



Appeal Decision

Site visit made on 10 February 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2025

Appeal Ref: APP/L5240/W/24/3350406

8A Dunheved Road North, Thornton Heath, Croydon CR7 6AH

- 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 Salman Gillani against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/00873/FUL.
 - The development proposed is the erection of a pair of semi-detached dwellings; associated parking, hard and soft landscaping, and refuse store.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a pair of semi-detached dwellings; associated parking, hard and soft landscaping, and refuse store at 8A Dunheved Road North, Thornton Heath, Croydon, CR7 6AH in accordance with the terms of the application, Ref 24/00873/FUL, subject to the conditions in the attached schedule.

Procedural Matters

2. On my site visit I observed that a pair of semi-detached dwellings have been constructed. Elements of the development appear to be consistent with the proposed drawings. However, I have assessed the proposal based on the submitted plans.

Main Issue

3. The main issue in this appeal is whether the proposal would provide adequate living conditions for the future occupiers, with particular regard to the quality and quantity of internal space.

Reasons

4. The Council contend that the proposed internal floor areas would fail to comply with the minimum space standards as set out in the national technical housing standards¹. Whilst the figure quoted for the '*gross internal floor area gained*' on the application form corresponds to the measurements indicated on the submitted floorplans, the appellant states these figures are based on the floor areas of individual rooms rather than the gross internal area of the whole property.
5. The Council argue that it is unclear which floor areas have been included in the figures provided, highlighting in particular that any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for

¹ Technical housing standards – nationally described space standard, Department for Communities and Local Government, 2015.

storage. However, I have no substantive reason to doubt the revised and detailed figures put forward by the appellant are correct. Whilst I acknowledge the Council's concerns, they have not submitted alternative calculations or cogent evidence to demonstrate that the appellant's figures are inaccurate.

6. From the evidence before me, it appears that the appellant's original measurements omitted floorspace within bathrooms as well as staircases and circulation areas or storage areas beneath the stairs. The revised figures now include these spaces, resulting in a GIA of 69.91 square meters (sqm) for proposed Unit A and 72.42sqm for Unit B. These figures broadly align with the relevant minimum standards for dwellings of this type.
7. Notwithstanding the numerical assessment of the proposed floor areas, the internal layouts would feature relatively spacious, dual aspect, open plan living/dining/kitchen areas with internal storage and direct access to private outside amenity areas. In my view, the proposed bedrooms would also be reasonably well-proportioned. They would be sufficiently wide, provide adequate space for furniture and circulation, and would adhere to the space requirements set out in Policy D6 of the London Plan.
8. Overall, I am satisfied that the proposed layouts would provide adequate internal space, satisfactory circulation, and a comfortable living environment for future occupiers. Accordingly, the dwellings would not be cramped or substandard.
9. For these reasons, the proposal would provide adequate living conditions for the future occupiers. Therefore, it would comply with Policies DM10 and SP2 of the Croydon Local Plan (2018) and Policies D3 and D6 of the London Plan (2021) insofar as they seek to ensure that proposals for new development are of high quality and provide adequately sized rooms with comfortable and functional layouts.

Conditions

10. In addition to the standard commencement condition, a condition requiring compliance with the submitted plans is necessary for reasons of certainty.
11. To limit and control the impacts of the construction on highway safety and the living conditions of neighbouring residents, a condition requiring the submission and adherence to a Construction Method Statement is necessary.
12. To prevent adverse impacts upon the transport network during the construction phase of the development, Condition 4 requires the submission of a highway and footway condition survey.
13. To protect biodiversity and protected species, Condition 5 has been imposed to require the submission and adherence to a wildlife/habitat protection plan. To conserve and enhance protected and priority species, Condition 13 requires that mitigation and enhancement measures are carried out in accordance with the Preliminary Ecological Appraisal (David Archer Associates, June 2022). Furthermore, to protect wildlife such as bats, I have imposed a condition requiring the submission of details prior to the installation of exterior lighting (Condition 14).
14. In the interest of the character and appearance of the proposed development and surrounding area, Condition 6 is necessary to control materials and detailed design. Similarly, in the interest of the character and appearance of the appeal site

and surrounding area and to ensure satisfactory provision of refuse, recycling and cycle storage, Conditions 7 and 8 are reasonable and necessary. Condition 9 will also ensure the development is carried out in accordance with the Arboricultural Method Statement (prepared by David Archer Associates, dated February 2023). It is necessary to protect existing trees.

