

1.0 APPLICATION DETAILS

Ref: 22/03215/FUL
Location: 19 Ashburton Road, Croydon, CR0 6AP
Ward: Addiscombe East
Description: Alterations to the building at the rear of the site and associated alterations as part of the proposed change of use from storage and leisure into a self-contained dwelling
Drawings: A100 REV02, A101 REV02, A102 REV02, A103 REV02, A104 REV02, A105 REV02, A106 REV02, A107 REV02, A108 REV02, A109 REV02, A110 REV02, A111 REV02
Statements: Design, Access, Planning and Fire Statement
Agent: Mr Abbas Dato
Case Officer: George Clarke

1.1 This application is being reported to Planning Committee in accordance with the following committee consideration criteria:

- Objections above the threshold in the Committee Consideration Criteria have been received

2.0 RECOMMENDATION

2.1 That the Planning Committee resolve to GRANT planning permission.

2.2 That the Director of Planning and Sustainable Regeneration has delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Three-year time limit for commencement.
2. Requirement for development to be carried out in accordance with the approved drawings and reports.

Pre-Commencement of Development Conditions

3. Submission and approval of a Construction Management Plan and Construction Logistics Plan.
4. Submission and approval of material details
5. Submission of 'smart glass' glazing details
6. Submission and approval of cycle and refuse storage details
7. Submission and approval of landscaping details including the green roof
8. Submission of a waste management plan

Compliance Conditions

9. Compliance with fire strategy

10. Compliance with dwelling emissions rate and water efficiency standard.
11. Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

INFORMATIVES

1. Community Infrastructure Levy
 2. Code of practice for Construction Sites
 3. Compliance with Building/Fire Regulations
 4. Construction Logistics Informative
 5. Refuse and cycle storage Informative
 6. Any other informative(s) considered necessary by the Director of Planning and Strategic Transport
- 2.3 That the Committee confirms that it has paid special attention to the desirability of preserving or enhancing the character and appearance of the East India Estate Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 The application seeks planning permission for changes to an existing rear outbuilding to convert it into a two bedroom dwelling. The footprint of the existing building would be reduced by approximately 56m², with a private garden created to the south featuring boundary treatment.

Amendments

- 3.2 An updated application form with Certificate B completed with the details of other owners of the site was received on 03/11/2022. Amended plans were also received to correct the scale of some drawings.

