

1 APPLICATION DETAILS

Ref: 23/02960/FUL
 Location: 18 Norbury Close, Norbury, London, SW16 3ND
 Ward: Norbury Park
 Description: Alterations and subdivision of the first and second floor three bedroom flat to form a two bedroom flat on the first floor and a studio flat within the loft space not in accordance with Planning Permission 19/04480/FUL (retrospective application).
 Drawing Nos: GS-ARCH-FAK-EX02 REV A
 GS-ARCH-FAK-EX03 REV A
 Applicant: Ms Taiwo Fakoya
 Agent: Ms Nichole Avan- GS Architect
 Case Officer: Ali Douglas

	1 BED (1 person)	2 BED (3 person)	3 BED (5 person)	TOTAL
Existing (as approved by planning permission 19/04480/FUL)		1	1	2
Proposed (retrospective)	1	2		3
TOTAL (including existing ground floor flat approved under 19/04480/FUL)	1	2		3

Vehicle and Cycle Parking (London Plan Standards)	
PTAL: 1b	
Car Parking maximum standard	Proposed
4.5	2
Long Stay Cycle Storage minimum	Proposed
5	4
Short Stay Cycle Storage minimum	Proposed
0	0

1.1 This application is being reported to committee because:

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

2 RECOMMENDATION

- 2.1 That the Committee resolve to GRANT planning permission
- 2.2 That the Director of Planning and Sustainable Regeneration is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- 1) Within 3 months of the decision an application shall be submitted to Local Planning Authority providing details of the following matters:
 - i) Refuse/recycling store (locations, dimensions, capacity, elevations and proposed materials)
 - ii) Cycle storage (specifications, dimensions and elevations)
 - iii) Outdoor amenity space (sub division or otherwise)

Once approved the items above shall be provided within 3 months of the date of the decision to approve such matters and retained in the form specified for so long as the development is in existence.

Compliance

- 2) In accordance with the Fire Strategy Statement.
- 3) Any other planning condition(s) considered necessary by the Director of Planning and Sustainable Regeneration.

Informatives

- 1) Any informative(s) considered necessary by the Director of Planning and Sustainable Regeneration

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 The applicant is seeking retrospective permission for alterations and subdivision of the first and second floor three bedroom flat to form a two bedroom flat on the first floor and a studio flat within the loft space not in accordance with Planning Permission 19/04480/FUL. No external alterations are proposed as part of this application.

