unsuitable and unsafe locations with resultant harm to pedestrian and highway safety.
12. This other appeal was for the erection of a dwellinghouse on land which was used for parking. This therefore displaced existing parking as well as creating further parking demand from the proposed development. The appeal before me is different as it would not displace any existing parking and would convert an existing use as I have set out above. The net increase in parking demand from the conversion has not been clearly demonstrated to be unacceptably harmful. The other appeal therefore does not alter my overall findings.
13. I have not been provided with the London Cycle Design Standards ("LCDS") or details of which parts of the LCDS the proposed development conflicts with. The Council state that cycle parking is likely to be in the rear gardens but

¹ Level 5, 6a and 6b as set out in footnote 81 of the Local Plan.

² 168 Woodside Green, South Norwood, Croydon, London SE25 5EW

would be limited in attractiveness due to land levels, distances, and the convoluted access route.

14. Access would in all probability be via the shared access from Blenheim Park Road and this seems logical and practical for future users to access bikes and come and go from the site. While there would be some changes in levels, the exact distances and location of the cycle stores would be agreed via condition. Accordingly, and as a matter of fact and degree, I do not find these factors to adversely suppress the attractiveness of cycle use for the future occupiers.
15. Consequently, it has not been robustly shown that the proposed development would severely impact highway safety with particular regard to parking. It would therefore accord with the relevant provisions of Policies SP8, DM29 and DM30 of the Local Plan and Policy T6 of the London Plan. All of which seek to, amongst other things, ensure that development would not be detrimental to the safety of the transport network.

Other Matters

16. From the evidence before me, the proposed development, when compared to the existing use of the site, would not generate significant or unacceptable noise disturbance. There is also limited evidence to show that future occupiers would not look after the proposed development or the local area during occupation. While concerns regarding overcrowding have been raised, the Council confirm that proposed floorspace would be acceptable, having considered the appeal proposal I am inclined to agree.
17. The appellant has expressed concerns regarding the time taken to reach a decision by the Council during the application process. Whilst this must have caused the appellant some distress, this does not materially affect my consideration of the planning merits of the appeal proposal.

Conditions

18. The Council has suggested a list of conditions which I have considered and where necessary amended in line with national policy and guidance. In the interest of certainty, conditions specifying the approved plans are required.
19. To ensure that the development is in keeping with the character and appearance of the area a condition controlling external materials is required. It is also necessary to protect the living conditions of those living at and near to the site and to agree a fire strategy. Conditions to ensure adequate refuse and cycle storage are also necessary. As the development is retrospective, I have not implemented a three-year commencement condition or any prior to commencement conditions.
20. I appreciate there are concerns regarding impacts during construction, however, given the retrospective nature of the development I do not consider that a condition to manage dust or dirt would be necessary.

Obligations

21. An interested party suggests that a legal agreement would be required to remove access to on street parking permits and season tickets in Council run car parks, if a Controlled Parking Zone ("CPZ") is brought into force in the

future. Financial contributions are also requested toward improvements to sustainable transport.

22. However, there is limited evidence before me to show such contributions are necessary to make the development acceptable, directly related to the development or fairly and reasonably related in scale and kind. In addition, as there is currently no CPZ in this area and there is no evidence to suggest one is forthcoming, I am not satisfied that this would be necessary either.
23. Given my overall findings I cannot conclude that such an obligation is justified and would meet the tests set out in paragraph 57 of the National Planning Policy Framework. Consequently, the absence of a planning obligation is not a determinative factor in my decision.

Conclusion

24. For the above reasons, having regard to the development plan as a whole and all other relevant considerations, the appeal is allowed subject to the conditions listed in the attached schedule.

N Praine

INSPECTOR

Schedule of Conditions (5 in total)

- 1) The development shall be completed and retained entirely in accordance with the following approved drawings: TPD/CV/L00, TPD/CV/PE01, TPD/CV/PE02, TPD/CV/PE04, TPD/CV/PE05, TPD/CV/E02, TPD/CV/E03, TPD/CV/E04, TPD/CV/E06, TPD/CV/E08.
- 2) Unless otherwise specified in the application, the materials used for the external surfaces of the development hereby permitted along with work of making good shall match those of the existing building and retained as such.
- 3) Within 3 months of the date of this decision, a fire strategy shall be submitted and approved in writing by the Local Planning Authority. The development shall only operate in accordance with the details approved.
- 4) Within 3 months of the date of this decision, elevation/section/plans and details of capacity and bin type of the refuse store shall be submitted and approved in writing by the Local Planning Authority. The approved refuse store shall be provided in full within 3 months of its approval or within six months of the date of this decision and retained as such.
- 5) Within 3 months of the date of this decision, elevation/section/plans of a cycle store shall be submitted and approved in writing by the Local Planning Authority. The approved cycle store shall be provided in full within 3 months of its approval or within six months of the date of this decision and retained as such.

End of Schedule