



Appeal Decision

Site visit made on 12 March 2025

by **A Hunter LLB (Hons) PG Dip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/L5240/W/24/3351345

49 Norbury Crescent, Norbury, Croydon, London SW16 4JS

- 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 P Patel against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/00592/FUL.
 - The development proposed is the erection of a 1.5 storey terrace building to rear of numbers 47-51 Norbury Crescent to provide 12 x aparthotel rooms/units (Use Class C1) with ancillary detached outbuildings and associated access and soft and hard landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 1.5 storey terrace building to rear of numbers 47-51 Norbury Crescent to provide 12 x aparthotel rooms/units (Use Class C1) with ancillary detached outbuildings and associated access and soft and hard landscaping at 49 Norbury Crescent, Norbury, Croydon, London SW16 4JS in accordance with the terms of the application, Ref 24/00592/FUL, subject to the conditions in the attached schedule at the end of this decision.

Preliminary Matters

2. In the banner heading and decision above I have used the description of development specified on the Council's notice of decision, as this most accurately describes the proposal, and the Appeal Form indicates that it was changed from that specified on the application form. Although, I have removed reference to the proposal being retrospective as this is not an act of development.
3. The Council's notice of decision indicates there are 2 no. reasons for refusal. However, the Council has confirmed that there is only one reason for refusal (stated as no. 1 on the notice of decision), and there is a formatting error resulting in a paragraph of informative text being wrongly numbered reason for refusal no.2. The appeal has been determined on this basis.
4. The National Planning Policy Framework (the Framework) was revised on 12 December 2024 and later amended on 7 February 2025. As the changes do not materially affect the main issues in this case, the parties have not been invited to comment further and there would be no unfairness as a result.
5. On my site inspection I saw that the proposed development had been undertaken. However, there are some discrepancies between the as built situation and the proposed plans, particularly regarding the proposed outbuildings. I have therefore determined the proposal as a proposed development.

Background and Main Issue

6. Planning permission was granted in 2019 at the appeal site to extend an existing aparthotel to have 8 no. rooms, along with the erection of a 1.5 storey terrace building to rear to provide an additional 6 no. aparthotel rooms/units. An application was made in 2022 retrospectively for amendments to the approved scheme to increase to 12 no. aparthotel rooms/units within the detached building, which was refused for reasons relating to harmful effects on neighbouring occupiers, parking stress, and inadequate cycle and bin storage. A further application was made to obtain retrospective permission for the development in 2023, but planning permission was again refused relating to parking stress, and inadequate cycle and bin storage. A third application, now the subject of this appeal was then subsequently made but was refused due to parking stress.
7. Accordingly, and considering the extant planning permission, the main issue is the effect of the additional 6 no. aparthotel rooms/units on highway safety, with particular regard to parking.

Reasons

8. The appeal site has a Public Transport Accessibility Level 4 (PTAL), and it is not within a Controlled Parking Zone (CPZ), it is also very close to several bus stops and Norbury Train Station, which provides access to transport across Greater London. In addition, the appeal site is within walking distance of Norbury District Centre.
9. There is currently a crossover in front of the appeal property said to allow 2 no off-street parking spaces, although it is noted the Council say this should only provide one parking space due to the crossover width. Nevertheless, the appellant is not seeking to include any off-street parking as part of the proposal. With the occupiers of the guest accommodation likely to be constantly changing, albeit some more frequently than others, their method of travelling to and from the appeal site is also likely to be varied. It is therefore accepted that there is some difficulty predicting the type of transport methods used by guests with any degree of certainty, including the likely parking requirements for such occupiers.
10. The part of Norbury Crescent nearest to the appeal site allows unrestricted on-street parking, except at areas near to bus stops, across crossovers and when marked for solely disabled person's parking. Although only a snapshot in time, I saw on my site inspection that there was limited available parking spaces nearby on Norbury Crescent during my site inspection, which was in the early afternoon. The nearby roads of St Helen's Crescent and St Helen's Road allow unrestricted on-street parking to one side of both roads, but again at the time of my visit there was limited spaces. However, there was plenty of available parking spaces on both roads within the designated parking spaces, where parking charges are applicable from 8am – 6.30pm, with a maximum stay of 2 hours and no return permitted within 2 hours.
11. Policy DM30 of the Croydon Local Plan 2018 (CLP) says the impact of parking should be reduced in areas with good public transport accessibility (PTAL 4 or above) or areas with existing on street parking stress, so highway safety is not compromised, and CLP Policy DM29 adds that public transport cycling and walking should be promoted to reduce traffic congestion. Policy T6 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021

(LP), states car-free development should be the starting point for all development proposals in places that are well-connected by public transport, and that an absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls for existing residents to have safe and efficient use of the streets. It further states that parking should not exceed the maximum standards as set out in Policy 6.1. The accompanying table 10.3 to Policy 6.1 says in outer London areas that have a PTAL 4, units with 1-2 beds require a maximum of 0.5 - 0.75 space per dwelling. Applying these maximum residential parking requirements to the additional 6 no. units would equate to a maximum of 3 - 4.5 parking spaces. In addition, LP Policy T4 states that new development should not increase road danger.