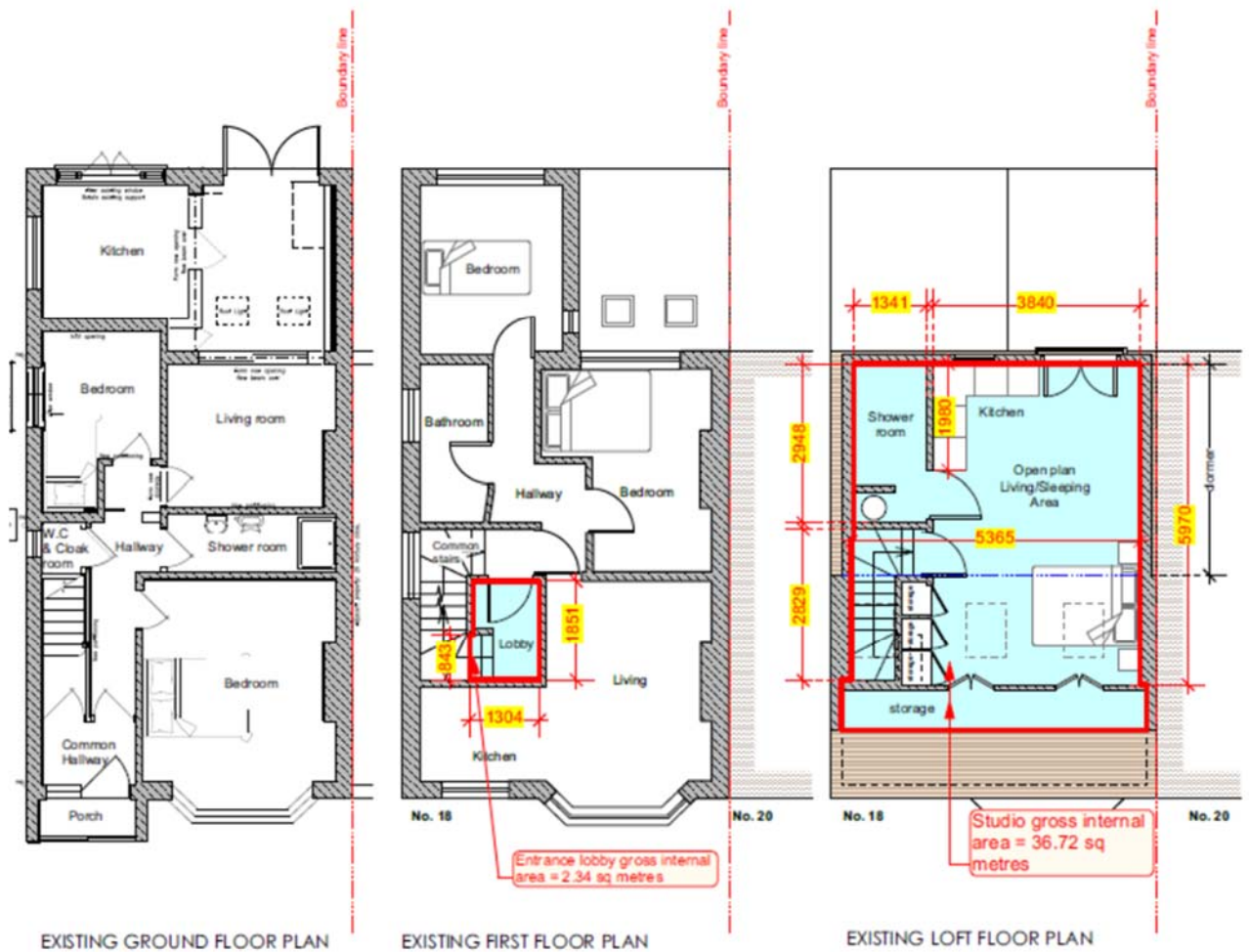


Figure 1: As built and proposed floor plans

Site and Surroundings

3.2 The application site comprises a two storey semi- detached property, in use as three flats located on Norbury Close, looking onto a communal grassed area. The surrounding area is residential in character, with the majority of properties in the area being semi-detached and terraced. Most properties are two storey. The majority of residential properties in the immediate vicinity are of a traditional inter-war character with bay windows and front gable features. The site benefits from an existing vehicular crossover and front garden hardstanding area. To the rear, an existing detached garage area can be accessed via a side pathway whilst the rear garden plays host to both a grassed area and outdoor seating area with an outbuilding.



Figure 2: Site Location Plan

Planning Designations and Constraints

- 3.3 The application site is at a medium risk of surface water flooding. There are no other planning policy constraints.

Planning History

- 3.4 The following planning decisions are relevant to the application:

23/03473/DISC- Discharge of Condition 4 (Cycle and refuse) attached to planning permission 19/04480/FUL for the Conversion from a dwelling to 2 x 2 bedroom flats and 1 studio flat. Hip to gable roof extension, rear dormer extension, ground floor rear extension, front rooflights, opening alterations and associated external alterations. Pending consideration.

21/00011/NBI – Enforcement Notice – Not built in accordance with PP 19/04480/FUL. The reasons for issuing this enforcement notice relate to the following:

- 1) The development has not been in existence for more than 4 years;
- 2) The proposal would result in a substandard accommodation by reason of inadequate floor areas;
- 3) Failure to comply with Condition 4 (refuse and cycle storage) attached to PP 19/04480/FUL;
- 4) Failure to provide private amenity areas

19/04480/FUL- Conversion from a dwelling to 2 x 2 bedroom flats and 1 studio flat. Hip to gable roof extension, rear dormer extension, ground floor rear extension, front rooflights, opening alterations and associated external alterations. PG: 17.04.2020.

18/03978/LP- Erection of a hip to gable extension and a dormer extension in the rear roof slope. CGP: 01.03.2019

91/01781/P- Erection of conservatory. PG: 09.10.1991.

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of an additional residential unit is acceptable given the residential character of the surrounding area and the need for housing nationally and locally, and the subdivision of the pre-existing dwelling to two flats has already been established under permission 19/04480/FUL;
- The units that would add to the housing stock;
- The quality of accommodation is acceptable for future residents;
- The design and appearance of the development is an acceptable quality and consistent with the approved 19/04480/FUL;
- The proposal would not create undue harm to the amenity of nearby residential properties and their occupiers;
- The level of parking and impact upon highway safety and efficiency would be acceptable;
- Impacts upon biodiversity and ecology are acceptable;
- All remaining aspects can be controlled by condition.

