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## Appeal Decision

Site visit made on 4 December 2024

**by M J Francis BA (Hons) MA MSc MCIfA**

an Inspector appointed by the Secretary of State

Decision date: 5<sup>th</sup> March 2025

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**Appeal Ref: APP/L5240/W/24/3345015**

**58-60 Stafford Road, Croydon CR0 4NE**

- 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 Ming Ko of MPD Ltd c/o Ko Architects against the decision of the Council of the London Borough of Croydon.
  - The application Ref is 23/04398/FUL.
  - The development proposed is extensions and alterations to create a part-3 and part-4 storey building to provide four new self-contained flats with a mix of 1 x1-bed and 3 x 2-bed units (following demolition of existing garage and store) and internal and external alterations to the existing buildings. To modify the existing facades of no.58 & no. 60, together with the new section between no.58 and 60 to create a new contemporary corner building.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Revised plans showing the layout of the forecourt area were submitted with the appeal. However, I am mindful that the appeal process should not be used to evolve a scheme to overcome the Council's reasons for refusal.
3. Applying the principles established by 'Holborn'<sup>1</sup>, it is my view that the appeal must be determined on the basis of the plans as originally submitted and upon which the Council based its decision. To do otherwise would prejudice the interests of third parties and consultees, who have not been consulted on the revised scheme. I have therefore proceeded to determine the appeal on the plans as originally submitted.
4. The National Planning Policy Framework (the Framework) was revised in December 2024 and the main parties have been consulted on the implications of the revised Framework's publication on the appeal.

### Main Issues

5. The main issues are:
  - the effect of the proposal on highway safety;
  - whether there are appropriate measures for waste disposal;
  - the effect of the proposal on the character and appearance of the area;

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<sup>1</sup> Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

- the effect of the proposal on the living conditions of future occupiers with regards to outdoor space; and
- whether it would promote the use of sustainable transport.

## Reasons

### *Background*

6. The appeal site, which is quadrilateral in shape, is occupied by an end terrace, No 60 Stafford Road (No 60) and a two storey, with rooms in the roof, modern flatted block, No 58 Stafford Road (No 58). No 60 is a four-bedroom house which is already heavily extended at the rear. No 58 contains a one-bedroom, and two, three-bedroom flats.
7. To the rear of the site is a large supermarket and car park, whilst opposite the site is a petrol station, with other commercial buildings nearby. Next to the site is a grass covered, triangular area of ground, with two trees growing on it.

### *Parking and highway safety*

8. The site is located next to the B271 and close to a major road junction. Both Nos 58 and 60 currently have two parking spaces. The proposed development would provide three parking spaces, parallel to the front of the building.
9. The site is within a Public Transport Accessibility Level (PTAL) 4 area. The London Plan (LP) suggests a maximum of 4-6 parking spaces for development of this size, however, the parties dispute the numbers of spaces required. Whilst the LP seeks to discourage car ownership, the site is not in a Controlled Parking Zone (CPZ). Therefore, eight residential units could result in pressure on existing on-street parking in the surrounding area, given that most streets around the site are red routes with no on-street parking. However, there has been no stress parking survey as to whether parking overspill from the site would increase parking pressure elsewhere.
10. There are currently dropped kerbs in front of Nos 58 and 60 to enable access to the site. However, there are two lanes of traffic going in a northerly direction on the adjoining B271 outside the site. This is a short distance from traffic lights and the junction that connects to several major roads.
11. The appellant considers that vehicle movements on the driveway would be low during the day, with moderate pedestrian movement on the wide footpath. The site is, however, close to a large supermarket and retail area, and while many people would drive there, it would be expected that some people would access it by walking along the footpath outside the site.
12. Whilst the appellants consider that the proposed parking and access are an improvement on the existing state, I am not satisfied from the evidence, despite Crashmap information and the site being in a 30mph zone, that vehicles could, in the limited space available, safely enter, and exit the site in a forward gear, without affecting the safety of other road users and pedestrians.
13. Therefore, I conclude that the proposed parking arrangement and use of the proposed access would have an unacceptable effect on highway safety. It would conflict with Policies DM29 and DM30 of the Croydon Local Plan, 2018 (CLP) and

LP Policy T4. These policies collectively seek to ensure that there is no detrimental impact on highway safety for all users including pedestrians and cyclists.

