



Appeal Decision

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: 27 August 2025

Appeal Ref: APP/L5240/W/25/3362284

Rear of 18 Portland Road, 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 Miheer Mehta of Sterling Rose Homes Ltd against the decision of the Council of the London Borough of Croydon.
 - The application reference is Ref: 24/01690/FUL
 - The development proposed is described as 'construction of a roof extension to existing building to provide 3 x C1 apartments, including associated refuse and bulky goods area and cycle storage'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There are currently two other separate planning appeals under consideration relating to a roof extension on this site. These are determined separately from this appeal which amongst other things seeks permission for a roof extension to the existing building to provide three apartments (Use Class C1). These are referred to as aparthotel units.
3. While on my site visit, I was able to establish that works to provide the proposed roof extension 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 aparthotel use has therefore not commenced. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - The suitability of the design and access to the proposed aparthotel units for persons with mobility impairment.
 - The quality of the visitor experience provided in terms of design and layout of the proposed development.
 - The effect of the proposed development on highway safety, including considerations relating to servicing and car parking provision.
 - The suitability of cycle parking facilities proposed as part of the development.

- The impact of the proposed development on the living conditions of nearby residents, particularly in relation to safety, security, noise, and disturbance.
- The suitability of proposed waste storage facilities on site.

Reasons

Design and Accessibility

5. Part A of Policy E10 of the London Plan (2021) requires that London's visitor economy should be strengthened by enhancing and extending inclusive access. Part H states minimum requirements for accessibility for those with mobility impairment. The proposal does not deliver accessible accommodation in accordance with these requirements.
6. While I note that the appellant has questioned whether the proposal is serviced accommodation for the purposes of application of this policy requirement, an alternative use has not been identified. The list of visitor accommodation types provided in the London Plan is not a closed list. I am therefore satisfied that planning permission is being sought for what is serviced aparthotel accommodation operating within Use Class C1 and as such the requirements of Policy E10 do therefore apply.
7. The proposal does not seek planning permission for a change of use of existing floorspace. Rather, it seeks consent for an additional new storey on the building, increasing significantly the floorspace and number of units compared to that currently existing on the site. In this context, I am strengthened in my conclusion that the application of these requirements is appropriate in the context of the proposal before me.
8. I have reviewed the examples of similar aparthotel proposals within the borough that have been brought to my attention by the appellants. While I am mindful that each development must be assessed in its own planning context, it remains important to ensure a consistent approach to decision-making. In the first instance, the proposal before me comprises three units, which is substantially more than the single unit proposed in application Ref: 23/04577/FUL. The current proposal, therefore, represents a materially larger development and is a very different proposal.
9. Furthermore, the other two consented examples cited by the appellants under Ref: 24/00461/FUL and Ref: 24/00462/FUL involve accommodation at ground floor level, in contrast to the current proposal, which seeks to introduce units at second-floor level.
10. Although failure to comply with Policy E10 is not cited as a specific reason for refusal in respect of the planning applications Ref: 24/01083/FUL and 24/00592/FUL, it is notable that all or some of the units for which permission was sought in those cases had the benefit of direct ground floor access unlike the current proposal where the use of stairs is required to access all units. These examples are not therefore directly comparable to the appeal development.
11. For these reasons I conclude that the proposal, by failing to provide any bedrooms that are accessible for those with mobility impairment, has failed to adequately address requirements regarding accessibility. It therefore conflicts with the requirements of Policy E10(H) of the London Plan which requires that proposals

must provide a specified number of accessible bedrooms in the aparthotel units proposed.

Visitor Experience

12. The Council has concluded that the proposed development, by virtue of the design and layout of the forecourt of the host property, would fail to ensure the legibility and quality expected of purpose-built visitor infrastructure. It considers this to be detrimental to the objective of enhancing and expanding London's visitor offer, thereby undermining its visitor economy and associated employment opportunities.
13. I have not been presented with evidence to substantiate this assertion and are satisfied that the proposal would provide legible and quality visitor infrastructure suitable for guests of the aparthotel units.
14. For this reason, I conclude that the proposal would comply with the relevant parts of Section 6 of the National Planning Policy Framework (the Framework) and with the requirements of Policy E10 of the London Plan which amongst other things requires that proposals should strengthen and enhance visitor experience and supporting infrastructure, particularly to parts of outer London well-connected by public transport, taking into account the needs of business as well as leisure visitors.

Highway Safety

15. 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.
16. I am satisfied that the proposed use of the three aparthotel units is likely to generate minimal regular servicing demands. I note the appellant's statements that housekeeping and linen/laundry servicing could be carried out simultaneously. In this context, and in the event that I am minded to allow the appeal, the proposed servicing arrangements would be adequate for the development. The proposal would therefore not in this regard conflict with Section 8, 9 and 11 of the Framework; policies T1, T2, T4, T6, and T7 of the London Plan; and policies DM13, DM16, DM29, DM30, SP4 and SP8 of the Croydon Local Plan (2018).
17. The proposal does not include any dedicated car parking provision for the proposed aparthotel use, and this is justified on the basis of the site's high public transport accessibility (PTAL 5). This principle is accepted by both main parties. 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. The appellant contends that, given the transient nature of the proposed short-term visitor accommodation, the development is unlikely to result in any significant long-term increase in parking demand. It has also been stated that the units would not be marketed as including parking provision.
18. Policy T6 of the London Plan states that car-free development should be the starting point in all places that are (or are planned to be) well-connected by public transport. No site-specific evidence on parking pressure has been submitted, for example a parking survey, to demonstrate whether the surrounding roads could

accommodate the resulting parking demand. Nevertheless, the property lies within a controlled parking zone (CPZ).