15. I have also imposed a condition requiring the submission of a detailed surface water drainage scheme for the site. This is necessary to ensure appropriate drainage is provided.
16. Furthermore, Condition 11 is necessary to ensure the development provides adequate parking as well as an active electric vehicle charging point.
17. To minimise water consumption and the environmental impact of the development, I have imposed a condition relating to the installation of water efficiency measures.
18. To limit the loss of privacy and overlooking and protect the living conditions of neighbouring occupiers, I have imposed a condition requiring the first-floor windows within the side elevations of the dwellings are obscure glazed. Additionally, no part of those windows that is less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened.
19. I have also imposed a condition requiring the development is carried out in accordance with the provisions of the Fire Strategy, prepared by SUFAIR Ltd (March 2024). This will ensure the development provides adequate fire safety.
20. I have not been provided with sufficient evidence or compelling reasoning to justify the removal of permitted development rights contained within Schedule 2, Part 1, Classes A, AA and B of the Town and Country Planning (General Permitted Development) (as amended) Order 2015. The removal of such rights is exceptional, and I do not find it would be reasonable and necessary to do so. The Planning Practice Guidance (PPG) states that the blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.
21. I have also not imposed a condition requiring the development complies with the Building Regulations part M4 (2) requirements for accessibility and adaptability. Conditions requiring compliance with other regulatory regimes, such as Building Regulations, do not meet the test of necessity.

Conclusion

22. For the reasons given above the appeal should be allowed.

Thomas Courtney

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 02-01 Rev.P2, 02-02 Rev.P1, 02-03 Rev.P1, 02-04 Rev.P1, and 02-05 Rev.P1.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) Prior to the commencement of any construction works (including demolition), a Condition Survey of the highway and footway is to be undertaken and submitted to the Highways Authority for approval and consideration. The development shall be carried out in accordance with any recommendations made. The works which form part of the public highway shall be technically approved and carried out under a Section 278 Agreement of the Highways Act.
- 5) No development above ground level shall take place until a wildlife / habitat protection plan has been submitted to and approved in writing by the local planning authority. The wildlife / habitat protection plan shall include:
 - a plan showing wildlife / habitat protection zones;
 - details of development and construction methods within wildlife / habitat protection zones and measures to be taken to minimise the impact of any works;
 - details of phasing of construction.

The protection plan shall be implemented in accordance with the approved plan.

- 6) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority in writing. The development shall be carried out in accordance with the approved sample details.

- 7) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- a statement setting out the design objectives and how these will be delivered;
 - earthworks showing existing and proposed finished levels or contours;
 - means of enclosure and retaining structures;
 - boundary treatments;
 - vehicle parking layouts;
 - other vehicle and pedestrian access and circulation areas;
 - hard surfacing materials;
 - minor artefacts and structures e.g. cycle storage, refuse and recycling storage or other storage units, etc;
 - proposed and existing functional services above and below ground e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant;
 - renewable energy installations where relevant;
 - lighting, floodlighting and CCTV;
 - an implementation programme.

The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation programme.

- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) The development hereby permitted shall be carried out in accordance with Arboricultural Method Statement (prepared by David Archer Associates, dated February 2023).
- 10) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,

- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 11) No dwelling shall be occupied until the vehicle parking space has been fitted with an Electric Vehicle Charging Point (EVCP) and maintained thereafter.
- 12) The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.
- 13) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal prepared by David Archer Associates, dated June 2022, and retained thereafter.
- 14) Prior to the installation of external lighting, other than in private gardens, full details including height, design, location, intensity and shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.
- 15) The buildings hereby permitted shall not be occupied until the first-floor windows located in a wall or roofslope forming a side elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 16) The development hereby permitted shall be carried out in accordance with the provisions of the Fire Strategy prepared by SUFAIR LTD, dated March 2024, and retained thereafter.

End of Schedule