Site and Surroundings

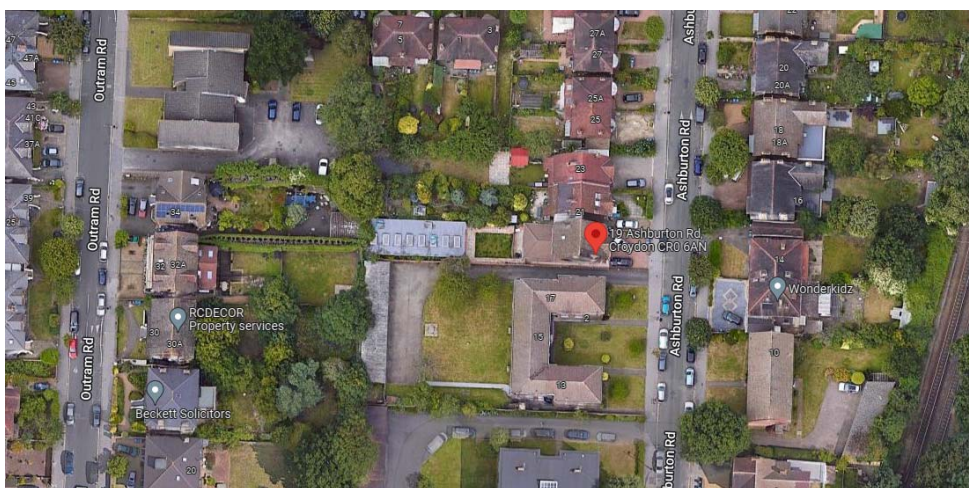


Figure 1 – Google maps view of site

- 3.3 The building subject to the application is single storey and is located at the end of the rear garden of 19 Ashburton Road. Since the outbuilding was constructed the original single family dwellinghouse at 19 Ashburton Road has gained planning permission and implemented the use as 4 flats. The site is bounded to the south by the driveway and rear parking area serving a three storey block of flats called College Court. To the north, the site is bounded by a pair of semi-detached houses. The site is bounded to the rear by the gardens of properties on Outram Road. The site is within the East India Estate Conservation Area.
- 3.4 The application site has a Public Transport Accessibility Level (PTAL) of 4 (on a scale of 1a to 6b) and is within a Controlled Parking Zone (CPZ).
- 3.5 The site is in Flood Zone 1 (low risk).

Relevant Planning History

- 3.6 22/00530/FUL - Alterations to the building at the rear of the site and associated alterations as part of the proposed change of use from storage and leisure into a self-contained dwelling. **This application has also been referred to this committee for members' consideration**
- 3.7 22/00983/FUL - Alterations to the building at the rear of the site and associated alterations as part of the proposed change of use from storage and leisure into a self-contained dwelling. Permission refused 16/06/2022 *Reason: Poor living conditions for future occupiers.* Appeal lodged
- 3.8 21/21/04945/FUL - Alterations to the building at the rear of the site as part of the proposed change of use from storage and leisure into a self-contained dwelling. Permission refused 28/01/2022 *Reasons: Poor living conditions for future occupiers, harm to neighbours, not suitable for disabled end users specified.* Dismissed at appeal ref: APP/L5240/W/22/3293516
- 3.9 20/02685/FUL - Alterations to the exterior of the building as part of the 'change of use from an outbuilding under C3 - single dwelling houses' use, to a separate C3 use - single dwelling house. The proposal also makes external, fenestration, and internal alterations in order to cater for the much needed accommodation, without negatively effecting the surrounding properties or streetscene. Permission refused 04/09/2020 *Reasons: Poor living conditions for future occupiers, harmful appearance, inadequate refuse storage, inadequate car and cycle parking, loss of amenity for occupiers of 19 Ashburton Road.* Dismissed at appeal ref: APP/L5240/W/21/3266452
- 3.10 19/03971/FUL - Conversion of existing outbuilding to residential flat. Permission refused 25/10/2019 *Reasons: Poor living conditions for future occupiers, harmful appearance, inadequate refuse storage, harm to neighbours.* Dismissed at Appeal ref: APP/L5240/W/19/3242553. Inspector's decision upheld at The Court of Appeal

- 3.11 19/01717/FUL - Conversion of existing outbuilding into residential flat. Permission Refused 21/06/2019 *Reasons: Harmful appearance, inadequate refuse storage, inadequate cycle storage, harm to neighbours.*
- 3.12 18/03434/FUL- Conversion of the existing outbuilding to form a three bedroom residential flat with cycle and refuse storage. Permission refused 12/09/2018 *Reasons: Poor living conditions for future occupiers, harmful appearance, inadequate refuse storage, inadequate cycle storage, harm to neighbours*
- 3.13 17/03956/LE - LDC refused for use of building at rear for purposes within class B8 (storage and distribution). 06/09/2017
- 3.14 14/00420/RES - Approval - Discharge of condition 2 attached to planning permission 11/03663/P. 17/04/2014
- 3.15 12/02679/P - Granted planning permission for erection of dormer extensions in front and rear roof slopes and single storey rear extension. 06/12/2012
- 3.16 12/01781/P - Refused planning permission for alterations; use as house in multiple occupation to include erection of dormer extensions in rear roof slopes and single storey rear extension. 30/08/2012
- 3.17 12/00173/LP - Granted lawful development certificate for erection of single storey detached building at rear. 14/03/2012
- 3.18 11/03663/P - Granted planning permission for alterations; conversion to form 1 two bedroom, 1 studio and 2 one bedroom flats; erection of single storey rear extension and construction of dormer roof extensions in front and rear roof slopes; provision of associated parking. 09/03/2012

4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of changing the use of the building to residential would contribute to the Borough's housing targets is acceptable.
- The design and appearance of the development is acceptable and would improve the existing appearance of the site. Planning conditions are recommended to ensure that the development would use high quality materials and have good quality landscaping.
- The living standards for future occupiers would be acceptable
- The living conditions of adjoining occupiers would be protected from harm
- The level of parking and impact upon the local transport network is considered acceptable
- The proposal's impact on trees and biodiversity is acceptable

5 CONSULTATION RESPONSE

5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6 LOCAL REPRESENTATION

6.1 38 neighbouring properties were notified of the application and invited to comment. A site notice was erected on 19/08/2022 and the application was publicised in the local press on 25/08/2022. A total of 20 representations were received, all of which were in objection to the proposal.

