



Appeal Decision

Site visit made on 11 December 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/L5240/W/24/3345490

2 Beatrice Avenue, Norbury, Croydon, London SW16 4UN

- 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 Kasmani against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/03926/FUL.
 - The development proposed is single storey rear extension and convert house to 2 flats with new side entrance.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It has been drawn to my attention that the Croydon Local Plan (2018) is currently under review and may come forward at some stage in 2025. Neither party has referenced any emerging policies and as such, I attach limited weight to the emerging plan.
3. During my site visit I saw that some of the work to create two flats, as shown on the plans, had already been undertaken. The proposed development overall, however, has not been completed and I have determined the appeal on that basis.

Main Issues

4. The main issues are whether the proposed development would:
 - provide acceptable living conditions for its occupiers with particular regard to outlook, internal light, privacy, and the provision of private garden space; and
 - include adequate provision for car parking and cycle storage.

Reasons

Living Conditions

5. The appeal site includes a two-storey semidetached house in a residential area. The front garden is largely paved and provides parking spaces (the forecourt). To the side of the house is an access, leading from the forecourt to the rear garden. The proposed development involves the subdivision of the property into two flats, along with a rear extension to what would be the ground floor flat (GFF).

6. The existing ground floor in the house has a connected reception room and lounge. The former is at the front of the building and is served by a window facing onto the forecourt, whilst the latter has glazed doors opening out onto the existing garden room. The creation of the GFF would include bricking up the glazed doors to the garden room and converting the reception room and lounge into a bedroom and dining room respectively. Whilst the appellant has not contested the Councils' observation that this would result in the latter having no windows, the plans do not indicate that the opening between the rooms would be bricked up. As such, I have made my determination on the basis that the bedroom and dining room would be one connected space, with windows to the front.
7. The proposed layout in the GFF would result in the furthest part of the dining room being over 8m from the nearest window and separated from them by the bedroom. As a result, it would have very little outlook or natural light, creating a harmfully oppressive and unwelcoming environment for occupiers. Furthermore, the openness between the bedroom and dining room would either erode entirely the privacy of occupiers of the former, or render the latter incapable of normal domestic use.
8. Both bedrooms in the GFF would be served by windows facing the forecourt, which would be used for parking by occupants of the first-floor flat (FFF). The layout of the forecourt would require the occupants of the FFF to park very close to one of the bedroom windows, resulting in a significant and harmful lack of privacy for occupiers therein.
9. It is proposed to create one communal rear garden for the occupants of both flats, resulting in neither having private amenity space. This would contravene the requirements of Policy DM10.4 of the Croydon Local Plan (2018) (the LP) and severely discourage use of the outdoor space by occupants of either flat. Furthermore, occupiers of the GFF would experience a significant absence of privacy when using the proposed garden room while occupiers of the FFF were using the garden. No argument has been advanced by the appellant to justify the absence of play space for children, as required by Policy DM10.4. That absence is exacerbated by the lack of general private amenity space, and the scheme does not create an adequate environment for children to play.
10. The proposed development would result in unacceptable living conditions for its occupiers with particular regard to outlook, internal light, privacy, and the provision of private garden space, contrary to Policies DM10 and SP2 of the LP, and Policies D3 and D6 of the London Plan (2021), where they require new residential development to ensure adequate provision in those respects, including space in which children can play.

Car Parking

11. Based on the site having a Public Transport Accessibility Level (PTAL) rating of 3 (moderate), London Plan policy T6.1 requires a maximum of 1 car parking space for the proposed FFF and 0.75 spaces for the proposed GFF. The plans indicate that the forecourt would provide two parking spaces, though the appellant cites the extent of local public transport connections as sufficient to facilitate non car owners.
12. The plans do not show a proposed parking layout, or any tracking diagrams. It is not evident that two cars could use the forecourt without, amongst other things,

blocking the access to the FFF, occupying the space proposed to house a bin store, one car having to be moved to allow the other to enter and leave the site, at least one car being parked directly across the entrance door to the GFF, or, cars leaving the site without the driver being able to see pedestrians approaching from the east. Based on the configuration of the crossover and forecourt, each of these appears a realistic concern. As such, in the absence of evidence that two cars can be parked unproblematically on the forecourt, such an approach would be unacceptable.

13. Notwithstanding the above, an appropriate planning condition could be used to agree a single or zero-car parking layout at the forecourt before occupation of the development. In such circumstances it is possible that occupants of one or both flats would park on the street locally, as the site is not in a controlled parking zone.
14. The appellant has not provided any convincing evidence that on-street parking in the area is adequate to serve the development. However, the Council has provided little to show that it is not, relying on observations made during an officer site visit, an approach inadequate to properly demonstrate parking stress levels. In the absence of compelling evidence from either party I find no reason to look past the point that the proposed development, subject to a suitable planning condition, would comply with Policy T6.1. Accordingly, I find no conflict with Policy DM30 of the LP and Policies T4, T6 and T6.1 of the London Plan (2021).

15.

Cycle Parking

16. In circumstances such as at the appeal site, where cycle parking cannot be incorporated within the building envelope, Policy DM10.2 of the LP supports its provision within safe, secure, well-lit and conveniently located weather-proof shelters, unobtrusively located within the setting of the building. London Plan Policy T5 requires at least 4 cycle parking spaces for the proposed development, that it demonstrates how it will cater for larger cycles, including adapted cycles for disabled people, and that cycle parking be designed and laid out in accordance with the London Cycling Design Standards guidance document. Chapter 8 of that document states that residential cycle parking should be well located, close to the entrance of the property and avoiding obstacles such as narrow doorways less than 1.2 metres wide and tight corners.
17. A single bike store structure in the rear garden is proposed, accessed via the side passageway. The appellant does not contest the Councils' description of the passageway as being some 900mm wide. The width and length of the path would make wheeling a bicycle down it challenging, prohibitively so if it were a larger type, and I find that the proposed cycle parking would contravene the pertinent policy requirements, therefore.
18. The Council cites a lack of evidence that a cycle store could be accommodated on the forecourt alongside an adequate bin store and vehicle parking. However, as set out above, I have found no evidence that two off-street parking spaces need be provided. As such, I see no reason that a condition requiring agreement on the design and location of a forecourt cycle storage facility would be inherently unreasonable. For that reason, I consider the proposed development comply with LP Policies DM29, DM30, and SP8, and London Plan Policy T5, where they aim to support cycling by ensuring adequate parking provision.

Other Matters

19. The appellant has drawn my attention to permitted schemes¹ which they consider, in comparison to the appeal proposal, provide small or no rear garden amenity space and less parking. I have no evidence that any of the schemes resulted in living conditions for occupiers that are comparable in terms of outlook, internal light, privacy, and the provision of private garden space, which are the issues upon which this appeal has been determined. As such, the cited schemes carry little weight in my determination.

Conclusion

20. Whilst I have found no evidence that the proposed development would result in inadequate car and cycle parking provision, it nevertheless conflicts with the development plan taken as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

A Knight

INSPECTOR

¹ 23/04354/GPDO, 23/02603/FUL, 24/10680/FUL, 22/02881/FUL (allowed at appeal ref APP/L5240/W/23/3317836), 22/00795/FUL (allowed at appeal ref APP/L5240/W/22/3313462).

