
Appeal Decision

Site visit made on 23 April 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th of June 2025

Appeal Ref: APP/L5240/W/24/3357471

47 Morland Road, Croydon CR0 6HA

- 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 H Patel against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/02032/FUL.
 - The development proposed is a single storey rear extension and reconfiguration of ground floor to create a new flat.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to the impact of the proposed development on the adjoining properties 45 and 47 Morland Road. However, 47 Morland Road is the appeal site and so I have determined the appeal on the basis that the Council's concerns relate to 49 Morland Road, as is apparent from the submissions. No injustice would be caused to any party in taking this approach.
3. The appeal was accompanied by revised plans (2403/101D and 2403/102D) which amended the internal configuration of the proposed one bedroom flat by enlarging the lounge/kitchen area and reducing the size of the bedroom. As no parties are prejudiced by the change, I have determined the appeal on the basis of the amended plans.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
 - the living conditions of 45 and 49 Morland Road (Nos 45 and 49) with particular reference to light, outlook and sense of enclosure; and
 - the living conditions of future occupiers with particular reference to the internal layout of the flats and access to external space.

Reasons

Living conditions of 45 and 49 Morland Road

5. This part of Morland Road consists of Victorian semi-detached dwellings, many of which have been converted into flats, including the appeal site and both adjacent

- properties. The appellant wishes to reconfigure and extend the ground floor of the property to create two flats where currently there is one.
6. The appellant's plans show the proposed extension would be single storey, extend out to the rear and be as wide as the existing property. No 45 is separated from the appeal site by an alleyway and it has a rear extension close to the boundary with the appeal site. Given this existing configuration, the proposed extension would not result in a harmful reduction in light or outlook to the rear ground floor flat of No 45 nor increase its sense of enclosure.
 7. However, No 49 has not been extended at the rear, and at ground floor it has rear-facing French windows close to the boundary with the appeal site. I saw a large mature tree in the rear garden of No 49 which already reduces natural light to the ground floor flat, emphasising the importance of ensuring that natural light is not further reduced. Moreover, the proposed extension would be located to the south-west of No 49, impacting on direct sunlight in the late afternoon.
 8. Furthermore, the side of the rear extension would be clearly visible from No 49, as the boundary treatment between the two is substantially lower than the height of the proposed extension. Due to its proximity to the boundary and the length of the projection beyond the rear wall, the extension would result in a harmful loss of outlook from the rear windows of the ground floor of No 49, as well as increasing the sense of enclosure for occupiers of the property.
 9. The appellant has pointed out that rear extensions of a similar depth can, in appropriate circumstances, be added to dwellinghouses without the need for planning permission. However, as the host property has been subdivided into flats, it does not benefit from "permitted development" rights. Consequently, the utilisation of such rights is a merely theoretical prospect which does not constitute a fallback position, and I therefore accord this no weight in the planning balance.
 10. I therefore conclude that the proposal would have an unacceptable adverse impact on the living conditions of the ground floor flat of No 49, in conflict with policies D3 and D6 of the London Plan March 2021 (LP) and Policy DM10 of the Croydon Local Plan 2018 (CLP). Together these policies seek to deliver appropriate outlook and to protect the amenity of the occupiers of adjoining buildings.

Living conditions of future occupiers

11. The proposal would result in the existing ground floor flat being subdivided into a one bedroom one person flat at the front and a two bedroom three person flat at the rear. The Council has queried the internal dimensions of the rear flat by reference to the Housing Design Standards London Plan Guidance (HDS). This document helps to interpret the housing-related guidance and policies set out in the LP, in this case Policy D6 of the LP.
12. In response to the Council's concern that the lounge/dining/kitchen area of the flat would be smaller than the 25sqm required for a two bedroom three person home, the appellant has prepared plans which show the lounge/dining/kitchen area measuring 27sqm. However, this has been achieved by including a section of corridor, which realistically cannot be considered functional space. Consequently, there is a shortfall in living room space. Also, the lounge/dining/kitchen area would be below the minimum 3.5m width specified for homes with three or more bed

spaces. These factors indicate the rear flat would not provide satisfactory accommodation that is comfortable or for its occupiers.

13. The appellant has argued that the proposed rear flat is neither cramped nor substandard, with a reception area that is large and well-proportioned. They also suggest that the HDS guidance is not an immutable set of standards. However, housing standards are enshrined in Policy D6 of the LP and consequently amount to more than just guidance. Policy D6 sets the minimum internal space standard for a two bedroom, three person flat at 61 sqm; the appellant's plans show the rear flat exceeding this, at 62sqm. However, the internal layout of the rear flat includes a significant length of corridor, which reduces the functional internal space and results in a lounge/dining/kitchen area of an awkward shape and too small to adequately serve the future occupiers of the flat.
14. The Council has raised a concern that the bedroom of the one bedroom one person flat would exceed 11.5sqm and thus equate to a double bedroom in accordance with the standards contained in Policy D6 of the LP, which would be incompatible with the size of the flat. The appellant has addressed this issue as the aforementioned revised plans adjust the floorplan to reduce the bedroom below 11.5sqm, thereby satisfying the requirements of Policy D6 in this regard.
15. The rear garden which currently serves the ground floor flat would be subdivided, with the two bed flat retaining the nearest section of the garden, and the end section being dedicated to the one bed flat. The Council considers that such an arrangement is unsatisfactory as it would require the occupiers of the one bed flat to access the garden space via their front door and the alleyway adjacent to the property. However, I consider that the proposed garden space could be accessed without undue difficulty, as the route from the front door of the flat to the garden area would be short and predominantly on private land. I note that the rear garden of No 45 has been similarly subdivided to serve two flats.
16. The Council has cited an appeal decision at 67 Edith Road, South Norwood SE25 5PG¹ where an Inspector concluded that a similar arrangement would deter occupiers from making use of their private garden space. In that instance, however, the flat occupied the second and third floors of the building, making the route long and convoluted. In this case the flat is on the ground floor, with a fairly short and navigable route to the garden. As such, I am not bound to reach the same conclusion as the previous appeal Inspector.
17. Consequently, I find the internal layout of the one bedroom flat and its associated garden would provide acceptable living conditions. However, I conclude that the internal layout of the proposed two bedroom flat would fail to provide suitable living conditions for future occupiers, contrary to Policy D6 of the LP and CLP Policy DM10.6, which together require housing development to be of high quality design and to provide adequately-sized rooms with comfortable and functional layouts.

Other Matters

18. By delivering two small dwellings on a small brownfield site, the proposal would accord with Policy H2 of the LP, which encourages boroughs to proactively support well-designed new homes on small sites below 0.25 hectares in size. The proposal would also accord with Policy SP2.1 of the CLP, which sets targets for windfall sites

¹ Appeal reference APP/L5240/W/22/3297851

and requires new development to make efficient use of land. However, these benefits do not overcome or justify the harm I have identified in respect of the main issues.

Conclusion

19. For the above reasons, the proposal conflicts with the development plan, when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

J Heppell

INSPECTOR