### *Waste disposal*

14. The proposal would provide four recycling and four refuse bins at the front, which would be enclosed by a brick wall with planters. However, there is no storage for food and bulky waste. Consequently, the numbers of bins and the proposed storage would not be adequate for the seven flats, and for No 58, as there is no separate waste storage shown for this property. Additionally, the siting of the parking spaces means that if a car is parked in front of the bin storage area, it would be difficult for waste disposal operatives to access and return the bins safely.
15. Whilst the Council would prefer larger refuse bins, these could not be hidden from view in the same way as the appellants suggest by incorporating the bins into the landscaping. Screening the bins would, however, be preferable for the occupiers of Flat A when using their front patio area.
16. Therefore, based upon the evidence before me, it has not been demonstrated, and I am not satisfied, that suitably worded planning conditions could address this matter. Consequently, I conclude that the proposal would not provide adequate measures for waste disposal.
17. It would conflict with CLP Policies DM10 and DM13 which requires appropriately designed and adequate space and layouts to achieve safe and conveniently located refuse and recycling facilities.
18. Whilst the Council has referred to LP Policy T7, this relates to deliveries, servicing and construction with regards to freight movements and distribution facilities, and so does not directly refer to the Council's main concern regarding the provision of refuse facilities.

### *Character and appearance*

19. The proposed development would result in the extension of No 60 at roof level to become a five-bedroom house. A new, two storey infill between No 58 and No 60, and rear extensions would create four additional flats: one, one-bedroom, three, two-bedroom, and an existing one-bedroom flat would become a two-bedroom flat. The proposed contemporary design, which would be finished in grey, aluminium cladding around some of the windows and doors, a white rendered façade, as well as lightweight glass cladding, would inject an interesting and prominent design to a busy road junction.
20. Whilst the contrast between the proposal and the adjoining terrace would be significant, the existing terrace has no architectural features of note and appears utilitarian in character, with front gardens mainly used for the parking of cars. The housing is sited on a busy road, opposite commercial premises, including a petrol station, with a large supermarket and retail premises to the rear.
21. Although this type of terracing may be predominant in this area, adapting one house and extending beyond it, would not affect the unity of the terrace. Indeed, a modern building has already been built next to it. From what I saw, there is no coherent architectural style and character in the area. The Waddon leisure centre, visible from the site, has in scale, colour and materials, previously introduced a

contemporary building which has altered the character of this crossroads area with a more vibrant introduction.

22. The proposed development would increase in height further away from the terrace, and whilst there would be a third storey, this would be set back to reduce the massing of the building. The size of window openings, and use of materials, would create a spacious feel to the site. The flank wall, visible from views around the site, although partly hidden by the trees when in leaf, would, with the use of differing materials, provide a more interesting gable elevation than is currently provided by the plainly rendered wall.
23. The frontages of the existing buildings, overgrown at No 58 and dominated by a wooden fence at No 60, are not attractive from the street. Whilst visibility can suggest being unduly prominent, in this case, based on the existing character of the area, this contrasting design approach would make a positive contribution to the streetscape.
24. Therefore, I conclude that the proposed development would not harm the character and appearance of the area. It would not conflict with CLP Policies DM10 and LP Policies D3 and D4 which collectively require high quality design which provides a positive contribution to the townscape.

#### *Outdoor space*

25. Both CLP Policy DM10.4(c), and LP Policy D6 require all new residential development to have private, functional, amenity space, with a minimum of 5m<sup>2</sup> per 1-2 person unit, and an extra 1m<sup>2</sup> per extra occupant thereafter. In addition, Policy DM10.4(c) requires new flatted development to provide communal outdoor space.
26. Whilst No 58 currently has a rear garden which would be retained, in the existing flats at No 60, one flat has no outdoor space, and another has only a balcony 1.2m<sup>2</sup>. Whilst there is a garden area to the rear of the existing flats, I saw that this was connected to the garden of No 58, suggesting that two of the flats may not currently have any garden space. Even if they do, it already means exiting the building and having to go through two locked gates to the rear.
27. The proposed development would provide each flat with some private outdoor space, and a 40m<sup>2</sup> shared rear garden. The Council contend that Flat A on the ground floor would have poor quality amenity space, although it would replicate what it already has, a front balcony/patio area and 32.5m<sup>2</sup> rear garden. However, the garden, which is roughly triangular, and has wooden fencing around it, would be partly shaded by the trees growing outside the site, as well as the proposed rear extensions affecting sunlight from the west. Despite it having limited winter sunlight, this family sized property would have a private garden, in addition to the front facing patio area. On balance, as this would exceed the policy requirements, it would provide reasonable outdoor living space for the occupiers of Flat A.
28. Additionally, Flat G, a one-bedroom flat on the ground floor, would have private garden space to the rear. Consequently, it is likely that neither Flat A nor Flat G would use the communal garden space, which would in practice be shared by the other five flats in the block. Whilst accessing the communal space would require exiting the front door and re-entering the building along a corridor to the rear, this would not be inconvenient considering the distances involved. Moreover, it would,

