



Appeal Decision

Site visit made on 10 March 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th of April 2025

Appeal Ref: APP/L5240/W/24/3352344

59,59a,59b Woodside Green, London SE25 5HQ

- 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 Mohammed Abu Tahar Shipon against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/04400/FUL.
 - The development proposed is erection of single storey rear extension and conversion of 2no vacant shops into 2no residential units, internal alterations to the first floor existing unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed development on the vitality and viability of the shopping parade within which the appeal site is located having regard to the development plan;
 - the effect of the proposed development on the character and appearance of the area including the street scene;
 - the effect of the proposed car parking provision on highway safety; and
 - whether the proposed development would provide acceptable living conditions for the future occupiers of the proposed residential units with regard to outdoor amenity space, and adequate cycle parking and refuse/recycling storage.

Reasons

Vitality and Viability of the Shopping Parade

3. The appeal site relates to a detached two storey building located on the western side of Woodside Green. The building comprises two vacant commercial units on the ground floor and a flat above. The two vacant units were most recently in use as a hairdresser and a roofing and builders office, falling within Use Class E. The site is within a designated shopping parade which forms part of a wider neighbourhood centre.
4. Policy DM6 of the Croydon Local Plan February 2018 (the CLP) seeks to ensure that development proposals and changes of use on the ground floor of premises

within shopping parades are in accordance with Table 5.7 of the CLP. This table indicates that unless it relates to a community use or change of use to B1 use, neither of which apply to the appeal scheme, proposals involving an increase of non-Class A ground floor space within parades will be refused. In this regard, the appeal proposal would result in the loss of the two ground floor commercial units to be replaced by residential flats. The hairdressers would have fallen within Use Class A1 and the builders' office within Use Class A2 until in September 2020 when Use Class A was abolished and replaced with broader use classes through the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Classes A1, A2 and A3 now fall under Class E. Classes A4 and A5 are now sui generis. Therefore, the proposal would result in an increase of non-commercial (formerly non-Class A) ground floor space within the shopping parade, thereby conflicting with Policy DM6 of the CLP.

5. Fewer commercial units in the parade could lead to a decline in customer footfall, a reduction in local spending and a decrease in the variety of services and goods available, thus undermining the function, vitality and viability of the shopping parade.
6. The appellant contends that it is well known that shops of the size at the appeal site struggle to remain viable. However, no substantial evidence has been submitted to support this statement, nor has robust evidence been provided to justify the loss of the commercial units. For example, the appellant has not indicated how long the units have been vacant and there is no evidence to demonstrate that the units have been actively marketed or that they are no longer financially viable.
7. For the reasons given, the proposed development would harm the vitality and viability of the shopping parade within which the appeal site is located. There is conflict with Policy E9 of the London Plan March 2021 (LonP) and Policy DM6 of the CLP insofar as they seek to support a successful, competitive and diverse retail sector and ensure the vitality and viability of the Borough's shopping parades is maintained and enhanced.

Character and Appearance

8. The proposal would result in the removal of the existing shop fronts and fascia boards and there would be new windows and doors to create a residential appearance to the building.
9. While the appeal site forms part of a small shopping parade, it is separated from the other units in the parade by Dickenson's Place and therefore reads more independently of the main parade. Furthermore, the appeal site is immediately adjacent to existing two storey dwellings to its north where the character of the area is predominantly residential. Therefore, the immediate vicinity of the appeal site is mixed in character.
10. Given the peripheral location of the appeal site within the parade, its physical separation from the other parade units and its proximity to existing housing, the proposal would not result in a break in the flow of the shopping frontage and would assimilate well with the adjacent dwellings.
11. For the reasons given, the proposal would not harm the character and appearance of the area including the street scene. Consequently, it complies with Policies D3,

D4 and D5 of the LonP and Policies SP4.1 and DM10 of the CLP insofar as they require development to respond to and respect existing local character and deliver good and inclusive design.

12. The Council has referred to Policies D1 and D2 of the LonP, however these policies respectively relate to character area assessments and planning for growth, and infrastructure requirements, so are not determinative on this main issue.

