



Appeal Decision

Site visit made on 12 June 2025

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Appeal Ref: APP/L5240/W/24/3356516

55 Tunstall Road, Croydon, CR0 6TY

- 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 Deepak Rupchandani, Sai Commodities Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/01667/FUL.
 - The development proposed is to extend existing dwelling in to 1no. one bedroom and 1no. 2 bedroom self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) the effect of the proposal on the supply of small family housing in the borough; ii) whether the proposal would provide adequate the living conditions for future occupiers in relation to housing standards; iii) whether or not the proposal would function effectively having regard to the provision of cycle storage; and iv) whether the proposal would make acceptable provision for sustainable transport improvements and enhancements.

Reasons

Family housing

3. The appeal site comprises a modest end of terrace property and its grounds. The property was originally built with three bedrooms on the first floor. It has been extended to provide five bedrooms. The proposal seeks to subdivide the property in to two homes. Policy DM1 of the Croydon Local Plan 2018 (the Local Plan) states that the Council will permit the redevelopment of residential units where it does not result in the net loss of three bedroom homes as originally built or the loss of homes smaller than 130m².
4. Although the appellant advises that that one of the three original bedrooms was very small, I have no substantive evidence in the form of original floor plans prior to the creation of five bedrooms to indicate this was the case. Furthermore, there is nothing within the Policy which sets out that bedrooms can be disapplied where they, as originally built, do not meet the Nationally Described Space Standards¹ (NDSS). Furthermore, the guidance for the NDSS states the standards are a means of classification for assessment purposes only when designing new homes

¹ Contained within the Technical Housing Standards – national described space standard 27 March 2015.

and seeking planning approval. I am therefore satisfied that the proposed development would be classed as a small family dwelling under Policy DM1.

5. I am mindful of the policies in the National Planning Policy Framework within Chapter 5 that the overall aim should be to meet an area's identified housing need. The Croydon Strategic Housing Market Assessment 2015 suggests a need for a high percentage of larger homes in the Borough. Policy SP2 of the Croydon Local Plan (2018) sets a strategic target for 30% of all new homes up to 2036 to have three or more bedrooms. This demonstrates that there is an identified need for larger family homes in the area and that the loss of this dwelling, through conversion into two smaller homes, would be to the detriment of this need.
6. I accept that the subdivision of the dwelling would provide two smaller homes and the net gain of an additional dwelling would provide benefits in housing land supply. It is likely that the development could be built quickly and would make good use of land. Whilst I recognise that the appeal site is in an accessible location a small family dwelling would clearly be lost as a result of the proposed development. As such, these potential benefits would be offset by this. Therefore, in conclusion, the proposal would have a harmful effect on the supply of small family housing in the borough. The proposal would be contrary to Policies DM1 and SP2 of the Croydon Local Plan for the reasons set out above.

Living conditions

7. The Council considers that the floor area for the upper floor home would not meet the requisite NDSS. Policy D6 of the London Plan 2021 provides minimum Gross Internal Areas for new dwellings, which reflect the NDSS. The proposed upper floor flat has two bedrooms and would be capable of being occupied as four person home. In those circumstances Policy D6 requires a minimum Gross Internal Area (GIA) of 79 square metres (sqm).
8. The appellant states the floor area would be 8sqm, the Council advises that the approximate area would be 76.3sqm and that the appellant's calculation includes double counting of a stairwell area and that parts of the second floor of the building would be under 1.5 metres in height. London Plan Policy D6 states any area with a headroom of less than 1.5 metres is not counted within the GIA unless used solely for storage.
9. I have not been provided with detailed floor area calculations by either party regarding how they arrived at these figures. Nor have I been provided with internal sections or finished floor levels. However, the floor plans and side elevations show the front rooflights set within a sloping roof. The area below these which are included in the bedroom area as opposed to storage, and thus could be excluded from the GIA.
10. Although the open plan dual aspect reception area extends to 29.2sqm and there is generally good space provided for a bathroom and storage, the overall reason for the space standards are to take into account the space required by stairs. I cannot be certain the proposal would meet the requisite minimum standards, and that this would therefore not be detrimental to living conditions of future occupiers.
11. The proposed outside garden areas exceed the minimum areas set out in Policy DM10 of the Local Plan of 5 square metres for a 1 or 2-person unit and 7 square metres for a 4-person unit. The rear yards would be easily accessible by virtue of a

path to the side of this dwelling and both homes would have their own external gate. The distance to the garden areas would not be excessive. Setting aside the need for cycle storage, it would be possible for future occupiers to undertake limited outdoor activities such as sitting out and drying clothes.

