



Appeal Decision

Site visit made on 1 October 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/L5240/W/24/3337586

59 Leander Road, Croydon, Thornton Heath CR7 6JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Oleh Kosyhin against the Council of the London Borough of Croydon.
 - The application Ref is 23/04103/FUL.
 - The development proposed is described as 'house conversion in two self-contained dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was submitted on the 25th January 2024. The Council issued a decision notice the following day refusing planning permission. This is not a formal determination of the Council as the jurisdiction to determine the application transferred from the Council upon valid receipt of the appeal. Nevertheless, the Council has set out that it would have refused the application had it been empowered to do so. I have therefore taken its reasons into account in determining the main issues.
3. The parties refer to the site having a Public Transport Accessibility Level (PTAL) value of 1a and 1b. This difference is not determinative, and it is not disputed that the PTAL score is low.

Main Issues

4. The main issues are:
 - the effect of the proposed development on highway safety and parking provision; and
 - whether the proposed development can provide sufficient refuse provision.

Reasons

Highway Safety and Parking

5. The appeal site is located on Leander Road close to the junction with Goldwell Road. An existing garage serving the property is located to the rear of the property and is accessed from Goldwell Road.

6. Table 10.3 of Policy T6.1 of the London Plan 2021 sets out maximum parking standards for residential units. This policy requires units in outer London with a PTAL value of 0-1 to provide up to 1.5 parking spaces per dwelling. The proposed development therefore requires up to three car parking spaces.
7. The plans are scaled and demonstrate that the existing garage can accommodate two vehicles. Whilst the garage is currently used for storage, and concerns have been raised about its accessibility, size and usability, given that it was built to accommodate vehicles, it is plausible that this intended use could continue.
8. Concerns are raised about access to the garage being impeded but there is a clear access route behind the dwellings on Leander Road. In addition, the access gate is locked and therefore users would be limited to those properties it serves.
9. The parking standards cited are a maximum rather than minimum. The larger proposed unit would exceed the maximum standard in Policy T6.1, whereas the two-bedroom unit would fall below it. The shortfall would be one parking space. Parking one vehicle on the road would unlikely harm parking provision and highway safety. Especially as the use of the garage would be an improvement to the parking arrangement for the existing use, which has the same parking standards as the proposed use.
10. Despite not being within a Controlled Parking Zone (CPZ) and in an area with a low PTAL rating, applying maximum car parking standards would be at odds with Policy T6 of the London Plan and the requirement for proposed development, to provide the minimum necessary parking.
11. The shortfall of one parking space is acceptable given that the site would be within 400m of two bus stops. It would also be within walking distance of a health centre and two supermarkets. Additionally, the scheme provides cycle storage for four bikes which would enable future occupiers an alternative to car use.
12. For the reasons given above, I conclude that the proposed development would have an acceptable impact on highway safety and parking provision. The development would therefore be compliant with Policies T4, T6 and T6.1 of the London Plan 2021 and Policies SP8, DM29 and DM30 of the Croydon Local Plan¹. These policies amongst other thing seek to provide adequate parking provision, and safeguard highway safety.
13. Reference is made to Policy T5 of the London Plan; however, this refers to cycling and is therefore not relevant to this main issue.

Refuse

14. Policy DM13 of the Croydon Local Plan requires conversions to integrate refuse and recycling within the landscape covered facilities that are located behind the building line where they will not be visually intrusive. In addition, facilities are required to be visually screened.
15. In accordance with the Council's Waste and Recycling in Planning Policy Document² each unit would be required to provide two 240ltr recycling bins

¹ Adopted 2018

² Adopted 2015

(one for mixed paper and card and the other for plastic, cans and glass), one 180ltr landfill bin and one 23ltr external food caddy. Each unit would also need to provide a 7ltr internal food caddy. The proposed development would provide a total of five bins within a timber clad store. Specifically, the total provision would be one 180ltr bin, two 240ltr recycling bins and one 23ltr external food caddy. The provision detailed would satisfy one unit not two. As such the second flat would not have a way to dispose of landfill waste, recycling or food waste.

16. The design of the proposed timber store would be acceptable, and due to the property being terraced, locating it to the front of the property would be justified, despite being contrary to Policy DM13. However, the proposed store is not large enough to accommodate the required waste and recycling facilities. Given that only half of the required bins would be provided, the structure would need to be doubled in size. Such a structure would appear incongruous in the street scene, occupying most of the front garden and harming the visual appearance of the property. As a result, a larger structure would be visually intrusive and therefore a condition would not overcome this matter.
17. Reference is made to the conversion of 71 Leander Road whereby the Council did not object to insufficient storage facilities for waste and recycling. The planning circumstances of the example given are unknown and, in any event, each scheme must be considered and determined on its individual merits.
18. For the reasons above I conclude that the proposed development would be unable to provide sufficient refuse provision. It is therefore contrary to Policy DM13 of the Croydon Local Plan which seeks to integrate refuse and recycling facilities into the landscape without being visually intrusive.

Other Matters

19. The appeal scheme is a result of amendments from the refusal of planning application 22/03955/FUL. These amendments do not address the harm identified with reference to sufficient refuse provision.
20. Whilst the proposed development is a small windfall site which would contribute to the supply of homes, given the quantum of development, this benefit would be limited and should not come at the expense of the harm identified. Accordingly, the harm would not be outweighed by the benefits.

Conclusion

21. The proposal conflicts with the development plan read as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
22. For the reasons given above planning permission is refused and the appeal should be dismissed.

V Goldberg

INSPECTOR