6.2 The following local groups/societies made representations:

- The Mid-Croydon Conservation Area Advisory Panel (objecting)
- The HOME Resident's Association (objecting)

6.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

| SUMMARY OF OBJECTIONS | RESPONSE |
|---|-------------------------------------|
| Principle of development | |
| Overdevelopment | See paragraphs 8.2-8.3 and 8.6-8.12 |
| Design | |
| Harmful appearance and unsuitable for a Conservation Area | See paragraphs 8.6-8.12 |
| Inappropriate back land development | See paragraphs 8.6-8.12 |
| Amenity | |
| New home would be overlooked | See paragraphs 8.15 and 8.22 |
| Noise | See paragraph 8.24 |
| Inappropriate access | See paragraph 8.16 |
| Loss of the existing garden space | See paragraph 8.23 |
| Highways & Parking | |
| Insufficient car parking | See paragraphs 8.26-8.27 |
| Negative impact on highway safety | See paragraphs 8.26-8.30 |
| Landscaping | |
| No tree report submitted | See paragraphs 8.33-8.34 |
| Lack of soft landscaping | See paragraph 8.33 |
| Fencing and gates inadequately specified | See paragraph 8.22 |

| Other matters | |
|--|--|
| Maintenance concerns | The reduction in built footprint would improve access to the site and maintenance program can be required as part of a landscaping condition |
| Building is larger than originally allowed | The building has been at the site for approximately 10 years. This proposal would reduce the size of this significantly to the benefit of the area |
| Bin storage a long way from dwelling | See paragraph 8.29 |

6.4 The following additional issues were raised in representations that officers have considered, and would like to bring make the Committee aware of, noting that they are not material to the determination of the application:

- Shared boundary issues
- Too many applications submitted for this site
- Some errors in the planning statement

7.0 RELEVANT PLANNING POLICIES AND GUIDANCE

Development Plan

7.1 The Council's adopted Development Plan consists of the London Plan (2021), the Croydon Local Plan (2018) and the South London Waste Plan (2012). Although not an exhaustive list, the policies which are most relevant to the application are:

London Plan (2021)

- D1 London's form, character and capacity growth
- D3 Optimising site capacity through the design led approach
- D4 Delivering Good Design
- D5 Inclusive Design
- G5 Urban Greening
- G6 Biodiversity and access to nature
- G7 Trees and Woodlands
- HC1 Heritage Conservation and Growth
- SI 2 Minimising Greenhouse Gas Emissions
- SI 8 Waste Capacity and Net Waste Self-Sufficiency
- SI 12 Flood Risk Management
- SI 13 Sustainable Drainage

Croydon Local Plan (2018)

- SP2 Homes
- SP4 Urban Design and Local Character
- SP6 Environment and Climate Change

- DM1 Housing Choice for Sustainable Communities
- DM10 Design and Character
- DM13 Refuse and Recycling
- DM16 Promoting Healthy Communities
- DM18 Heritage Assets and Conservation
- DM19 Promoting and Protecting Healthy Communities
- DM23 Development and Construction
- DM25 Sustainable Drainage Systems and Reducing Flood Risk
- DM27 Biodiversity
- DM28 Trees
- DM29 Promoting Sustainable Travel and Reducing Congestion
- DM35 Addiscombe

7.2 The Development Plan should be read as a whole, and where policies conflict with each other, the conflict must be resolved in favour of the policy contained in the last document to be adopted, approved or published as part of the development plan, (in accordance with s38(5) of the Planning and Compulsory Purchase Act 2004).

