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## 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: 20 March 2025**

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**Appeal Ref: APP/L5240/W/24/3348779**

**Denia Court, 55a Bensham Grove, Thornton Heath, Croydon CR7 8FY**

- 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 Noel Rebello of Zoo Design against the decision of the Council of the London Borough of Croydon.
  - The application Ref is 23/04517/FUL.
  - The development proposed is the erection of an additional floor, roof extension to facilitate 2 x 3-bedroom flats and 2 x external terrace amenity space and PV panels on the main roof.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Following the Council's decision on the scheme before me, an appeal regarding similar development on the same site has been allowed (the previous appeal)<sup>1</sup>. Like the scheme before me, the previous appeal concerned the erection of an additional storey to create two new flats, albeit 2 x 2-bedroom units.
3. The previous appeal was decided recently, and the relevant development plan policies remain unchanged. Given this, and how similar the two schemes are, I attribute significant weight to it in my determination below.
4. Since the determination of this application a revised National Planning Policy Framework (the Framework) has been published. The main parties have been given the opportunity to comment, and I have considered the revised Framework in my decision.

### Main Issues

5. The main issues are whether the proposed development would make appropriate provision for (i) cycle parking, (ii) refuse storage, and (iii) car parking.

### Reasons

#### *Cycle parking*

6. The appeal site includes a block of 9 flats (the building) with an enclosed forecourt (the forecourt). Based on the accommodation proposed, Policies DM29 and DM30 of the Croydon Local Plan (2018) and Policy T5 of the London Plan (2021) require the provision of at least 4 cycle parking spaces that are fit for purpose, secure, and well-located, in support of the aim of promoting and increasing cycling.

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<sup>1</sup> Appeal Decision APP/L5240/W/23/3334978

7. It is proposed to erect an enclosure on the forecourt to accommodate 4 bicycles, stacked tightly, side-by-side. This arrangement would require two separate households to have access to the same store, and each cyclist to remove up to three cycles from the store to retrieve their own. As a result, it would place cycle security beyond the sole control of either household, and cause a prohibitive level of inconvenience for its users. It would significantly disincentivise cycle ownership, therefore, harmfully undermining the aims of the cited policies.
8. The appellant requests the same approach be taken as in the previous appeal, whereby a planning condition required details of cycle parking to be agreed prior to residential occupation.
9. The circumstances before me are different to those before the last Inspector. In the previous appeal the Council were content that cycle storage be agreed by way of a planning condition. That approach, however, was based on the plans before them in the preceding application, which showed cycle storage retained in the basement. That same basement cycle storage was later omitted from a swept path diagram supplied during the course of the previous appeal. I have no evidence that the effects of this were raised in the previous appeal or, as it was not originally submitted to the Council, that the implications were subject to consultation.
10. In the application leading to this appeal, the plans omitted the basement cycle parking from the outset. This has resulted the Council adopting a different approach to cycle storage, having had the chance to consider the implications. It now contends that there may not be enough space for appropriate cycle parking facilities at the site. I do not see this, or my taking a different approach the previous Inspector, as unreasonable in these circumstances.
11. The most detailed plan<sup>2</sup> shows the proposed cycle store alongside a wider one of the same depth on the northern side of the forecourt. Though it is described as 'existing', the wider store was not there when I visited the site. No information has been provided as to the number or configuration of cycles potentially stored therein, and I have no evidence that it has been approved by the Council.
12. The plans show most of the southern side of the forecourt given over to parking and turning areas, and it is not clear, therefore, that cycle storage provision for the proposed development could be located on that part of the site. Cycle parking to the rear of the building may be possible, but in the absence of further details, it is unclear whether this arrangement would harm the living conditions of occupiers of the ground floor flats.
13. Overall, it is not evident that adequate cycle parking for the proposed development could be accommodated alongside any required for the existing flats at the site. For that reason, I am not satisfied that a condition of the type sought by the appellant would be enforceable or reasonable.
14. The proposed development would not evidently make, or have the potential to make, appropriate provision for cycle parking, contrary to the requirement to do so set out in Policies DM29 and DM30 of the Croydon Local Plan (2018) and Policy T5 of the London Plan (2021).