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 A total of 9 neighbouring properties were notified about the application and invited to comment. The application has been publicised by way of one or more site notices displayed in the vicinity of the application site. The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

First consultation

No of individual responses: 14 Objecting: 10 Supporting: 0

Second consultation

No of individual responses: 2 Objecting: 2 Supporting: 0

Third Consultation

No of individual responses: 1 Objecting: 1 Supporting: 0

6.2 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:

Objection	Officer comment
Character and design	

Not in keeping Out of character Over development	<i>Covered within paragraphs 8.6 to 8.8</i>
Neighbouring amenity	
Noise pollution Loss of privacy Overlooking	<i>Covered within paragraphs 8.16 to 8.18</i>
Transport and Highways impacts	
Increased parking stress	<i>Covered within paragraphs 8.21 to 8.24</i>
Not material matters	
Will set a dangerous precedent Enforcement issues and planning breach related to 19/04480/FUL Loss of a three bedroom home	<i>Each case is to be considered on its own merits, therefore a precedent argument is not material in the determination of this application The subdivision of the property has already been established under</i>

7 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 (2022). 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
- D7 Accessible Housing
- D12 Fire safety
- D14 Noise
- G5 Urban Greening
- G6 Biodiversity and access to nature
- G7 Trees and Woodlands
- H1 Increasing Housing Supply
- SI 2 Minimising Greenhouse Gas Emissions
- SI 8 Waste Capacity and Net Waste Self-Sufficiency
- SI 12 Flood Risk Management
- SI 13 Sustainable Drainage
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car Parking
- T6.1 Residential Parking

Croydon Local Plan (2018)

- SP2 Homes
- SP4 Urban Design and Local Character
- SP6 Environment and Climate Change
- SP8 Transport and Communications
- DM1 Housing Choice for Sustainable Communities
- DM10 Design and Character
- DM13 Refuse and Recycling
- DM16 Promoting Healthy Communities
- 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
- DM45 Shirley

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 5 September 2023, 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:

- Technical Housing Standards: Nationally Described Space Standard (2015)
- London Housing SPG (March 2016)
- National Design Guide (2021)

8 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

1. Principle of development
2. Design and impact on character of the area

3. Quality of residential accommodation
4. Impact on neighbouring residential amenity
5. Trees, landscaping and biodiversity
6. Access, parking and highway impacts
7. Cycle and Waste Storage
8. Flooding
9. Conclusion

Principle of development

- 8.2 Policy DM1.2 of the Croydon Local Plan advises that applications for the conversion of single dwellings to flatted accommodation will be granted where the subdivision of the property into two or more flats does not in itself result in the loss of a much-needed small family house. The supporting wording refers to a threshold of 3 bedrooms or 130 square meters – below which properties would not be appropriate for conversion as it would lead to the loss of a small family house of which there is a need within the borough. The policy also refers to the need for the conversion to provide suitable accommodation for future residential occupiers and that the conversion (itself and cumulatively) should not harm the character of the area.
- 8.3 In this case, the subdivision of the pre-existing dwelling to two flats has already been established under permission 19/04480/FUL. However, this application (Ref No 19/04480/FUL) sought to re-provide a three bedroom unit (split level flat) over the first and loft levels, ensuring that there was no net loss of three bedroom homes in the Borough.
- 8.4 Since this approval Officers have responded to complaints by interested parties and have attended the site, conducting both internal and external inspections including site surveys. Officers are therefore satisfied that the information submitted in this application is accurate and correct. Following the site visit Officers have calculated that the internal floor area of the original dwelling to be 127.7m², which falls marginally below that of the 130m² specified within Policy DM1.2 of the Croydon Local Plan 2018. However, Officers note that all three flats meet the minimum space standards (and further detail of this is set out in the 'quality of residential accommodation' section of this report below), set out within the London Plan 2021 and the National Space Standards (2015). Officers also note that the site is subject to an Enforcement Notice which does not state that harm arises from the loss of a small home as defined in Policy DM1.2. It is also noted that the flats subject to this application are currently occupied by tenants and the accommodation provided is of a good standard.
- 8.5 While the proposal at hand would result in the loss of a home smaller than 130m², the deficit of only 2.3m² is not significant, and the quality of accommodation provided is sufficient to meet national standards. All other matters, such as amenity space, refuse and cycle stores are capable of being secured via an appropriately worded condition and are discussed in more detail below.