Planning Guidance

National Planning Policy Framework (NPPF)

7.3 Government Guidance is contained in the NPPF, updated on 20 July 2021, and accompanied by the online Planning Practice Guidance (PPG). The NPPF sets out a presumption in favour of sustainable development, requiring that development which accords with an up-to-date local plan should be approved without delay. The NPPF identifies a number of key issues for the delivery of sustainable development, those most relevant to this case are:

- Delivering a Sufficient Supply of Homes
- Promoting Sustainable Transport
- Achieving Well Designed Places

SPDs and SPGs

7.4 There are also several Supplementary Planning Documents (SPD) and Supplementary Planning Guidance (SPG) documents which are material considerations. Although not an exhaustive list, the most relevant to the application are:

- London Housing SPG (March 2016)
- London Mayoral Affordable Housing SPG: Homes for Londoners (August 2017)
- Technical Housing Standards: Nationally Described Space Standard (2015)
- National Design Guide (2021)

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues relevant in the assessment of this application are as follows:

1. Principle of Development
2. Design and Appearance
3. Housing Quality
4. Impact on Surrounding Neighbours
5. Highways, Parking and Refuse
6. Trees and Biodiversity
7. Flood Risk and Sustainable Drainage
8. Fire Safety
9. Other Matters

Principle of Development

- 8.2 The Croydon Local Plan sets out a housing target of 32,890 homes over a 20-year period from 2016-2036 (1,645 homes per year). The London Plan requires 20,790 of those homes to be delivered within a shorter 10 year period (2019-2029), resulting in a higher target of 2,079 homes per year.
- 8.3 The Croydon Local Plan also sets out a target for development on Windfall sites of 10,060 homes (approximately 503 per year). The London Plan requires 6,410 net completions on small sites (below 0.25 hectares in size) over 10 years, with an small-sites housing target of 641 per year.
- 8.4 The application relates to an existing outbuilding which has been constructed larger than as shown on the plans granted a Lawful Development Certificate under reference 12/00173/LP. This was granted with a depth of 19.5m and the building on site has a depth of just over 22m. It has however been in situ for approximately 10 years and may be lawful through the passage of time. The lawful use of the outbuilding was to be incidental to that of the single family dwelling at 19 Ashburton Road. In 2014 the main house was lawfully converted into flats and the applicant's Design, Access & Planning Statement asserts that the building subject to this application is vacant, but also that historically it 'has been used for residential purposes ancillary to the residential use of the house'
- 8.5 Similar applications seeking to convert the outbuilding into a dwelling have been refused previously and these decisions, along with their associated appeals, have been taken into account in the assessment of this proposal. There is no in principle objection to the conversion of this building into a dwelling if the proposal complies with all other relevant policies within the Council's Development Plan.

Design and Appearance

- 8.6 Policies SP4.1 and DM10.1 of the Local Plan state that the Council will require development of a high quality, which respects and enhances Croydon's varied

local character and contributes positively to public realm, landscape and townscape to create sustainable communities.

- 8.7 The site is within the East India Conservation Area. Local Plan Policy DM18 seeks to preserve and enhance the character, appearance and setting of heritage assets. Policy HC1 of the London Plan (2021) requires development proposals affecting heritage assets and their setting to conserve their significance and the cumulative impacts of incremental change should be actively managed.
- 8.8 The site is located within a largely residential area featuring mainly large detached and semi-detached dwellings within deep plots. The Inspector for the most recent appeal decision associated with application 20/02685/FUL found that 'the long rear gardens add to the spacious quality of the area'.
- 8.9 The Inspector from the appeal for 20/02685/FUL also found that 'The existing building already detracts from the character and appearance of the CA, due to a combination of its overall size and scale and appearance.' The Council acknowledges that the existing building has been in situ for many years and has fallen into a poor state of repair.
- 8.10 The proposal would demolish much of the southern section of the existing outbuilding, reducing the building footprint from approximately 172m² to 116m². This would reduce the extent of the building close to the rear boundary shared with properties on Outram Road and restore some of former garden at the site. A green roof is also proposed which would help the development blend into its back land setting. A condition is recommended to specify details and maintenance of the landscaping including the green roof and boundary treatment.

