



Appeal Decision

Site visit made on 17 December 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2026

Appeal Ref: APP/L5240/W/25/3374406

132 St. Andrews Road, Coulsdon CR5 3HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Rajan Luthra of United Estates LTD against the Council of the London Borough of Croydon.
 - The application Ref is 25/01771/FUL.
 - The development proposed is conversion of existing dwelling to flatted accommodation creating two new dwellings (three total). Proposed single storey rear/side/front extension. First floor rear and side extension. Loft conversion and rear/side dormer. Internal alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council did not determine the application. It has since stated that, had it been able to issue a decision, it would have refused permission on the grounds of poor quality and substandard living accommodation for future residents, by virtue of a poor layout resulting in limited useable floorspace for occupants of Flat C, poor outlook and unacceptable sense of enclosure for occupants of Flat A, and overall inaccessible accommodation due to stepped access only.

Background

3. Planning permission has previously been granted for residential extensions at the appeal site (the previous permission)¹. Whilst that was in relation to continued use as a single dwelling, the extensions were nevertheless very similar to those proposed in the appeal scheme. A previous proposal to extend the dwelling and convert it into three flats was refused by the Council and dismissed at appeal (the dismissed scheme)². I have determined this appeal on its own merits but refer to the above schemes as appropriate hereafter.

Main Issues

4. The main issue is whether the appeal scheme would result in acceptable living conditions for future occupiers of the appeal site, with particular regard to the layout and floorspace in Flat C, the rearward outlook from Flat A, and accessibility.

¹ Application Ref 23/03789/HSE.

² Application Ref 24/01311/FUL; Appeal Ref APP/L5240/W/24/3355762.

Reasons

Flat C

5. It is proposed to arrange Flat C over two storeys; the same approach as was taken in the dismissed scheme. Policy D6 of the London Plan (2021) addresses housing quality and standards. Table 3.1 sets out the minimum gross internal floor area (GIA) for new dwellings based on the number of bedrooms, bed spaces/persons, and storeys. No GIA figure is provided for a 1 bedroom, 1 person dwelling arranged over two storeys.
6. In considering the dismissed scheme, the previous Inspector noted that Flat C fell short of the minimum GIA for a 2-storey dwelling (58m²) and therefore did not accord with the space standards. That remains true of the appeal scheme; It fails to meet the space standards in terms of GIA and therefore does not comply with Policy D6.
7. In respect of the dismissed scheme, the Council suggested that a GIA of 48m² would be appropriate. The same figure is provided in the Council's delegated report regarding the appeal scheme. This figure, though derived from the difference between a 1 bedroom, 1 person, 1 storey dwelling and a 1 bedroom, 2 person, 2 storey dwelling, is nevertheless not found in, or supported by, Policy D6.
8. I recognise that the previous Inspector found the Council's 48m² GIA figure as "somewhat arbitrary" but not unreasonable and proceeded to consider further the merits of that scheme. That does not mean, nor does the previous Inspectors decision state, that if a proposed 1 bedroom, 1 person, two-storey dwelling can provide a GIA of 48m² then it complies with Policy D6, or that such a GIA figure alone would outweigh conflict with that policy.
9. Indeed, the previous Inspector's further considerations followed their very clear finding that the scheme did not comply with space standards. To my mind, their description of the 48m² GIA figure as not unreasonable simply explains why further consideration was felt to be appropriate. Though it is not made explicit, I take that as an exercise in determining whether material considerations justify non-compliance with the policy; that is to say, an exercise in undertaking statutory duty.
10. The Council has set out that Flat C, as proposed in the appeal scheme, would have a useable floorspace of some 29m², which it describes as significantly below that required by Policy D6. The term 'useable' is not found in the policy, which defines GIA as the total floor space measured between the internal faces of perimeter walls, including partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. I see little reason to doubt that when the method of calculation set out in Policy D6 is applied to the appeal scheme, proposed Flat C has a GIA of some 48m². As I have set out, however, that figure does not satisfy the policy.
11. Notwithstanding the above, I recognise that the proposed Flat C would provide accommodation over two levels, giving a good degree of separation between living and sleeping areas. It would also provide dual-aspect accommodation in the main living area, which would have space enough for sofas and a small dining table in reasonably distinct zones.