12. It is clear from the above policy background that parking should be reduced in well-connected areas such as the appeal site, where car free development is encouraged, and that the use of public transport, cycling and walking is promoted. Along with any off-street parking being no more than the stated maximums.
13. The appellant has said they would be willing to enter into a planning obligation to ensure that the development was car-free. However, the Council has not said it plans to introduce a CPZ or sought any contribution towards the introduction of such, which could restrict parking to resident permit holders only at certain times.
14. The appellant's Parking Stress Survey, prepared by Capital Transport Planning, dated January 2024 (PSS), assessed the parking availability nearby (said to be within 200 metres of the appeal site) based on the Richmond methodology, which it is understood the Council suggested should be used. The PSS identified that parking spaces along Norbury Crescent, St Helens Road, and St Helen's Crescent as being suitably close, it assessed the available parking spaces hourly between 00.30 hrs – 05.30 hrs on three separate nights to capture the peak residential parking demand.
15. The PSS found that parking stress fluctuated between 61% and 77% over the survey periods (the average was 66%), Norbury Crescent had no available spaces, but there were available spaces on St Helen's Crescent (38%) and St Helen's Road (31%). The PSS is understood to have been undertaken when the development the subject of this appeal was in use. The survey did not identify other developments nearby that have been granted planning permission and would likely have an effect on parking stress. The Council has not said it has undertaken its own parking stress survey or provided any substantive evidence to counter the PSS.
16. It is acknowledged that there have been comments made regarding parking issues in the local area, including parking stress. However, the PSS clearly indicates that sufficient spaces are available during the night-time for guests at the appeal site should they have a car, and it has been undertaken using the methodology specified by the Council. It is also not certain that any parking from the additional 6 no. aparthotel rooms/units would contribute to parking stress on nearby roads. Whether guests park their cars on nearby roads during the day or at night-time, which could prevent residents and others parking on the road or not, parking on the highway is not an automatic right. As said above, the Council could use a CPZ should they wish to limit parking to residents at certain times. In view of the above, any parking from the additional 6 no. aparthotel rooms/units should not cause

unacceptable parking stress or congestion in the area or have harmful effects on highway safety.

17. The Council's objection to the inclusion of the parking spaces that are subject to a parking charge between 8am – 6.30pm is noted. However, during the night-time these spaces are available for parking at no charge. Whether or not 8am is regarded as an early time for parking restrictions or not, it is not an unreasonable time for most people to either pay a charge to keep their car parked until 10am or to use it for travel purposes. Furthermore, it would not be unreasonable for guests staying away in an urban area to expect to pay parking charges during their stay.
18. Moreover, with the appeal site's PTAL rating of 4, and very good connectivity to public transport, many guests may choose to travel by public transport, or cycle in any event, thereby not requiring the need of a parking space.
19. The appellant has submitted a Travel Plan that promotes sustainable travel for guests at the appeal site. Whilst I share the Council's views that its effect on short-term guests is likely to be limited, it does seek to promote sustainable travel and can be a positive tool to assist guests, particularly those staying for longer durations regarding their travel choices.
20. The Council have said that high parking stress tends to lead to anti-social behaviour and highway safety issues. However, there has been no evidence provided of reports of any anti-social behaviour to the Council or the police directly arising from parking on nearby roads. In addition, the appellant's Transport Statement, prepared by Capital Transport Planning, dated January 2024 has not identified accident data that would support the Council's comments. Moreover, the accident data says that there have been 4 no. accidents in the immediate area in the last 5 years, mostly attributed to driver error.
21. In all other respects, there has been no unacceptable highway safety harm identified by the Council and I see no reason to disagree.
22. I therefore conclude that the proposed development would not cause unacceptable parking stress or congestion in the local area and the proposal would not be harmful to highway safety. In doing so, I find the proposal would comply with the relevant parts of LP Policies T4, T6, and T6.1 and CLP Policies DMD29 and DMD30, that amongst other things collectively seek to ensure that development does not cause unacceptable effects on parking stress, congestion and highway safety and that parking is restricted in well-connected areas.
23. The Council referred to conflict with CLP Policy SP6, which is mainly concerned with sustainable design and construction and reducing energy usage. Consequently, I did not find it to be directly determinative on this main issue.