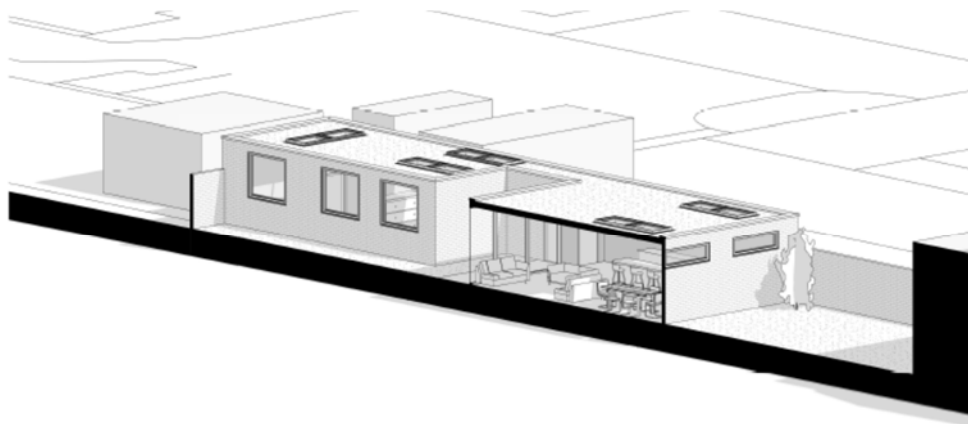


Figure 2 – Drawing of proposal

- 8.11 The plans show a brick finish and new windows and doors. A condition is recommended to require details of materials to ensure that these are of a suitably high quality for the East Estate India Conservation Area.

8.12 In summary, subject to conditions the proposal would significantly improve the existing appearance of the site through a large reduction in the built footprint and improvement to the quality of the appearance of the building. It therefore would have an acceptable impact on the East India Estate Conservation Area.

Housing Quality

8.13 London Plan Policy D6 requires housing developments to be of a high quality design and contains space standards for new dwellings. The provision of dual aspect dwellings should be maximised and a single aspect dwelling should only be provided where a more appropriate design solution to meet the requirements of Part B in Policy D3 (optimising site capacity through the design led approach). The design should provide sufficient daylight and sunlight and ensure the usability of outdoor space is maximised.

8.14 The development would create a two bedroom dwelling with a three person occupancy (one of the bedroom is a single). The internal floor area would be 113m² as measured on plan which exceeds the London Plan requirement of 61m². Each of the bedrooms would be suitable sized, with an 18m² double and a 9m² single bedroom. The home would be multiple aspect with openings on the west, east and south elevations. This would provide occupiers with good levels of natural light, ventilation and outlook.

8.15 The dwelling would be have a 46m² private garden. This would be more than 30m away from the first floor rear windows of the existing dwellings at 19 Ashburton Road and would therefore have good privacy. Overall, the size and quality of the amenity space satisfies Local Plan Policy DM10.4.