19. In addition, paragraph 10.6.1 of the London Plan states that the dominance of vehicles on the streets is a significant barrier to walking and cycling, reduces the appeal of streets as public places and has an impact on the reliability and journey times of bus services. Policy DM30 of the Croydon Local Plan seeks to reduce the impact of car parking in any development while Policy DM29 requires development to promote measures to increase the use of public transport, cycling and walking to promote sustainable growth and reduce the impact of traffic congestion.
20. Within this context, a mechanism to ensure that the development is car-free is reasonable and necessary. However, I have not been presented with evidence demonstrating that parking permits would in all circumstances be unavailable to users of the aparthotel units. Nor have I been provided with a legal agreement securing such a restriction.
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. I therefore conclude that the proposed development 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 Section 9 of the Framework; Policies T2, T3, T4, T6, and T6.1 of the London Plan; and Policies DM16, DM23, DM29, DM30, SP6 and SP8 of the Croydon Local Plan 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.

Cycle parking

22. The proposal includes the provision of shared cycle parking within a secure storage facility located at the front of the building, offering 13 spaces in total for use by both residential and aparthotel occupiers. I have considered the Council's position that this arrangement is inappropriate and contrary to the London Cycling Design Standards (2014), raising concerns around security due to temporary residents of the proposed aparthotel units having short-term access to the shared area. While this is a legitimate consideration, there are three key factors that lead me to conclude that the proposed arrangement is acceptable in this instance.
23. Firstly, the cycle storage facility proposed for the appeal development will benefit from high levels of natural surveillance boosting security, being clearly visible from the front of the existing residential apartments. Secondly, the proposal allocates only two spaces to serve the aparthotel units, representing a minimal provision that ensures continued primary use by the existing residential occupants. Thirdly, I am persuaded by the appellant's argument that users of the aparthotel are unlikely to arrive by bicycle, and that any cycle use would more likely involve temporary access through London's bicycle rental schemes.
24. For the reasons identified, the proposal would comply with the relevant parts of Sections 8 and 9 of the Framework; Policies T1, T2, T4, and T5 of the London Plan; policies DM16, DM29, DM30 and SP8 of the Croydon Local Plan; that amongst other things seek to ensure that adequate cycle facilities are provided for on site.

Living Conditions of Surrounding Occupiers

25. The proposed access to the three aparthotel units would be via an entrance currently shared by Units 1 and 4 at ground and first floor levels, which are in residential use (Use Class C3). While it is acknowledged that shared entrances can be successfully integrated within mixed-use developments, I am not satisfied that the proposal before me would achieve this. The character of this entrance would alter significantly—from a purely residential entrance to one that primarily serves an aparthotel use. This concern is reinforced by the increase in the number of units accessed via this entrance, rising from two to five, which would likely lead to a marked intensification of use.
26. During my site visit, I observed that the internal stairway is relatively constrained in size. Any further intensification of use, such as that proposed, would therefore be particularly noticeable and could impact negatively the residential use.
27. Residential and aparthotel uses are distinct in character. The transient nature of aparthotel occupancy—typically associated with short stays and varying visitor behaviour—means that the interface between residential and aparthotel uses must be carefully managed. Without effective management, such arrangements may lead to issues relating to noise, disturbance, and security for long-term residents. I am not satisfied that the proposal, given the site-specific circumstances outlined above, would safeguard the living conditions of existing residential occupiers in this regard nor do I consider these fundamental concerns could be overcome by the adoption of an operational management plan secured via planning condition as suggested by the appellant for the same reasons.
28. I therefore conclude that the proposed development would fail to achieve a satisfactory degree of separation between residential and non-residential uses. It would therefore harm the living conditions of surrounding permanent residents, particularly in relation to safety, security, noise, and disturbance. As such, the proposal conflicts with Policies D3, D6 and D11 of the London Plan and Policy DM10 of the Croydon Local Plan, which, among other things, seek to secure safe, inclusive environments and protect the amenity of neighbouring occupiers.

Waste Management

29. 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 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 commercial waste generated by the proposed aparthotel units should be stored separately from domestic waste associated with the existing residential use. During my site visit, I observed that the existing bin store proposed for use by the aparthotel currently accommodates six 240-litre bins for both general waste and recycling. The bin store was at full capacity with no space for additional bins, and it would not be feasible to provide additional bins within this area to serve the aparthotel units.
30. The planning application drawings, which indicate capacity for an additional two 240-litre bins, are therefore considered inaccurate in this regard. Although a bulky goods storage area is proposed adjacent to the cycle store, it has not been designated for the storage of waste or recycling bins. This matter could therefore not be addressed by means of a condition. I therefore conclude that the proposed

development would not be able to accommodate the necessary additional bin storage associated with the aparthotel use. As such, the proposal would be contrary to Sections 8, 9 and 12 of the Framework; Policy D6 and SI7 of the London Plan; Policies DM10, DM13, DM29 and DM30 of the Croydon Local Plan; and Sections 4 and 5 of the Council's Waste and Recycling in Planning Policy Document (2018), which among other things seeks to ensure adequate and appropriate waste storage provision in new developments.

Other Matters

31. 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

32. I have found that the proposal would be acceptable with regard to cycle provision, visitor experience and servicing arrangements. However, it would harm highway safety relating to car parking provision and would fail to make adequate provision for access for persons with mobility impairment. It would harm the living conditions of surrounding residential occupiers with regard to safety, security, noise, and disturbance and fail to provide adequate waste storage facilities on site.
33. The appeal is in conflict with the development plan as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

F P Tinsley

INSPECTOR