Other Matters

24. A neighbouring occupier has raised their safety and their perception of risks from crime and anti-social behaviour when accessing their adjoining property from its side entrance, and also referred to section 17 of the Crime and Disorder Act 1998. Paragraph 96 of the Framework states, amongst other matters, that decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 135 of the Framework requires

the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

25. In this case, the access to the flat is via a shared passageway between no's 47 and 49, I saw on my site visit that it is fenced off at both its front and rear sides, and there is a secure gated access from both sides. The Council have recommended a condition that access by guests to the rear detached building containing the 12 no. aparthotel rooms/units would have to be through the existing property, with only access for guests through the passageway when they have a bicycle. This condition could be imposed and could be enforceable by the Council, in the event there were breaches of it. I note the submitted comments, however, I am not persuaded that the access arrangements would be unsafe or that there would be an increased risk of crime or anti-social behaviour arising from the additional and limited use of the passageway as a result of this proposal. As such, and subject to the condition, the use of the passageway, including entrances to neighbouring flats should be safe for all occupiers and guests and there should not be unacceptable risks of crime and disorder.
26. There have been issues raised by interested parties and local residents in addition to the above issues, these include effects on living conditions of neighbouring occupiers; the effect of the proposal on the character and appearance of the area including its density; whether occupiers of the accommodation are families or single persons and the length of time they are staying; flood risks; cycle and bin storage arrangements; fire safety risks; damage to boundary fences; obstructions to access; and the effect on trees. Whilst I can understand the concerns, subject to planning conditions as appropriate, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. Furthermore, boundary fence damage and property ownership rights, including access across third party land, are not usually land use planning matters, they are mostly separate rights between individual property owners, and they do not alter my findings as set out above. In addition, the Council are content the submitted Fire Safety Statement has adequately assessed fire risks and mitigation, and I see no reason to disagree.
27. The Council has not sought contributions from the proposal towards local services or facilities or identified harm in terms of the effect of the proposal upon them, and I have no substantive evidence to find otherwise.
28. The planning history of the appeal site has been considered insofar as it is relevant to the appeal scheme. Whilst reference is made to non-compliance with previous conditions, any such breaches would be separate matters for the Council.

Conditions

29. A standard implementation condition has been imposed as there are some aspects of the proposed outbuildings that have not been fully completed in accordance with the proposed plans, a condition listing the approved plans to provide certainty over what has been approved is also necessary.
30. To protect the living conditions of the neighbouring occupiers at no. 47 a condition is necessary to prevent access by visitors along the passageway between that property and the appeal site unless it is for the movement of cycles. To encourage

sustainable travel, a condition to require details of secure cycle storage is necessary, this will also allow the Council the opportunity to ensure long and short stay provision, and space for larger cycles. To ensure adequate bin storage arrangements can be provided at the appeal site, a condition is also necessary, this will also ensure that the type and size of bins to be provided and their collection arrangements can be agreed. As the development has commenced and the units of accommodation are occupied these conditions have been worded to ensure compliance in a timely manner.

31. The Council recommended a condition to prevent the roofs of buildings being used for amenity areas. However, most of the roofs are pitched, and although some have shallow or flat roofs, access to the roofs is not readily available or part of the proposed development. It is therefore unreasonable to impose such a condition to make the development acceptable. The Council also sought a condition restricting plant and equipment to be no more than 10dB above background noise. However, this would not be enforceable, given that the background noise level is unknown and could fluctuate during the times of the day, including with passing trains. It is noted that the existing plant and equipment is installed, and the Council has not raised specific objections regarding its operations or advised of any adverse noise monitoring of it. As such the recommended condition would not be reasonable or necessary in this case.

Conclusion

32. The proposed development accords with the development plan when taken as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above, I conclude that the appeal should be allowed.

A Hunter

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing no's PL-P-001 xx; PL-E-001 xx, PL-SP-003 A, PL-P-002 A; and PL-P-002 xx.
- 3) Notwithstanding the submitted details, unless within 3 months of the date of this decision a scheme for secure cycle storage facilities is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval of those details, the occupation of the 12 no. aparthotel rooms/units in the detached building at the appeal site shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 3 months of the date of this decision, the occupation of the 12 no. aparthotel rooms/units in the detached building at the appeal site shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained and retained for its use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 4) Notwithstanding the submitted details, unless within 3 months of the date of this decision a scheme for refuse storage facilities is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval of those details, the occupation of the 12 no. aparthotel rooms/units in the detached building at the appeal site shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 3 months of the date of this decision, the occupation of the 12 no. aparthotel rooms/units in the detached building at the appeal site shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained and retained for its use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 5) Apart from those guests with a cycle accessing the secure cycle parking spaces pursuant to condition 3, guests shall only access the 12 no. units to the rear of the site via the internal access as shown on plan PL-P-002 A, and not via the side passage along the boundary with number 47 Norbury Crescent, except in case of emergencies.