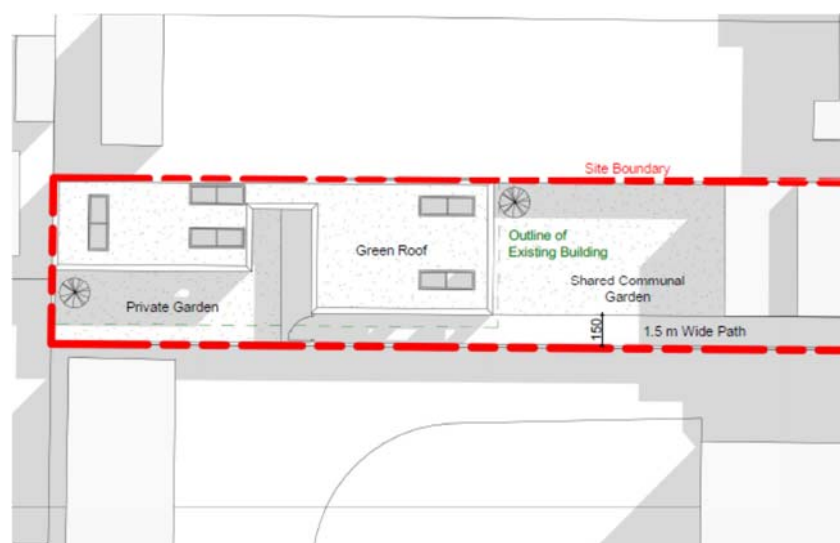


Figure 3 – Proposed Block Plan

- 8.16 London Plan Policy D7 requires new dwellings to be building regulation M4(2) compliant for use by persons with disabilities. The access to the proposed dwelling is shown as having a suitable 1.5m width and a disabled parking space is proposed within the existing driveway. The Council is satisfied that the dwelling would be suitably accessible.

Impact on Surrounding Neighbours

- 8.17 The London Plan (2021) Policy D6 states that “development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.”
- 8.18 Policy DM10.6 of the Croydon Local Plan (2018) states the Local Planning Authority would not support development proposals, which would harm the amenities of the occupiers of adjoining buildings.
- 8.19 The immediate neighbours bordering the site are 21 Ashburton Road to the North, 32 and 34 Outram Road to the west and rear garages of College Court to the south. The potential impact upon living conditions of the existing flats within the frontage building at 19 Ashburton Road also requires assessment.
- 8.20 The proposed dwelling would have a maximum height of 2.8m, which is 200mm taller than the existing building. The current length of wall adjoining the boundary with 21 Ashburton Road would be only slightly reduced from existing. In consideration of the modest height increase and the position approximately 20m from the rear wall at 21 Ashburton Road however, it is considered that there would be no harm to living conditions at this neighbour.
- 8.21 The alterations to the building would result in it no longer adjoining the boundary with 32 Outram Road and the depth along the boundary with 34 Outram Road would also be reduced. It is considered that this would result in an improved relationship (when compared to the existing situation) with these neighbours.
- 8.22 The distance between the eastern elevation and the ground floor at 19 Ashburton Road would be 11m, which would be similar to the existing situation. The first floor rear windows of 19 Ashburton Road and those east facing in the new dwelling would be approximately 15m. Separation would be approximately 18m to the first floor rear windows of 21 Ashburton Road. The east facing elevation the new dwelling would have two high level windows facing the existing ground floor rear windows. As these windows are high level only they would maintain privacy to the windows at 19 Ashburton Road and they would feature ‘smart glass’ to prevent views in and minimise light pollution out. A condition is recommended to require details of the ‘smart glass’ to ensure that it would be effective.

- 8.23 The existing communal rear garden space afforded to 19 Ashburton Road would be reduced in size by approximately 20m² to 77m². This would cause no significant harm to occupiers of 19 Ashburton Road and they would benefit from a reduction in the building's size and improved outlook. Given that the existing outbuilding is not used by residents of the frontage building there is not considered to be any conflict with Local Plan Policy DM10.4, as more than a 10m depth and over half of the existing communal garden area would be retained. The windows facing the communal garden at 19 Ashburton Road would be high level only which is considered to result in a suitable privacy relationship between this amenity space for the existing flats and the proposed home.
- 8.24 The scale and position of the development would not harm neighbours at College Court. The use as a two bedroom dwelling would not be expected to result in the generation of excessive noise. In summary, the proposal is not considered harmful to living conditions at any neighbour.