### *Refuse storage*

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<sup>2</sup> Drawing 10541 B-C

15. Policy DM13 requires development to provide adequate space for the temporary storage of any related waste material, including bulky waste. This is defined within the Waste and Recycling in Planning Policy Document (2015) (the waste policy) as large and unwanted household items that cannot be re-used or recycled, and which residents cannot transport to a Council waste, recycling and re-use centre.
16. The proposed development includes a structure wide enough to host 2 x 150L bins for each of the two flats, placed on the northern side of the forecourt next to an existing bin store. Whilst the capacity of the bins themselves would be adequate based on the waste policy, the proposal contains no clear provision for bulky waste.
17. The northern part of the forecourt is enclosed by a tall, close-boarded fence. Beyond it is the windowless flank wall of an adjacent industrial building. These circumstances would potentially allow the proposed bin store to be as tall as the existing one, creating additional capacity therein, above the bins. Even so, that would not create sufficient space for most bulky waste, based on the definition provided.
18. It is not evident that the existing bin store contains adequate space for bulky waste from the proposed development; The submitted proposal from WasteConcern details arrangements to collect waste from 9 flats, rather than from 11 as proposed and, in any event, is silent on the issue of bulky waste. Given the above, the proposal would not evidently accord with the relevant requirement of Policy DM13.
19. As with cycle parking, the appellant contends that an appropriate bin store could be secured through a planning condition. However, as I have set out above, the circumstances of this appeal are different to the previous one and dictate a different approach. In the same way that it is not evident the forecourt contains space enough for cycle parking facilities, so too it is not evident that an adequate bin store for the proposed development may be accommodated, given the need to provide both. As with the cycle store, I am not satisfied that a condition requiring agreement over a bin store would be either enforceable or reasonable.
20. The proposed development would not evidently make, or have the potential to make, appropriate provision for refuse storage, contrary to the requirement to do so set out in Policy DM13 of the Croydon Local Plan (2018).

### *Car parking*

21. The proposed development includes reconfiguring existing parking spaces on the forecourt and in the basement of the building, adding two additional spaces overall. The Council requires three parking spaces for the proposed development, the maximum set out in London Plan Policy T6<sup>3</sup>. This is based on high levels of on-street parking in the local area, and on the site having a Public Transport Accessibility Level (PTAL) rating of 1b (very poor).
22. The application included evidence that the PTAL rating for the site was in fact 3 (moderate), a better rating than anticipated by the Council. This was subsequently confirmed by Transport for London (TfL). The maximum parking provision for the development is therefore two spaces, which the proposed development would provide. As such, the degree of parking provision is adequate.

<sup>3</sup> Table 10.3 – Maximum residential parking standards

23. The Council also objects to the design of the proposed parking arrangements. The current details are the same as in the previous appeal, and no additional information has been provided that would lead me to deviate from the findings of the previous Inspector.
24. Taking all of the above into account, I find that the proposed development would make appropriate provision for car parking in compliance with Policies DM29 and DM30 of the Croydon Local Plan (2018) and Policy T5 of the London Plan (2021).

### **Other Matter**

25. The appellant has provided a list of nearby permissions, including two allowed at appeal, which they consider set a precedent. Based on their descriptions, these are not dissimilar developments to that proposed in the appeal, but I have no evidence that any of them were approved despite including inadequate cycle and refuse facilities. As such, they have not been material in my determination.

### **Planning Balance and Conclusion**

26. The proposal would support the Government's objective of significantly boosting the supply of homes, as well as the aims of the Council in that respect as set out in Policy SP2.1 of the Croydon Local Plan. It is likely to be built out relatively quickly and would make efficient use of land in a location which is moderately well served by public transport. Limited economic benefits would accrue from the development.
27. However, the promotion of cycling in planning policies is expressly supported by the National Planning Policy Framework (the Framework), as is the creation of places that promote health and well-being, with a high standard of amenity for existing and future users. In the absence of appropriate cycle and waste facilities the development would not function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, as required by the Framework.
28. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, and I find that the adverse impacts of the proposal are matters of significant weight against its approval that outweigh the moderate weight to the stated benefits.
29. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
30. For the above reasons, I conclude that the appeal should be dismissed.

*A Knight*

INSPECTOR