
Appeal Decision

Site visit made on 2 July 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

Appeal Ref: APP/L5240/W/24/3357618

7 Ledbury Road, Croydon CR0 1EP

- 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 Daniel Boardman against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/01147/FUL.
 - The development proposed is erection of single storey side extension and single storey rear extension to facilitate conversion of ground floor flat into 2 x studio flats. Provision of cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I noted during my site visit that works relating to an earlier planning permission are taking place on site. The Council contend that the development as built is not reflected through the submitted or previously approved plans. I have assessed the appeal scheme based on the plans submitted and to which the Council made their decision. The regularisation of any alleged unauthorised works falls outside of the scope of the appeal before me.

Main Issues

3. The main issues are:
 - whether the development would provide its occupants with acceptable living conditions, with regard to internal living space, outlook and natural light,
 - whether the development would provide its occupants, and existing occupiers with acceptable living conditions, with regard to private amenity space,
 - the effect of the proposal on highway safety, with particular regard to parking, and
 - the effect of the proposal on local housing needs and the stock of family sized homes.

Reasons

Living conditions – internal living space

4. Policy D6 of the London Plan (2021) (LP) states that housing development should be of a high quality and provide a minimum of gross internal floor area and in built storage as set out in an associated table within the policy. Of relevance to the appeal scheme, the standards detail that for a studio single bedroom, one person dwelling with a shower room instead of a bathroom, the required internal floor area is 37m² with built in storage of at least 1m².
5. There is some dispute between the Council and the appellant regarding the internal floor space of each of the proposed units. The appellant states that the plans demonstrate that both units would meet the 37m² requirement (Flat A is annotated as 37.57m² and Flat B as 37.03m²). The Council on the other hand states that upon using the scale bar on the submitted plans, the internal measurements would be 34.6m² for Flat A and 36m² for Flat B. These discrepancies are important as the Council's measurements would mean that the proposal would fall short of the requirements set by Policy D6 of the LP.
6. The Council have not provided details of their measurements and so I cannot be confident which points these have been taken from. Taking account of a potential margin for error from manual measurement when compared to the appellant's measurements which are stated as being provided from a drawing software, I am satisfied that the appellant has adequately demonstrated that each of the units would meet the 37m² requirement for internal floor area.
7. Nevertheless, whilst an area of 1.5m² of storage is annotated on the floor plan for Flat B, Flat A, despite being suggested as having 1m² built in storage, does not have an annotated area of storage on the plan. This would have a harmful effect on the functionality of the living space for the occupiers of Flat A, particularly given that the unit would only just meet the overall floor space requirements. The proposal would therefore be contrary to Policy D6 of the LP in this respect.

Outlook and natural light

8. Policy DM10 of the Croydon Local Plan (2018) (CLP) requires, amongst other matters, for proposals to provide adequate sunlight and daylight to potential future occupiers. Policy D3 of the LP relates to development having a design led approach, which includes seeking for proposals to deliver appropriate outlook.
9. Flat A would have an open plan living area with a dual frontage. The main kitchen and dining area would be served by large windows within a bay frontage with clear glass facing onto the highway. Whilst most of the windows on the side aspect of the flat would be partially obscurely glazed, the top parts would be clearly glazed which would give the occupiers a relatively unrestricted vertical outlook. The submitted sunlight and daylight assessment shows that lux levels would be consistently high within Flat A. Based on the frequency and positioning of windows, and the large windows on the principal elevation which would be clearly glazed, I am satisfied that the development would provide the occupants of Flat A with satisfactory outlook and natural daylight.
10. Upon entering Flat B, there would be a large proportion of the living area where there would be no windows. The daylight and sunlight assessment shows this area of the flat as receiving little to no internal luminance. Whilst the report concludes that the proposal would meet the relevant standards overall, this part of the living space would have no reasonable means of achieving natural light or outlook. The layout of the flat is such that light from the skylight, small window or glazed door

would essentially not reach a large proportion of the living space. This would create a dark, and oppressive living environment which would be materially harmful to the living conditions for the occupants of Flat B.

11. In respect to the first main issue and in light of the above, I conclude that the development would not provide its occupants with acceptable living conditions, with regard to internal living space, outlook and natural light. It would therefore be contrary to Policy DM10 of the CLP and Policies D3 and D6 of the LP. The Council's reason for refusal also refers to Policy SP4 of the CLP but this relates to urban design and local character, and I find that this policy has little direct relevance in relation to these main issues.

Living conditions – private amenity space

12. Policy DM10 of the CLP requires proposals for new residential development to provide a minimum amount of private amenity space of 5m² per 1-2 person units, in line with the requirements of Policy D6 of the LP.
13. The division of outdoor private amenity space is unclear. The appellant states that the proposal includes a large rear garden which would serve as communal space for all occupants (which I understand to mean including the existing occupiers within the upper floor flats), but that Flat B would have a dedicated private garden area. Despite this, the submitted site plan annotates the area of garden immediately adjacent to Flat B as being the communal garden. There is no further annotation to demonstrate where the private garden area for Flat B would be.
14. I understand that land to the rear of the site has been granted planning permission for an additional dwelling. I therefore cannot be certain that this land remains available to serve the proposed units and the existing occupiers as outdoor amenity provision. In any case, this would not provide the occupiers of Flat A with any private amenity space to meet the standards set by Policy DM10 of the CLP and Policy D6 of the LP. Whilst I accept that communal gardens can be a valuable resource, the policy stance in this case is clear that the garden areas should be private.
15. The appellant has not adequately demonstrated that the development would provide its occupants, and existing occupiers with acceptable living conditions, with regard to private amenity space. This is not a matter that could be dealt with by condition given that based on the submitted details I cannot be satisfied that land to create private amenity areas is available within the site. The proposal is therefore contrary to Policy DM10 of the CLP and Policy D6 of the LP.