Highways, Parking and Refuse

- 8.25 Policy SP8 of the Local Plan (2018) is in relation to traffic generation, sustainable travelling and parking standards. Local Plan Policy DM30 seeks to ensure that there is an appropriate level of car and cycle parking for developments
- 8.26 The site has a PTAL of 4 indicating that it has moderate access to public transport. The London Plan and Policy DM30 of the Croydon Local Plan sets out maximum car parking standards for residential developments based on public transport accessibility levels.
- 8.27 Table 10.3 of the London Plan gives a maximum car parking provision of 0.5 - 0.75 spaces per 1-2 bed home. The street is in a Controlled Parking Zone. One disabled accessible off street car parking space is proposed at the front of 19 Ashburton Road and would be the only car parking space for both buildings on site. The appeal decision from application 20/02685/FUL found that there would be no harmful effect to on-street car parking pressures from the one additional residential unit and the proposed plans show the same car parking layout as that scheme. The car parking as proposed is therefore acceptable.
- 8.28 Cycle storage for both 19 Ashburton Road and the proposed development would be accommodated within the existing front drive. This storage area is large enough to provide 7 spaces as required by London Plan Table 10.2. A condition is recommended requiring details of this facility which must be suitably accessible, sheltered and secure.
- 8.29 Bins are also shown within the front drive. There is enough space to meet the requirements of all the dwellings within the site and the location is suitable for collection from the street. The bin storage would be over 40m from the new dwelling entrance. Whilst this is not ideal in terms of a carry distance for

residents, a Waste Management Plan could be secured by condition. A condition is also recommended to require details of a bin store to be submitted, in the interest of protecting the appearance of the East India Conservation Area.

- 8.30 Officers are satisfied that the scheme would not harm the safety and efficiency of the highway network. It is considered the network and transport impacts associated with the developments on traffic and transport would be negligible and it is unlikely to have a significant impact on highway safety.

Trees and biodiversity

- 8.31 Local Plan Policy DM28 states that the Council will protect and enhance the borough's trees and hedgerows by not permitting development that would result in the avoidable loss or excessive pruning of preserved trees or hedgerows or those that make a positive contribution to the character of an area. London Plan Policy G6 seeks development to provide a biodiversity net gain and G7 seeks to ensure trees of value are retained.
- 8.32 Local Plan Policy DM27 outlines that development proposals should enhance biodiversity across the borough and improve access to nature.
- 8.33 The proposal would reduce the built site coverage by over 50m². This would result in a significant environmental improvement from as existing. To ensure a suitable mix of planting is installed a condition requiring details of the soft landscaping including a maintenance schedule is recommended.
- 8.34 The nearest mature tree to the development is close to the rear boundary of the 34 Outram Road. The building would have a reduced depth close to this tree and the development is not considered threat to this or any other trees surrounding the site.
- 8.35 Croydon Local Plan Policy SP6.3 requires all new build residential development to achieve the national technical standard for energy efficiency in new homes set at a minimum of 19% CO₂ reduction beyond Part L of the Building Regulations and requiring new build development to meet a minimum water efficiency standard of 110 litres/person/day. Consequently, it is recommended that conditions be imposed to ensure that the development achieves both requirements.

Flood Risk and Sustainable Drainage

- 8.36 In order for the Council to ensure that development within the borough reduces flood risk and minimises the impact of flooding, Policy DM25 of the Local Plan (2018) requires development proposed within areas at risk of flooding development to incorporate flood resilience and resistant measures into the

design, layout and form of buildings to reduce the level of flood risk both on site and elsewhere.

8.37 The site is within Flood Zone 1 which indicates a low risk of flooding. There is also a low risk of surface water flooding according to the Government's long term flood risk service website.

8.38 There would be a significant increase in permeable areas within the site resulting from the development. The green roof would also help reduce surface water run off rates. The proposal is therefore considered to suitably reduce flood risk for this and surrounding sites.

Fire Safety

8.39 Policy D12 of the London Plan (2021) requires all development proposals to achieve the highest standards of fire safety.

8.40 A Fire Statement has been submitted in support of the application. It confirms that the building will be constructed with fire resistant materials meeting British Standards. A fire detection system and emergency lighting is to be installed.

8.41 The details provided are sufficient to demonstrate that the development can achieve a high standard of fire safety and the proposal complies with Policy D12 of the London Plan (2021).

Other Matters

8.42 All material considerations have been taken into account, including responses to the public consultation. Taking into account the consistency of the scheme with the Development Plan and weighing this against all other material planning considerations, the proposal is considered to be acceptable in planning policy.

Conclusion

8.43 The principle of providing a new dwelling at this site is supported. The design of the scheme is of an acceptable standard and appropriate in relation to residential amenity, transport and sustainability matters. Therefore, it is recommended that planning permission be **GRANTED**.