



Appeal Decisions

Site visit made on 3 June 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal A Ref: APP/L5240/W/24/3349299

Jack House, 18 Portland Road, South Norwood, London SE25 4PF

- 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 Sam Shah against the decision of the Council of the London Borough of Croydon.
 - The application reference is Ref: 24/00407/FUL
 - The development proposed is described as 'Construction of a roof extension to existing building, part demolition of 2-storey projection with alterations to flats 3 & 6, (currently under construction) and including new enclosures for existing cycle storage and bulky goods (previously approved).'
-

Appeal B Ref: APP/L5240/W/24/3349302

Jack House, 18 Portland Road, South Norwood, London SE25 4PF

- 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 Sam Shah against the decision of the Council of the London Borough of Croydon.
 - The application reference is Ref: 24/00443/FUL
 - The development proposed is described as 'Construction of a roof extension to existing building to provide 1x3 bed flat, including associated refuse and bulky goods area, cycle storage and associate private amenity space.'
-

Decision

Appeal A Ref: APP/L5240/W/24/3349299

1. The appeal is dismissed.

Appeal B Ref: APP/L5240/W/24/3349302

2. The appeal is dismissed.

Applications for costs

3. An application for costs has been made by the appellant against the Council in respect of both appeals. This application is the subject of a separate decision notice.

Preliminary Matters

4. There is currently a separate planning appeal under consideration relating to the roof extension on this site proposing use as an aparthotel (Use Class C1)¹. This is determined separately from these linked appeals which amongst other things seeks permission for a roof extension to the existing building to provide storage space ancillary to the existing apartment use on the site (Appeal A) and one three-bedroom apartment (Use Class C3) Appeal B.
5. While on my site visit, I was able to establish that works to provide the proposed roof extension and other site works had commenced and were substantially complete. However, the roof extension was not in a habitable condition and significant additional works would be necessary to achieve this. The proposed use has therefore not commenced. I have determined this appeal on this basis.
6. The Council has stated that the drawings submitted in support of the application are ambiguous and insufficiently clear, and therefore do not allow the Council, as the Local Planning Authority, to make a favourable determination of the application. The issue relates to the use of the mansard roof extension in Appeal A.
7. The appellant has clarified that the proposed use is to provide additional storage space ancillary to the six previously permitted apartments located at ground and first floor levels. Access would be via the stairway that also serves apartment units 1 and 4. Although the submitted drawings do not show subdivision of the proposed storage area, during my site visit I observed evidence that work had been undertaken to subdivide the space. As this work had not been completed, I have assessed the proposal based on the submitted drawings. I also note the appellant's stated aim to secure an alternative use for the area at some point in the future. However, this is immaterial to my consideration of appeal Ref: APP/L5240/W/24/3349299 (Appeal A) and the proposal before me and has carried no weight in my determination of the appeal.
8. The proposal (Appeal A) would provide a large storage area for each existing residential unit. While the proposed form and configuration of the storage area is unusual, it would not represent an excessive amount of storage space that could not reasonably be considered ancillary to the permitted residential use of the building and the six existing apartments that would be retained / altered by the proposal.
9. I have therefore determined the appeal on the basis that the proposed roof extension would provide storage space ancillary to the existing residential use of the building and the six apartments located at ground and first floor level. I am satisfied that, should I be minded to allow the appeal, this matter can be satisfactorily addressed by means of a condition.

Main Issues

10. The main issues are:
 - The effect of the proposed development on highway safety relating to car parking provision.

¹ APP/L5240/W/25/3362284

- The effect on living conditions of occupiers of the proposed development relating to provision of private and communal amenity space (Appeal B).
- The suitability of proposed waste storage facilities on site (Appeal B).

Reasons

Highway Safety and Car Parking Provision

11. The appeal site is located in a highly accessible area, with strong links to the public transport network (PTAL 5) and convenient access to the highway network via the access lane from Clifford Road, where short-stay car parking is available.
12. The appeal developments do not include any dedicated car parking provision for the proposed apartment (Appeal B), and this is justified on the basis of the site's high public transport accessibility (PTAL 5). In such situations, Policy T6 of the London Plan (2021) requires that parking should be restricted and car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public Transport. This principle is accepted by both main parties.
13. The Transport Statement lodged with the application is undertaken on the basis of the development not providing dedicated off-street parking and the potential impact of additional on street parking has not been assessed. While I have no evidence before me regarding the level of street on car parking in the area, the appeal site lies within a Controlled Parking Zone (CPZ) which indicates this is significant.
14. In order to be compliant with the development plan, the appeal developments due to the accessibility to public transport should be car free. A mechanism is therefore necessary to prevent residents of the developments from securing a parking permit within the CPZ and ensuring that the developments remain car free.
15. Both main parties to the appeal acknowledge that a legal agreement currently exists requiring a car free development for the permitted units on site under LPA ref: 22/00309/GPDO. I have not been provided with a copy of this document and I am therefore unable to determine to what extent this legal agreement would apply to the proposals before me subject to these appeals.
16. The Council have stated that a legal agreement is necessary relating to both appeals because the current proposals before me would give rise to separate planning consent for the residential units within the appeal site. This includes the units previously approved under LPA ref: 22/00309/GPDO. This is because while the descriptions of development of the appeals before me does not include reference to the previously permitted apartments, the current proposals involve alterations to a number of the apartments previously approved and the drawings submitted with the current applications subject to the appeal before me show all the apartments as proposed. Having regard to all information before me, I agree with the Council's position that both the current proposals before me would give rise to separate planning consents for all residential units within the appeal site including those ostensibly permitted under LPA ref: 22/00309/GPDO.
17. As such, a separate mechanism is required to secure both proposals before me as car-free. A legal agreement addressing this matter was not submitted with the planning applications, nor indeed at the appeal stage. With regard to Appeal A the

appellant stated this was not necessary as no additional residential units were created by the proposal, however this does not address the issue with regard to the six residential units existing on site as noted above. With regard to Appeal B, a planning condition was proposed by the appellant to address this matter and prevent future occupiers from obtaining resident parking permits.