Design and impact on character of the area

- 8.6 The NPPF 2023 states, 'that good design is a key aspect of sustainable development, is divisible from good planning and should contribute positively to making places better for people'. Policy DM10 of the Croydon Local Plan requires new development to respect the pattern, layout, siting, scale, height, massing, appearance, materials and built and natural features of the surrounding area. Policies D3, D4 and D5 of London Plan 2021 are also of relevance.
- 8.7 The studio unit proposed is facilitated by the erection of a hip to gable end roof extension and a large rear dormer extension, granted planning permission under 19/04480/FUL (and which has been erected). The application at hand proposes no further external works and the uplift of one unit is not considered to detrimentally affect the character of the host dwelling or wider area.
- 8.8 The development is considered acceptable in design and character terms and would thus comply with the aforementioned policies.

Quality of residential accommodation

- 8.9 London Plan Policies D3 and D6 and Policies SP2.8 and DM10 of the Croydon Local Plan (2018) require all residential developments to provide a suitable quantum and quality of private amenity space, and to accord with the Mayor of London's Housing Supplementary Planning Guidance and the nationally described Technical Housing Standards (2015) (NDSS).
- 8.10 Croydon Local Plan Policy DM10.4 requires residential developments to provide private amenity space, with 5sqm required for a 1-2-person unit and an extra 1m² per extra occupant thereafter. Policy DM10.4 also states that all flatted development must provide a minimum of 10m² per child of new play space as calculated using the Mayor of London's population yield calculator and Table 6.2 of the Croydon Local Plan.
- 8.11 Under approved application 19/04480/FUL, the second flatted unit was split across the first and loft floor levels. The current application provides two self-contained units at first and loft floor level which will be considered below. The ground floor unit has remained unchanged and does not form part of this planning application. The proposal therefore includes the following:

Unit	Size (bedroom/person)	GIA (sqm) proposed	Min. GIA (sqm)	Location in building
1	2b/3p	59.94	61	First Floor
2	1b/1p	39.06	37	Roofspace and lobby on first floor

- 8.12 The studio unit proposed would meet minimum space standards set out in Policy D6 of the London Plan 2021 and the National Technical Housing Standards, when taking the first floor lobby area into the calculation. The internal floor space of

39.06m² was agreed via onsite measurements taken by the LPA in the presence of the Planning Agent. 2.34m² of the total is delivered via a first floor lobby area, leaving a usable loft floor area of 36.72m². The small deficit of 0.28m² is not considered to result in a significant deficit that would result in substandard accommodation to justify a refusal of planning permission. The floorspace figure for the studio unit differs from that submitted in previous applications at the site. However, this figure is considered accurate and has been measured by the LPA during a joint site visit between the Enforcement Officer and Planning Officer in which the aforementioned calculations were agreed with the Planning Agent on site, and amended plans were submitted to reflect these measurements.

- 8.13 The studio unit benefits from a Juliette balcony to the rear and 2 rooflights to the front. This arrangement is considered to provide an acceptable level of outlook and daylight to the occupier of this studio flat.
- 8.14 The application at hand does not provide details regarding the proposed usage and sub division or otherwise of the existing garden as amenity space for the occupiers of the three units. However, as such details are capable of being secured via an appropriately worded condition, they would not amount to grounds in which planning permission could be refused.
- 8.15 The proposed development would provide an adequate standard of accommodation and the application would thus comply with the aforementioned policies.

Impact on neighbouring residential amenity

- 8.16 Local Plan Policy DM10 seeks to ensure that the amenity of residential neighbours is protected, including from noise. London Plan Policies D3 and D6 also seek to ensure that developments have acceptable impacts for neighbours.
- 8.17 The development concerns first floor and loft level units only and proposes no additional external alterations, thus this siting would not give way to any harmful loss of outlook to the adjoining property of No.20 Norbury Close, given its orientation in relation to the proposed unit and the directed outlook. The windows that serve these flats were considered acceptable under planning permission 19/04480/FUL. Furthermore, the proposed units do not contain any side elevation windows which could overlook the neighbouring sites and therefore no substantial overlooking would occur. The uplift of one studio unit would not intensify the use of the dwelling to an extent that would harm neighbouring amenity by reason of general noise and disturbance. No other neighbouring dwellings would be impacted by the development.
- 8.18 The proposal is considered acceptable in neighbour amenity terms and would thus comply with the aforementioned policies.

Trees, landscaping and biodiversity

- 8.19 London Plan policy G6 requires development proposals to achieve a net biodiversity gain and G7 states that wherever possible existing trees of value should

be retained. Policies SP7, DM27 and DM28 of the Croydon Local Plan 2018 are also of relevance as they seek to improve and safeguard green space within the borough.