Parking

16. Policy DM30 of the CLP in part seeks to reduce the impact of car parking in any development located in areas of good public transport accessibility. This corresponds with Policy DM29 of the CLP which includes a requirement for development to promote measures to increase the use of public transport, cycling and walking. Policy T1 of the LP relates to a strategic approach to transport, stating that development should reflect its connectivity and accessibility to public transport, walking and cycling routes and ensure that any impacts on transport networks are mitigated. Policy T6 of the LP goes further to state, amongst other matters, that car parking should be restricted in line with levels of public transport accessibility and connectivity.

17. The site is located in an area with very good accessibility to public transport (PTAL level 5) as well as being within a controlled parking zone. The proposal does not include provision for off street car parking. Nevertheless, Policy T6 of the LP is clear that car-free development should be the starting point for all development proposals that are well connected by public transport. The Council accept that a car free development is expected in this location.
18. The appellant is of the view that the proposal for two, single occupancy flats would not increase parking pressures when compared to the approved three-bedroom flat which would be suitable for four occupants. However, a three-bedroom flat is much more likely to be occupied by a single family where all occupants are not of driving age. I therefore consider it reasonable for the Council to consider the implications of the proposed creation of two flats in the context of parking stress.
19. Both parties reference that a legal agreement could prevent future residents from obtaining parking permits. However, no such agreement is before me. The appellant suggests that a legal agreement could be secured by condition. Planning Practise Guidance states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. Whilst it may be appropriate in exceptional circumstances for a negatively worded condition requiring a planning obligation to be entered into before certain development can commence, it has not been demonstrated that an exceptional circumstance exists, such as clear evidence that the delivery of the development would otherwise be at serious risk.
20. I therefore have no reasonable mechanism to ensure that the development would be car free in practice. In the absence of this, the development could lead to additional vehicles seeking to park in a heavily trafficked controlled parking area, adding additional pressure to the parking stress within the area. A lack of available parking spaces could lead to an increased likelihood of illegal or obstructive parking which would have associated detrimental impacts to highway safety through an increased risk of vehicle and pedestrian conflict.
21. In the absence of a suitable mechanism to secure a car free development, the proposal would have a materially harmful effect on highway safety, with particular regard to parking. It would therefore be contrary to Policies T1 and T6 of the LP as well as Policies DM29 and DM30 of the CLP.

Housing needs

22. The plans submitted to support the application showed that the existing layout represented a single bedroom flat. Nevertheless, by the time the Council determined the application, development had taken place in relation to an earlier permission to extend and convert the flat to a three-bedroom unit. The Council contend that in this respect the proposal would be contrary to Policy DM1 of the CLP which, in relation to the redevelopment of residential units, states that these will be supported where there is no net loss of three-bedroom homes (as originally built).
23. Amongst other matters, Policy DM1 of the CLP is intended to ensure that the conversion of single family houses into flats does not reduce provision of three bedroom homes. I understand that the building was originally a four-bedroom house but that it has since been converted (with planning permission) to three

flats. In the context of the interpretation of Policy DM1 of the CLP, it would be unreasonable to revert to the house as originally built, given that permission has already been granted allowing the loss of a family sized home. The redevelopment of the ground floor to two flats would therefore not lead to a net loss of a three-bedroom home as originally built. In this respect I find no direct conflict with Policy DM1 of the CLP.

24. The Council's position is that as permission has been granted for alterations and extensions to the building to provide a three bedroom unit to the ground floor, the appeal proposal would result in the loss of a three bedroom home. Even if I was to agree with this position and therefore find a conflict with Policy DM1 of the CLP, based on the Council's evidence on the supply of deliverable housing sites and pipeline of new homes, I am not persuaded that the proposal would materially impact on the Council's ability to meet its overall housing targets.
25. Policy SP2 of the CLP relates in part to housing mix stating that the Council will seek to ensure that a choice of homes is available. Specifically, it sets a strategic target for 30% of all new homes up to 2036 to have three or more bedrooms. The proposal would not align with these aspirations. However, noting the modest scale of the development set against the strategic nature of the policy, I do not consider that a minor conflict with this policy would be materially harmful to the housing needs of the borough.

Other Matters

26. The proposal would provide an additional dwelling in a sustainable location. Whilst this represents a benefit of the proposal, in the context of a single dwelling, the benefit is not sufficient to outweigh the harm that I have identified in respect to living conditions and highway safety.

Conclusion

27. I have found that the proposal would have an acceptable effect on local housing needs and the stock of family sized homes. However, I am unable to conclude that the proposal would provide acceptable living conditions for existing and future occupiers, and I have found harm to highway safety. Consequently, for the reasons given above, having regard to the development plan when read as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

L Gardner

INSPECTOR