18. I have considered whether the proposed planning condition would be an appropriate mechanism to address the requirement for the development to be car-free. The proposed condition requires agreement in writing with the local planning authority requiring that with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone in the area.
19. Advice in the Planning Practice Guidance (PPG)² is that in exceptional circumstances a negatively worded condition such as is proposed by the appellant, requiring an agreement to be entered into before certain development can commence may be appropriate. Notwithstanding that the development has already commenced and the appellant proposes that this should be a preoccupation condition, I have not been provided with any evidence indicating that there are exceptional circumstances relating to the proposals before me which would justify the imposition of such a condition. Furthermore, with respect to the previous approval under LPA ref: 22/00309/GPDO, a legal agreement, and not a planning condition, was the mechanism by which car-free development was secured. I have not been provided with a justification for a different approach in this instance.
20. The appellant has provided me with a copy of an appeal decision³ relating to another site in the London Borough of Havering where such a condition was deemed the appropriate mechanism to secure car free development. I have considered this decision and note that while the Inspector dismissed the appeal concluded that a planning condition could be imposed to achieve the same means as a legal agreement with regard to car-free development. I have no evidence to conclude that in this case provided, stress on local parking provision was at a similar level as in the cases before me, which has justified the introduction of a CPZ in the area. I also note that only one dwelling was impacted by the condition in that instance which would be significantly less than in the examples before me. The relevance of this example is therefore limited and accordingly I attach it limited weight. I therefore conclude that the condition proposed by the appellant is not the appropriate mechanism to secure a car free development.
21. In this context, I am unable to establish with certainty that parking permits would not be available in connection with the proposed use which does not provide dedicated on-site parking.
22. I therefore conclude that the appeal developments would cause unacceptable parking stress or congestion in the local area and the proposal would be harmful to highway safety. In doing so, I find the proposal would not comply with the relevant parts of London Plan policies T4, T6, and T6.1 and Croydon Local Plan (2018) (the Local Plan) 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.

² Paragraph: 010 Reference ID: 21a-010-20190723

³ APP/B5480/W/23/3331558

Amenity Space

23. The proposed three-bedroom apartment includes a 30 sq.m private rooftop terrace amenity area located towards the western end of the building with direct access from the apartment. It is proposed to retain the existing perimeter structures, including the front and side façades of the mansard, retaining window openings. The roof would effectively be removed from the structure. This approach to the provision of outdoor space would maintain the visual appearance of the building from the front, and the retention of the side structure would assist in preventing direct overlooking of the amenity area from the rear of the adjacent property fronting onto Clifford Road.
24. On balance, I am satisfied that, due to the scale of the amenity area, its elevated position at second-floor level, the orientation towards the east (which enables light penetration), it will provide a satisfactory amenity space for residents of the proposed apartment. Given that only one apartment is provided, and it has a significant private amenity space area, I am satisfied that this effectively addresses the requirement for communal amenity space. I also note that there is communal amenity space available in the form of public open space within walking distance of the appeal site. The proposal is therefore in accordance with Local Plan Policy DM10 and Policy D6 of the London Plan which amongst other things require development provide high quality outdoor amenity space.
25. The council have raised concerns regarding provision for storm water draining from the roof terrace. I am satisfied that this matter could be addressed by means of condition should I have been minded to allow the appeal.

Waste Management

26. The proposal includes the provision of waste management and bin storage within a single bin store located at ground floor level currently used by the existing residential units. It is evident from the application drawings that there is no proposal to increase the size of this area. The Council has raised concerns that the waste generated by the proposed apartment could not be accommodated on site in respect of Appeal B. During my site visit, I observed that the existing bin store proposed for use by the apartment currently accommodates six 240-litre bins for both general waste and recycling. The bin store was at full capacity, and it would not be feasible to provide additional bins within this area to serve the additional apartment.
27. The planning application drawings, which suggest capacity for an additional two 240-litre bins, are considered inaccurate in this respect. However, a reasoned justification has been provided demonstrating that the waste and recycling generated by the proposed apartment can be accommodated within the capacity available in the existing shared bins. I therefore conclude that the development would provide adequate bin storage for the additional apartment. As such, the proposal complies with Local Plan Policy DM13, which, among other things, seeks to ensure appropriate and sufficient waste storage provision in new developments.

Other Matters

28. The appeal site is situated within the South Norwood Conservation Area (CA) where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. There is no

defining character of the CA in this area and the modest scale of the proposal and design complementary to the existing building mean the scheme would have a neutral effect on the designation. Therefore, the proposal would preserve the character and appearance of the CA.

Conclusion

29. With respect to Appeal B, I have found that the proposal would make acceptable provision for amenity space and waste storage. However, both proposals would harm highway safety relating to car parking provision. To this extent there would be conflict with the development plan as a whole, and material considerations do not indicate that the appeals should be decided other than in accordance with it. Therefore, the appeals are dismissed.

F P Tinsley

INSPECTOR