12. Notwithstanding that I find the outdoor space would be a suitable size, and therefore conflict Local Plan Policy DM10 would not arise, the proposal has not demonstrated that it would provide adequate living conditions for future occupiers in relation to housing standards. The proposal would therefore be contrary to London Plan Policy D6 which requires housing development to be of a high quality design and provide adequately-sized rooms.

Cycle store facilities

13. Policy T5 of the London Plan states that cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards (the LCDS). The proposal shows both properties could accommodate secure cycle parking in the rear gardens. The proposed development would provide secure cycle sheds, which would be located within the external private amenity areas of the respective units.
14. Whilst the number of cycle parking spaces would be acceptable, to gain access into these areas, future occupiers of the proposed flats would have to walk down a narrow alley and manoeuvre bikes in to the rear garden areas. Bikes would not be independently accessible and provision is not shown for a wider bike.
15. It has not been demonstrated that the design and layout of the cycle parking would comply with Policy T5 of the London Plan, and amongst other things the LCDS. As such it may discourage residents from owning a cycle and represent a harmful barrier to cycling and its associated sustainability and environmental benefits. Although the final design could be conditioned, I cannot be certain, as I do not know the overall design required, that there would be sufficient space within the rear yard to store and access cycles in the manner envisioned by Policy T5.
16. For the reasons given, I conclude that the proposal would not function effectively having regard to the provision of cycle storage. Consequently, the proposal would not accord with the requirements of Policy DM30 of the Local Plan and T5 of the London Plan. Amongst other things these require proposals to be functional in terms of their design, be laid out in accordance with the design standards, and help to remove barriers to cycling and create a healthy environment in which people choose to cycle.

Sustainable transport improvements and enhancement

17. The appeal site is located within an area with a Public Transport Accessibility Level (PTAL) of 4, which provides moderate to good access to public transport. The site is also within a controlled parking zone (CPZ). Although London Plan Policy T6 says that car free development should be the starting point in well-connected areas, it requires two car parking spaces to be provided for the development due to the outer London location.
18. Amongst other aspects, Local Plan Policy DM30 seeks to reduce the impact of car parking in areas with a PTAL 4 or in areas of parking stress. Local Plan Policy SP8

also encourages car free development in locations with a higher Public Transport Accessibility Level (PTAL) than the appeal site (PTAL 5, 6a and 6b).

19. Although, no parking stress survey has been provided, the Council's evidence does not confirm that at present that parking spaces are at a premium in the immediate area. I observed the parking environment to be well regulated, with clearly marked bays, which were predominantly empty at the time of my site visit on an early weekday afternoon. Although my observations are only a snapshot in time, there is no evidence before me, that the road environment is heavily parked or particularly hazardous.
20. In view of the site's location and PTAL 4 rating and my own site observations, I am not persuaded that the net on-street parking increase from the proposed development would not be capable of being accommodated on-street, that the development should be car-free and therefore that a legal agreement is reasonable or necessary to restrict residents from obtaining parking permits.
21. However, Local Plan Policy SP8 states that new development will be required to contribute to the provision of electric vehicle charging infrastructure, car clubs and car sharing schemes. The evidence suggests that a contribution towards these is necessary, related to planning and reasonable in all other respects. No legal agreement was provided with the application or as part of the appeal. This is a matter which is separate to highway safety.
22. In the absence of a legal agreement I conclude that the proposal would not make acceptable provision for sustainable transport improvements and enhancements. The proposal therefore conflicts with Policies T5 and T6 of the London Plan (2021) and Croydon Local Plan 2018 Policies SP8, DM29 and DM30. Together and insofar as they are relevant to this matter, these require amongst other things to promote measure to increase the use of public transport, cycling and walking, thus reducing the impact of car parking and provide for infrastructure for electric vehicles.

Planning Balance and Conclusion

23. The proposal would increase housing in the borough, and there would be associated economic benefits. These would be at a very small scale and at the expense of a family home, for which there is a need to retain and provide. Although I have found the garden areas to be suitable, and a legal agreement to restrict parking permits has not been justified, the proposal does not demonstrate it meets space standards and would provide satisfactory cycle storage or contributions to sustainable transport measures. The positive elements of the proposal therefore do not outweigh resultant conflict with the aforementioned policies and demonstrable harm.
24. 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. I conclude the appeal should be dismissed.

K Williams

INSPECTOR