12. That said, the arrangement of the kitchen within the shape of the roof would result in a cramped, unusually enclosed feel, exacerbated by a distinct lack of outlook. Whilst accessing a bathroom through a galley kitchen as proposed in this instance is not unusual in small homes, the arrangement would nevertheless emphasise to occupants how constrained the floorspace is. Similarly, whilst the absence of a bath is not uncommon or problematic in itself, in this case it would draw attention to how small the bathroom is. I have little evidence that a taller person could comfortably stand up in all of the small shower enclosure, particularly if a shower tray is required.
13. Overall, these key areas of the dwelling would be characterised by uncomfortable compromises, such that the beneficial elements to the layout proposed for Flat C do not offset or outweigh the failure of the scheme to meet the minimum space standards.
14. The proposed development would not provide acceptable living conditions for future occupiers of the appeal site with particular regard to the layout and floorspace in Flat C. It would conflict with Policy D6 of the London Plan and with Policies SP4 and DM10 of the Croydon Local Plan (2018) where they require development to be of high quality, provide adequately sized rooms with comfortable and functional layouts, and enhance well-being.

Flat A

15. The rear elevation of Flat A would include a bedroom window and wide, glazed doors, facing out onto a private garden which the appellant states would be 3m deep. The provided plans appear to show that it would in fact be shallower, at some 2.6m, but I shall proceed on the basis that it would be 3m and return to that matter if necessary.
16. Whilst the elevations on the submitted plans suggest that much of the existing rear garden is flat, it in fact slopes upwards fairly steeply. Whether the areas to be used as private gardens for Flats B and C, and as communal and parking areas, would be arranged in flat terraces or left as sloping is not set out. It is shown, however, that the rear garden for Flat A would be level with the internal floor; That is to say, it would be dug into the ground and be noticeably lower than the next areas of garden to the north.
17. For privacy, an enclosure of at least 1.8m measured from ground level in the garden for Flat B would likely be needed. Given the change in ground levels this would be significantly taller than 1.8m when experienced from the garden of Flat A. Even if the garden were 3m deep, it would be a shallow garden. The proposed arrangement would likely create an oppressive sense of enclosure in an area which is north facing and, as such, is unlikely to benefit from much direct sunlight to offset the stark outlook.
18. I recognise that the Council did not raise the issue of outlook for occupiers of Flat A in respect of the dismissed scheme. Even so, I must determine the appeal scheme on its merits as I find them to be. The proposed development would not provide acceptable living conditions for future occupiers of the appeal site with particular regard to the rearward outlook for occupants of Flat A. It would conflict with Policy D6 of the London Plan and with Policies SP4 and DM10 of the Croydon Local Plan (2018) where they require development, including private amenity spaces, to be of high quality.

Accessibility

19. London Plan Policy D7 requires compliance with Building Regulations requirements M4(3) or M4(2). It is explicit in the supporting text to the policy that, by virtue of the wording within the Building Regulation requirements themselves, the application of the policy is generally limited to new build dwellings.
20. The Council contends that the appeal scheme would not satisfy Building Regulations requirements M4(1). Even if that is so, Policy D7 does not require compliance with requirement M4(1).
21. I therefore see no evident conflict between the appeal scheme and London Plan Policy D7, and see no reason to find that it would result in unacceptable living conditions for future occupiers of the appeal site with particular regard to accessibility.

Other Considerations

22. I note third party objections raising issues other than those addressed above. The Council's delegated report sets out why it finds the appeal scheme to be acceptable other than in respect of what I have set out as the main issues in this appeal. Notwithstanding my findings in respect of accessibility, I see no reason to take a different view to the Council.
23. I also note representations in support of the appeal scheme. I have considered these but determined the appeal on the merits of the scheme as I have found them to be, for the reasons set out above.

Planning Balance

24. Though the site has a Public Transport Accessibility Level of 2, it is in an established residential area and very near to Woodmansterne train station. The proposal would yield a net gain of two new dwellings, assisting the Government's aim of significantly boosting supply. The Council accepts that the appeal scheme would provide an acceptable mix of units in accordance with Policy H2 of the London Plan and Policy SP2 of the Croydon Local Plan. I see little reason to doubt that the scheme could be completed quickly. These benefits carry notable weight generally, though that weight is tempered in this instance by the modest scale of the scheme.
25. There would be temporary economic benefits associated with the construction phase of the project. Thereafter, there would be ongoing local economic benefits relating to the occupation of the site, and local facilities would benefit from increased demand. Nevertheless, given the relatively modest scale of the proposal and the small number of new residents brought about, these benefits would be minor.
26. Overall, the benefits of the appeal scheme are moderate, and do not outweigh the conflicts with policy identified above.

Conclusion

27. Whilst I have found no evident conflict with policy in respect of accessibility, overall, the appeal scheme nevertheless conflicts with the development plan, and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
28. The appeal is therefore dismissed.

A Knight

INSPECTOR