in any case, be unusual for flats to have direct access to a communal garden. Besides, occupiers would already have to re-enter the building to reach the secure cycle storage.

29. Flat B, which currently has only 1.2m<sup>2</sup> of outdoor space, would have an additional, larger balcony resulting in an overall shortfall of 0.8 m<sup>2</sup>. Flat C, which currently has no outdoor space, would have a balcony of 4.5m<sup>2</sup>, a shortfall of 0.5 m<sup>2</sup>. The other flats would have private amenity space that would accord with policy. On balance, despite these shortfalls, as there is a shared garden which exceeds policy requirements, and notwithstanding concerns regarding sunlight, the outdoor space available to the occupiers would be acceptable.
30. I therefore conclude that the proposal would provide acceptable living conditions for the occupiers of the flats with regards to outdoor space. It would accord with CLP Policies DM10.4(c) and SP2.8, and LP Policies D6 and D3 which collectively require appropriate amenity and outdoor environments for people to use.

### *Sustainable transport*

31. To manage car use and contribute to sustainable transport in this location, the Council required a planning obligation. This is to prevent future occupiers applying for residents parking permits, including within any future CPZ, and buying season tickets for Council run car parks. Therefore, the Council seeks £1,500 per unit to mitigate for the lack of parking and to provide improvements to sustainable transport, including on-street car clubs, electric vehicle charging infrastructure and car sharing schemes. Whilst a Unilateral Undertaking (UU) was not submitted with the appeal, the appellant has agreed to signing one, and the Council has stated that they are working together on this.
32. From the evidence and my observations of the surrounding area, a UU which would discourage individual car ownership and promote the use of more sustainable modes of transport is justified. Therefore, I am satisfied that a UU is necessary and accords with the requirements for obligations set out in paragraph 58 of the Framework.
33. Based on the evidence before me, there is no reason to suggest that a UU would not be provided. Therefore, subject to the UU, the proposal would promote the use of sustainable transport. It would not conflict with LP Policy T6 and CLP Policies SP8, DM29 and DM30 which collectively promote sustainable transport and seek to reduce the impact of cars.

### **Planning Balance**

34. The evidence includes several examples of contemporary residential blocks<sup>2</sup> built next to two storey terraces, not far from this site. Whilst I have only limited photographic evidence of these buildings, they are taller and larger in scale than the appeal site, and often on corner sites, as in this case. These do demonstrate, however, that modern building styles with differing materials have been constructed in the borough adjacent to more traditional areas of housing. This provides moderate weight to the appeal.
35. Whilst the proposal would provide an additional four residential units, the Council has stated that they are still able to demonstrate a 5-year housing land supply and

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<sup>2</sup> No 449 Purley Way and 153-155 Stafford Road and 4 Beddington Terrace

are exceeding the delivery of housing within the borough. Therefore, whilst the development of the site would provide some employment and economic benefits for the duration of the construction and through its life as occupiers access local services and facilities, this is of limited weight.

36. I have found that the proposal would not harm the character and appearance of the area, appropriate outdoor space would be provided, and there is no evidence to suggest that a planning obligation to promote the use of sustainable transport would not be provided. However, these factors do not outweigh my concerns regarding highway safety and the provision of adequate waste disposal facilities.

### **Conclusion**

37. The proposal conflicts with the development plan when considered as a whole. Whilst there are material considerations in favour of the development, these do not outweigh the proposal's conflict with the development plan.
38. For the reasons given above, I conclude that the appeal is dismissed.

*M J Francis*

INSPECTOR