



Appeal Decision

Site visit made on 29 January 2025

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2025

Appeal Ref: APP/L5240/W/24/3346399

2C Seymour Place, South Norwood, Croydon, London, SE25 4XU

- 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 Ade Stone against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/00018/FUL.
 - The development proposed is demolition of existing two-storey rear extension and erection of two-storey rear extension to provide a 3-bedroom dwelling and provision of associated amenity space and cycle and refuse storage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above I have used the description of development as stated on the Council's decision notice and the appeal form, rather than that given on the application form, as it more fully describes the proposal.
3. The revised National Planning Policy Framework (the Framework) was published in December 2024. This does not raise any matters that require me to seek representations from the main parties in this case.

Main Issues

4. The main issues are:
 - the effect of the proposal on employment floorspace in the borough;
 - the effect on the character and appearance of the host property and the surrounding area;
 - whether the proposal would provide satisfactory living conditions for future occupiers, with regard to internal space, privacy and outlook; and,
 - the effect on the living conditions of the neighbouring occupiers of 44 Apsley Road, with particular regard to outlook.

Reasons

Employment floorspace

5. The appeal site relates to a part two storey, part single storey building facing towards Seymour Place, close to its junction with Apsley Road. It is attached to,

though not used in connection with, 2B and 2C Seymour Place, two residential properties which appear to have originally formed part of 46 Apsley Road. The building is set back from Seymour Place, with access provided by a gate in the front wall. The surrounding area comprises terraced and semi-detached houses.

6. The appeal building is currently vacant but was formerly used as a bakery, which is an employment use, albeit likely of a limited scale in this case given the size of the building. Under the '4-Tier' approach to the retention and redevelopment of land and premises relating to industrial/employment activity, as set out in Table 5.1 of Policy SP3 of the Croydon Local Plan (2018) (Local Plan), the Council identifies the site as a 'Scattered Employment Site', where permission for limited residential development will be granted if it can be demonstrated that there is no demand for the existing premises or for a scheme comprised solely of the permitted uses and residential use does not harm the wider location's business function. The Council says the proposal would not harm the wider location's business function and I have no reason to find otherwise based on my observations of the area.
7. Turning to the matter of demand, the appellant has submitted marketing details for the property. However, this indicates that the property was marketed together with Nos 2B and 2C as a single lot, and chiefly as a residential development opportunity, rather than as a potential employment use in its own right. The marketing agents state that they welcomed enquiries for the former workshop, but there are no details of this before me and or any indication that it was actively promoted in this way. Moreover, the premises does not appear to have been marketed for the requisite 18 month period, as set out in Local Plan Policy SP3. As such, the marketing strategy does not demonstrate that there is no reasonable prospect of the site being used for commercial purposes.
8. It was evident during my site visit that the existing building is derelict, and I could see that its condition is such that extensive repairs would be necessary to bring it up to a standard suitable for employment use. That said, it has not been demonstrated that such improvements are not possible.
9. Therefore, notwithstanding the current condition of the site, I cannot be satisfied that there is no demand for the employment use of the site. The proposal would reduce the supply of employment floorspace in the borough, contrary to the aims of London Plan Policy E2 and Local Plan Policy SP3, which, among other things, seek to resist the loss of employment generating uses, unless there is no reasonable prospect of the site being used for business purposes.

Character and appearance

10. The surrounding area is characterised by two storey terraced and semi-detached houses with pitched roofs. They are generally set back from the road behind low boundary walls and small front gardens, with larger gardens to the rear. While the design of properties varies, there is a degree of uniformity in terms of building lines and materials comprising brick or render, together with a regular pattern of window openings. These features contribute positively to the character of the area.
11. The proposed dwelling would be sited broadly on the footprint of the existing building. However, the stepped roof profile of the existing building, consisting of a two storey part which steps down to a single storey, creates subservience to the attached building, No 2B. In contrast, although the roof of the proposal would be set below the ridge of No 2B, the proposal would be fully two storeys and have a more

significant presence in the street scene due to its scale and massing. A two storey element with a flat roof would project forward of the main part of the building which emphasises the excessive scale of the proposal. Thus, it would fail to achieve a subordinate relationship to the attached building. Moreover, the lack of external space around the dwelling would result in a cramped appearance, which would not reflect the more spacious plots generally found in this area.