- 8.20 The site contains a large tree to the end of the rear garden which would not be affected by the development given its siting and considering the application is for the subdivision of the existing dwelling only. The impact on trees and ecology would thus be acceptable and no conditions are deemed necessary in relation to this tree.

Access, parking and highway impacts

- 8.21 London Plan (2016) Policies T4 and T6 (and Table 10.3) sets out parking standards for proposed development. Croydon Local Plan (2018) Policies SP8.17, DM29 and DM30 provide further guidance with respect to parking within new developments and state that development should not adversely impact upon the safety of the highway network. Croydon Council's Vehicle Crossover Guidance is also relevant to this application.
- 8.22 The site has a Public Transport Accessibility Level (PTAL) of 1b which is classed as poor and the site is not within a Controlled Parking Zone. The site has an existing crossover.
- 8.23 The site benefits from an existing detached garage and front driveway. The principle of the development and its impact upon parking stress levels have been established under application 19/04480/FUL, albeit in relation to two units as opposed to the three now proposed. Given that the proposal would result in an increase of one unit such impacts upon localised parking stress would be limited while having regards to available parking in the wider locality and lack of controlled parking.
- 8.24 The parking arrangement proposed is considered acceptable and thus the application would comply with the aforementioned policies

Cycle and waste storage

- 8.25 Croydon Local Plan Policy DM10.2 states that the Council will support proposals that incorporate cycle parking within the building envelope. Failing that, the council will require cycle parking to be accommodated within safe, secure, well-lit, conveniently located, and weather-proof shelters, which should be unobtrusively located within the setting of the building. Policies DM16 and DM29 promote active travel including cycling. London Plan Policy T5 (and table 10.2) promotes cycling and requires adequate cycle storage.
- 8.26 Policy DM13.1 states that, to ensure that the location and design of refuse and recycling facilities are treated as an integral element of the overall design, the Council will require developments to sensitively integrate refuse and recycling facilities within the building envelope, or, in conversions, where that is not possible, integrate within the landscape covered facilities that are located behind the building line where they will not be visually intrusive or compromise the provision of shared amenity space. The Council's "Waste and Recycling in Planning Policy Document" dated August 2015 is relevant to the proposal now before the Council.

- 8.27 The applicant has stated that secure bicycle storage and that refuse stores can be accommodated in the rear garden and that refuse can be collected from the side driveway. This arrangement is largely as approved under application 19/04480/FUL. Given the modest increase of one unit it is considered that such details can be secured via an appropriately worded condition.
- 8.28 Subject to the addition of the aforementioned condition, the development would be acceptable in relation to cycle and refuse and would thus comply with the aforementioned policies.

Flooding

- 8.29 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. Policies SI 12 and SI 13 of the London Plan 2021 are also relevant here
- 8.30 A Flood Risk Assessment has been submitted as part of this application. The site is located in an area at risk of surface water flooding. As the development does not propose any additional extensions, it is not considered necessary nor reasonable to add any conditions relating to flooding. This is consistent with the approach taken on application 19/04480/FUL.

Conclusion

- 8.31 The development would result in the loss of small home under 130m² however Officers have had due consideration to the quality of accommodation provided, the minor shortfall of 2.3m² and the provision of additional residential units. Regard has also been paid to the requirements of the Enforcement Notice which in itself does not identify harm as a result of the loss of a small home in the borough. The proposal is capable of providing amenity space in excess of the minimum standard set out with the London Plan 2021 with further details being secured via an appropriately worded condition. Sufficient space is available within the site for refuse and cycle storage which could be sited within the communal outdoor space. Further details of the precise location and the appearance of such storage is capable of being secured through condition. The proposal would not give rise to flooding, fire safety or trees and ecological concerns with the details of fire safety being secured through condition. Finally, given the modest increase of one unit, one above that which was consented under application 19/04480/FUL, it is not considered that the proposal would give rise to a harmful increase in vehicle trips that would cause harm to the safety and efficiency of the highway network; with any overspill parking being capable of being accommodated on nearby streets. When weighing all material considerations into account it is recommended that planning permission is granted subject to conditions without further delay.
- 8.32 All other matters are capable of being secured through condition and Officers are therefore satisfied that the proposal is acceptable in all regards.

8.33 All other relevant policies and considerations, including the statutory duties set out in the Equalities Act 2010, the Human Rights Act, the Planning and Compulsory Purchase Act, and the Town and Country Planning Act, have been taken into account. Given 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 terms subject to the detailed recommendation set out in section 2 (RECOMMENDATION).