Highway Safety

13. The proposal falls within Public Transport Accessibility Level (PTAL) 3 which would generate the requirement for 1 additional car parking space, in line with Policy T6.1 of the LonP. From the evidence before me, no provision has been made for car parking within the appeal scheme and no robust justification has been provided for the lack of car parking provision.
14. The absence of dedicated car parking for the additional flats would exacerbate the demand for on-street parking in Woodside Green, which I observed was high during my site visit. In the absence of evidence to the contrary, and taking account of the above factors, the proposal would likely result in increased demand for parking on the highway which would increase the risk of people parking in spaces which are not appropriate and increase vehicle movements from people seeking to find spaces in an area where demand already appears to be high. Consequently, these effects would harm the proper functioning of the highway and compromise highway safety.
15. For the reasons given, the inadequate car parking provision proposed would harm highway safety. The proposal conflicts with Policies SP8, T4, T5, T6 and T6.1 of the LonP and Policies DM29 and DM30 of the CLP insofar as they require development to not increase road danger, have a detrimental impact on highway safety and provide car parking in line with the standards set in the policy.

Outdoor Amenity Space and Cycle Parking and Refuse/ Recycling Store Provision

16. Policy DM10.4 of the CLP requires all proposals for new residential development to provide outdoor amenity space of 5 sq. m per 1-2 person unit. While the submitted plans do not clearly indicate the size of the proposed private outdoor amenity space, the proposed bin and cycle stores located within the amenity space would make it cramped and limit its useability. Consequently, the proposed outdoor amenity spaces would fail to provide a high quality, functional and inviting environment for future occupants of the accommodation.
17. Policy T5 of LonP requires development to provide one cycle space per studio or one- person one bedroom dwelling. The proposed number of cycle spaces would meet the quantitative policy requirement. However, Policy T5 requires cycle parking to be fit for purpose, secure and well-located. Furthermore, Policy DM30 of the CLP requires that cycle parking is designed so that it is secure and can also be used for parking for mobility scooters and motorcycles.
18. The submitted plans show one bicycle space for each proposed residential unit. The spaces do not appear large enough to accommodate a mobility scooter or motorcycle. In addition, the storage spaces would not be enclosed or weather-proof, thereby making them not secure or fit for purpose. The access route leading to the cycle space in the north east part of the appeal site is only approximately

one metre wide which would make manoeuvring cycles to the storage space difficult. Overall, the proposed cycle storage space is insufficient in size and the narrow access to the cycle storage area would likely deter its frequent use.

19. Due to the limited size of the proposed outdoor amenity spaces, the door to the rear garden of the studio in the south west part of the appeal site, when partially open, would obstruct the opening of the doors to the refuse and recycle store. Therefore, the siting of the proposed refuse and recycle stores would make them inconvenient to use.
20. For the reasons given, the proposed development would not provide acceptable living conditions for the future occupiers of the proposed residential units with regard to outdoor amenity space. Furthermore, it would not provide adequate cycle parking and refuse/ recycling storage. The proposal conflicts with Policies D6, T5 and T7 of the LonP and Policies SP8, DM10, DM13, DM29 and DM30 of the CLP insofar as they promote cycling, require fit for purpose, secure, well-located and designed cycle storage that can also be used for mobility scooters and motorcycles. Collectively, these policies also require housing to be designed with safe, conveniently located and easily accessible storage space for refuse/ recycling and provision of private outdoor space in accordance with the standards in the policies.
21. The Council has referred to Policy SP4 of the CLP, however this policy relates to urban design and local character so are not determinative on this main issue.

Other Matters

22. Croydon has a housing supply of 5.3 years¹. Consequently, paragraph 11(d) of the National Planning Policy Framework (the Framework) is not engaged.
23. The Council's handling of the planning application has not factored into my decision, and I have determined the appeal only on the planning merits of the case.

Planning Balance and Conclusion

24. The proposal would deliver two additional dwelling units, contributing to the area's housing supply and would make use of two vacant shop units. However, given the small scale of the development these benefits would be modest and carry moderate weight in favour of the proposal.
25. On the other hand, the proposal would harm the vitality and viability of the shopping parade within which the appeal site is located. Furthermore, it would not provide adequate car parking provision and harm highway safety. Additionally, the proposal would not provide acceptable living conditions for the future occupiers of the residential units with regard to outdoor amenity space. Nor would it provide adequate cycle parking and refuse/ recycling storage. These harms cumulatively carry significant weight. Accordingly, the moderate benefits of the proposal do not outweigh the significant collective harms that I have identified and the appeal scheme conflicts with the development plan, when considered as a whole. Material considerations, including the stated benefits and the Framework, do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given, the appeal should be dismissed.

¹ The Croydon Monitoring Report Five Year Supply of Deliverable Sites for Housing (March 2023)

U P Han

INSPECTOR