12. The proposed flat roof projection would be incongruous given that flat roofs are not a common feature of the area and would appear stark against the pitched roof and sit uncomfortably above the eaves of the main part of the building. The traditionally designed front door would not reflect the rest of the fenestration and design of this elevation, which is of contemporary design. The first floor terrace would be a further uncharacteristic feature. The proposed mix of materials including the use of cladding, would break up the massing of the building, but would result in an overly complex appearance at odds with the plainer facades of neighbouring properties. While the details of the materials palette could have been agreed by planning condition, this would not address the other shortcomings of the design.
13. For these reasons I conclude that the proposal would be a dominant and incongruous addition to the street scene, which would result in harm to the character and appearance of the host property and the area. It would conflict with London Plan Policy D3 and Local Plan Policies DM10 and SP4. Among other things, these policies seek high quality design which respects local character.

Living conditions of future occupiers

14. The proposal would be a three bedroom dwelling with an internal floor area of 97m². The appellant states that the proposal would be a four person unit, and elsewhere that it would be a five person unit. However, the three bedrooms would all be capable of double occupancy given their size, and it is therefore reasonable to consider the proposal as a three bedroom, six person unit. Assessed on that basis, the floor space would fall some way short of the minimum gross internal floor area of 102m² required for this type of dwelling, as set out in the Technical housing standards – nationally described space standard (2015) and London Plan Policy D6. Therefore, I am not satisfied that the proposal would provide sufficient internal space for the potential number of occupants, thereby leading to cramped living accommodation. The appellant suggests that this can be addressed by altering the bedroom layout, though no details have been provided, and I must consider the appeal on the basis of the details as set out in the application.
15. Bedroom One on the ground floor would include a window directly fronting the pavement. Thus, there would be no defensible space outside of the window which would be overlooked at close range from the pavement. However, fitting this window with obscure glass below 1.7m when measured above floor level would ensure sufficient privacy in this room. Moreover, there are similar windows at Nos 2B and 2C which are adjacent to the pavement and are also overlooked from the street, where I observed there to be only small numbers of passing pedestrians.
16. The living/dining room and kitchen would also be served by windows to this elevation, but these would be set further into the site and are therefore of lesser concern. The patio doors serving the living/dining room in the side elevation of the proposed building would face be towards the gable end of 2 Seymour Place at close range, resulting in an uncomfortable sense of enclosure and an unsatisfactory

outlook. The floor plans indicate a small window to the side of Bedroom Two which would be unlikely to provide sufficient light and outlook to this room. Although not detailed on the floor plan, the proposed elevation also indicates a larger window serving this bedroom to the front elevation which would be acceptable.

17. Overall, the proposal would fail to provide satisfactory living conditions for future occupiers, having particular regard to internal space and outlook. Accordingly, it would conflict with London Plan Policies D3 and D6 and Local Plan Policies DM10 and SP2 which require development to be of high quality design and provide adequately-sized rooms with comfortable and functional layouts.

Living conditions of neighbours

18. The neighbouring properties at 2 and 2B Seymour Place do not contain windows in their flank elevations facing the site. The proposal would not, therefore, be harmful to the living conditions of these neighbouring occupiers.
19. 44 Apsley Road shares a boundary with the site. There are windows to the rear elevation and rear outrigger of this property. The existing building extends up to the boundary with the neighbour's garden. Given this proximity and the depth and height of the building, it already has an effect on the outlook from the neighbour's rear windows and garden. However, the impact is mitigated by its part single storey height. By contrast, the proposal would be an entirely two storey building. The ridge would be set below the neighbouring property and its depth reduced compared to the existing structure. Nevertheless, the scale and height of the proposal and its proximity would further reduce the outlook from the neighbour's garden. It is unlikely that there would be a significantly greater impact on the neighbour's windows due to the distance between them and the new two storey element.
20. For these reasons I conclude that the proposal would result in minor harm to the living conditions of the neighbouring occupiers of No 44 Apsley Road, with regard to outlook. It therefore conflicts with London Plan Policy D6 and Local Plan Policy DM10 which seek to ensure that development protects the amenity of neighbours.

Planning Balance and Conclusion

21. The development would provide a new dwelling in an accessible location, which would contribute to the borough's need for homes of different sizes. Employment opportunities would be created during the construction phase, and future occupiers would provide on-going support for local services. Given the modest scale of the development, I attach limited weight to these matters which is not sufficient to outweigh the harm identified.
22. The proposal does not accord with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that indicate that I should take a different decision other than in accordance with this. For the reasons given, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR