

**PART 5: Planning Applications for Decision**

**Item 5.1**

**1 SUMMARY OF APPLICATION DETAILS**

Ref: 17/01115/FUL  
 Location: 144 Portland Road  
 Ward: Woodside  
 Description: Alterations : Alterations to frontage ; Use of ground floor for purposes within class A1 retail ; provision of 2 bedroom maisonette on upper floors: erection of single storey side/rear extension ; Erection of dormer extension in rear roof slope and rooflight windows in front roof slope (amended description)  
 Drawing Nos: P9095/OS ; P9095/01 ; P9095/02 Revision B  
 Applicant: Mr Robert Ramlakhan  
 Agent: Mr Rosario Russo, Terrarossa Project  
 Case Officer: Dean Gibson

Type of accommodation	Number of bedrooms	Number of persons
1 Maisonnette	2	4
Total	2	4

Number of car parking spaces	Number of cycle parking spaces
0	Not indicated

1.1 This application is being reported to Planning Sub-Committee because Councillor Paul Scott has referred it in accordance with the Committee Consideration Criteria and has requested it be determined by the Planning Sub-Committee.

**2 RECOMMENDATION**

- 2.1 That the Planning Sub-Committee resolve to REFUSE planning permission subject to:
  
- 2.2 That the Director of Planning and Strategic Transport has delegated authority to issue the refusal of planning permission for the following reasons :-

**Refusal Reasons**

- 1) The proposed retail use in an out of centre location would be detrimental to the retail viability and vitality of the Borough's defined retail areas and would thereby conflict with Policy 4.7 of the London Plan 2016 (as consolidated with alterations since 2011) and Policies SP3.9, SP3.11 and SP3.12 of the Croydon Local Plan Strategic Policies 2013 (CLP1) and Policy SH1 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 (2013 Saved Policies as

identified in appendix 4 of the CLP1) and Policy DM9 of the Croydon Local Plan Detailed Policies and Proposals (CLP2) 2016 Proposed Submission.

- 2) The development would result in the loss of a small family house and would thereby conflict with Policies 3.3 and 3.5 of the London Plan 2016 (as consolidated with alterations since 2011), Policies SP2.5 and SP2.6 of the Croydon Local Plan Strategic Policies 2013 (CLP1), and Policies H7 and H11 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 (2013 Saved Policies as identified in appendix 4 of the CLP1) and Policy DM1 of the Croydon Local Plan Detailed Policies and Proposals (CLP2) 2016 Proposed Submission.
- 3) The development would result in sub-standard accommodation by reason of an inadequate floor area and an unsatisfactory layout to the flat and would thereby conflict with Policies 3.3 and 3.5 of the London Plan 2016 (as consolidated with alterations since 2011) and The London Plan Housing Supplementary Planning Guidance 2016, and Policies SP2.5 and SP2.6 of the Croydon Local Plan Strategic Policies 2013 (CLP1), and Policy SP2.8 of the Croydon Local Plan Strategic Policies (CLP1.1) 2016 Proposed Submission, and Policies UD8, H2 and H7 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 (2013 Saved Policies as identified in appendix 4 of the CLP1)
- 4) The size and siting of the rear single storey extension would not respect or improve the existing pattern of buildings and the spaces between and around them. It would thereby conflict with Policies 7.4 and 7.6 of the London Plan 2016 (as consolidated with alterations since 2011), Policies SP4.1 and SP4.2 of the Croydon Local Plan Strategic Policies 2013 (CLP1), and Policies UD2, UD3, and UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 (2013 Saved Policies as identified in appendix 4 of the CLP1) and the Supplementary Planning Document No.2 on Residential Extensions and Alterations and Policy DM11 of the Croydon Local Plan Detailed Policies and Proposals (CLP2) 2016 Proposed Submission.
- 5) The size and siting of the rear single storey extension would be detrimental to the amenities of the occupiers of an adjoining residential property resulting in loss of light and loss of outlook. It would thereby conflict with Policy 7.6 of the London Plan 2016 (as consolidated with alterations since 2011), Policy SP4.2 of the Croydon Local Plan Strategic Policies 2013 (CLP1), and Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 (2013 Saved Policies as identified in appendix 4 of the CLP1) and the Supplementary Planning Document No.2 on Residential Extensions and Alterations and Policy DM11 of the Croydon Local Plan Detailed Policies and Proposals (CLP2) 2016 Proposed Submission.
- 6) Any other refusal reasons considered necessary by the Director of Planning and Strategic Transport.

### **Informatives**

- 1) Site notice removal

- 2) Community Infrastructure Levy – In event of appeal.
- 3) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

### **3 PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 3.1 The proposal is to convert the existing single family dwelling into a shop (A1 Use Class) at the ground floor and convert the upper floors into a self-contained two bedroom maisonette.
- 3.2 Extensions are also proposed to the building. These would comprise a single storey side and rear wrap-a-round extension and a dormer extension to the rear roof slope. Rooflight windows are also proposed to the front roof slope.

#### **Site and Surroundings**

- 3.3 The site consists of a terraced two storey residential single family dwelling on western side of Portland Road. The building has a two storey outrigger with side run to the southern flank. There is a small rear garden. The site is bounded to the south by a residential dwelling (146 Portland Road). To the north (142 Portland Road) there is a retail unit (William Hill) at ground floor with a dwelling above. To the rear of the site is a commercial building use. The site is within an area of high density and a Local Area of Special Character. The site does not benefit from any retail designation. Portland Road is classified as a London Distributor Road.

#### **The Planning History**

- 3.4 17/06007/LP - Erection of single storey rear extension ; erection of dormer extension in rear roof slope; insertion of rooflight windows in front roof slope. Granted lawful development certificate 08/12/2017.
- 3.5 17/04354/LP – Alterations to rear ground floor ; erection of rear single rear extension ; erection of dormer extension in rear roof slope ; insertion of skylight windows in front roof slope. Granted lawful development certificate 07/09/2017.
- 3.6 08/03511/P – alterations to front elevation and use of former shop on ground floor for residential purposes in connection with remainder of building. Granted planning permission 09/09/2017 - Implemented

### **4 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 4.1 The proposed retail unit would be outside of a defined retail area and would undermine the vitality and viability of established retail areas in Croydon.
- 4.2 The proposed conversion would lead to the loss of small family house (i.e. a house with less than 130 square metres of gross internal floor area). The existing dwelling only has a gross internal floor area of 96.35 square metres.

- 4.3 The proposed maisonette would not meet the gross internal floor area standards as set out in the London Plan for 2 bedroom dwellings set over two floors. The second bedroom in the roofspace of the maisonette would have a poor and cramped layout. The proposed accommodation would therefore be of a poor standard.
- 4.4 The excessive size and siting of the proposed ground floor extension would be detrimental to the appearance and character of the existing dwelling and character of the area.
- 4.5 The excessive size and siting of the ground floor extension would be detrimental to the amenities of the adjacent residential occupiers at 146 Portland Road.

## **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 The application has been publicised by way of one or more site notices displayed in the vicinity of the application site.
- 6.2 Councillor Paul Scott referred the application to Planning Sub-Committee for decision on the following issues:-
- Restoration of retail use supporting the vitality and regeneration of the local area.
  - Change in housing provision.
- 6.3 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 0

No of petitions: 0

## **7 RELEVANT PLANNING POLICIES AND GUIDANCE**

- 7.1 In determining any planning application, the Council is required to have regard to the provisions of its Development Plan so far as is material to the application and to any other material considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The Council's adopted Development Plan consists of the London Plan 2016 (consolidated with alterations since 2011), the Croydon Local Plan: Strategic Policies 2013 (CLP1), the Croydon Replacement Unitary Development Plan 2006 Saved Policies 2013 (UDP) and the South London Waste Plan 2012.

## CLP1.1 & CLP2

7.2 The Partial Review of Croydon Local Plan: Strategic Policies (CLP1.1) and the Croydon Local Plan: Detailed Policies and Proposals (CLP2) have been approved by Full Council on 5 December 2016 and was submitted to the Planning Inspectorate on behalf of the Secretary of State on 3 February 2017. The examination in public took place between 16th May and 31st May 2017. Main modifications have been received from the Planning Inspector and the Council consulted on these modification during the period 29 August – 10 October 2017. The Council has now received the Planning Inspector's report which found the Plan to be sound – subject to the changes identified and promoted by the Planning Inspector in his report. The Plan is being presented to Full Council on 27<sup>th</sup> February 2018 – with an expectation that the Plan will be adopted. According to paragraph 216 of the NPPF, relevant policies in emerging plans may be accorded weight following publication, but with the weight to be given to them is dependent on, among other matters, their stage of preparation. Now that the Planning Inspector's report has been published with the various policies and proposals found to be sound (albeit subject to heightened modifications) significant weight may be afforded the various policies and proposals included within CLP1.1 and CLP2

7.3 The NPPF identifies a number of key issues for the delivery of sustainable development, those most relevant to this case are:

- Section 2: Ensuring the vitality of town centres
- Section 4: Promoting sustainable transport
- Section 6: Delivering a wide choice of quality homes
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change

7.4 The main policy considerations raised by the application that the Committee are required to consider are:

7.5 Consolidated London Plan 2016 (LP):

- 3.1 Equal Life Chances for All
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 4.7 Retail Vitality in Defined Centres
- 5.2 Minimising Carbon Dioxide Emissions
- 5.13 Sustainable Drainage

- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.3 Transport Capacity
- 6.9 Cycling
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets
- 7.15 Reducing and Managing Noise
- 7.19 Biodiversity
- 7.21 Trees and Woodland

7.6 Croydon Local Plan: Strategic Policies 2013 (CLP1) and Partial Review (CLP1.1) Proposed Submission 2016:

- SP2.1 Homes
- SP2.2 Quantities and Locations
- SP2.6 Qualities and Standards (SP2.8 in CLP1.1)
- SP3.11 and SP3.12 Retail Vitality in Defined Centres
- SP4.1 and SP4.2 Urban Design and Local Character
- SP6.2 Energy and Carbon Dioxide Reduction
- SP6.3 Sustainable Design and Construction
- SP6.4 Flooding and Water Management
- SP7.4 Biodiversity
- SP7.5 Productive Landscapes
- SP8.3 Pattern of Development and Accessibility
- SP8.6 Sustainable Travel Choice
- SP8.7 Cycle Provision

7.7 Croydon Replacement Unitary Development Plan 2006 Saved Policies 2013 (UDP):

- UD1 High Quality and Sustainable Design
- UD2 Layout and siting of new development
- UD3 Scale and Design of new buildings
- UD8 Protecting residential amenity
- UD13 Parking Design and Layout
- UD14 Landscaping
- UD15 Refuse and Recycling Storage
- UC5 Local Areas of Special Character
- NC3 - NC4 Trees
- EP1 – EP3 Pollution
- EP5 - EP7 Water – Flooding, Drainage and Conservation
- SH1 Retail Vitality in Defined Centres
- T2 Traffic Generation from Development
- T4 Cycling
- T8 Parking

- H2 Supply of new housing
- H7 Residential conversions
- H11 Loss of Small Houses

7.8 Croydon Local Plan : Detailed Policies and Proposals Proposed Submission 2016 (CLP2)

- DM1 Housing Choice
- DM6 Development In Neighbourhood Centres
- DM9 Development in Edge of Centre and Out of Centre Locations
- DM11 Design and Character
- DM14 Refuse and Recycling
- DM24 Sustainable Design and Construction
- DM25 Land Contamination
- DM26 Sustainable Drainage
- DM28 Protecting / Enhancing Biodiversity
- DM29 Trees
- DM30 Sustainable Travel
- DM31 Car and Cycle Parking
- DM49 South Norwood and Woodside

7.9 There is relevant Supplementary Planning Guidance as follows:

- SPD2 – Residential Extensions and Alterations
- SPG12 – Landscape Design
- SPG17 - Sustainable Surface Water Drainage
- London Plan Housing 2016 SPG

## 8 MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of development – retail vitality and loss of small house
2. Townscape and visual impact and consideration of density
3. Housing Quality for future occupiers
4. Residential amenity for neighbours
5. Transport
6. Sustainability

### **Principle of Development – Retail Vitality and Loss of Small House**

8.2 The appropriate use of land is a material consideration to ensure that opportunities for development are recognised.

8.3 The application proposes an A1 retail unit of 56.48m<sup>2</sup> on the ground floor (the figure of 62.5m<sup>2</sup> on the plans is not correct). In this case, the application site does not benefit from any retail designation and is not within a defined centre. It is an out-of-centre location.

- 8.4 Paragraph 24 of the NPPF states local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 8.5 Policy DM9 of CLP2 states that '*Where a sequential test satisfactorily demonstrates such uses cannot be accommodated within a town centre or edge of centre location or existing vacant units in any location, proposals will be acceptable in principle, provided the site is accessible and well connected to the town centre*'. Whilst the ground floor does have a history of use as a retail unit, (prior to 20018) the existing use of the site is residential. A sequential retail test is required on the proposal as the application is for a main town centre use (A1 use class) and the site is not within an identified centre. The site is 71m from the defined shopping parade on Portland Road and 500m from the defined District Centre. The site is therefore an 'out of centre' location.
- 8.6 The sequential test submitted by the applicant states that there are no town centre or edge of centre sites which can accommodate the proposal. The sites which have been assessed in the District Centre have been discounted as being too large or the rent advertised is too great for the applicant. Edge of centre sites have also been assessed and no preferable sites are found.
- 8.7 Having reviewed the sequential test, it is not agreed that there are no sites within the town centre or edge of centre that could not accommodate this proposal. The test clearly shows that there are a number of vacant sites within the town centre, including those of similar size to that proposed in this application. The reason given for the unsuitability of sites of "the applicant cannot compete with the levels of rental demanded in this prime shopping area," is not a suitable reason for identifying a site as unviable. The sequential test indicates that there are vacant sites within the town centre that could be used for the proposed A1 use. In line with paragraph 26 of the National Planning Policy Framework, where a proposal fails to satisfy the sequential test, it would warrant a reason for refusal.
- 8.8 In Croydon's emerging Policy document – Croydon Local Plan : Detailed Policies and Proposals (CLP2) the site is outside of the extent of the proposed Portland Road Neighbourhood Centre running between Watcombe Road and Woodside Avenue. Therefore, in this instance the proposed retail use would not benefit from emerging policy which promotes new retail uses within the Neighbourhood Centres.
- 8.9 Policy seeks to protect Croydon's stock of small family dwellinghouses. These are defined as houses with a gross internal floor area of less than 130 square metres. The existing house has a gross internal floor area of 96.35 square metres as it is set over two floors only, so is defined as a small house. Therefore, the loss of the small house would be contrary to policy and it would warrant a reason for refusal.

8.10 The principle of the development of the site is therefore considered to be unacceptable.

### **Design of Extensions / Effect of Extensions on Neighbouring Amenity**

8.11 The Council's design guidance on residential extensions recommends that rear single storey extensions do not project out more than 3m in depth beyond adjacent properties. In this case the extension would project out 3.5m from the end of the outrigger. It would be full width. The extension would also infill the 6.18m depth of the side run on the southern flank of the outrigger. In this case there is a 3.5m depth extension attached to end of the outrigger of 146 Portland Road, however it has an open side run. Therefore, the proposed extension as a whole would not respect spaces between buildings and its overall siting and massing would be disproportionate to the ground floor of the existing rear elevation/amenity area. The infilling of the side run in conjunction with the full width extension to the end of the outrigger would also result in adverse loss of light and loss of outlook to the ground floor occupiers of 146 Portland Road (where there is at least one habitable room window on its northern flank elevation). The relationship of the extension to the other adjacent property at 142 Portland Road would be acceptable as it has a commercial unit (William Hill) at ground floor. The design and amenity issues would therefore warrant two reasons for refusal.

8.12 Subsequent to the submission of the planning application a lawful development certificate applications (Ref: 17/04354/LP and 17/06007/LP) were submitted for rear extensions to property. This included rear single storey extensions to the end of the outrigger and the side run. Both extensions were shown as 3 metres in depth. In comparison, the proposed wrap-a-round extension of the planning application is 3.5 metres depth to the end of the outrigger and 6.18 metres in depth in the side run. Therefore, the rear ground floor extensions of the lawful development certificate do not provide any justification for the size of the proposed rear single storey extensions of the planning application.

8.13 The Council's design guidance on residential extensions recommends that dormer extensions be no more than two-thirds the width of the existing roof slope and leave space around all sides. The proposed dormer extension would effectively occupy the full width / full height of the existing rear roof slope.

8.14 The lawful development certificate applications also included rear dormer extensions the same size and design as that which is proposed under the current planning application. On that basis given that the proposed dormer extension could be constructed under permitted development then its size and design would not warrant a reason for refusal.

### **Housing Quality for future occupiers**

8.15 The 2bed/4person maisonette would be set over two storeys at first and second floor level. The London Plan requires such accommodation to have a minimum floor area of 79m<sup>2</sup>. A total of 9.45m<sup>2</sup> floor area in the roofspace would be below a head height of 1.5m, so the proposed habitable floor area of the flat of 63.94m<sup>2</sup> would be considerably below the standard of 79m<sup>2</sup> required for this type of

accommodation (a figure for the flat of 79.5m<sup>2</sup> shown on the plans is incorrect). The second floor bedroom in the roof area would also have a restricted headroom and a cramped layout as part of the main bedroom area would be set in the eaves of the front roof slope. The bedroom would only be served by skylight windows. This would not be an acceptable arrangement. Therefore, the layout of the flat would warrant a reason for refusal.

### **Transport**

- 8.16 The site has a Transport London Ptal of 3/4 so is moderately accessible by public transport. No off-street parking is proposed and none could be provided on site. The non-provision of parking would be acceptable in this case and it is not considered the proposed development would lead to an adverse increase in traffic generation or demand given the modest size of the retail unit. The road is well served by bus routes connecting to transport hubs.
- 8.17 No details have been provided for cycle storage, however, this matter could usually be secured by condition.

### **Sustainability**

- 8.18 The residential element of the development would need to meet target consumptions rates to minimise water usage. This matter could usually be secured by condition.

### **Environmental Issues**

#### Water Resources and Flood Risk

- 8.19 The connection to existing drainage systems would be maintained.

## **9 OTHER PLANNING ISSUES**

#### Trees and landscaping

- 9.1 There is overgrown vegetation in the rear of the site, but there are no trees on the site. The site has no nature designation. The details of landscaping/boundary treatments could usually be secured by condition.

#### Refuse storage

- 9.2 No details provided. This matter could usually be secured by condition.

#### Security

- 9.3 In terms of security, the development would increase natural surveillance of the adjacent properties.

### **Conclusion**

- 9.4 The recommendation is to REFUSE planning permission. All other relevant policies and considerations, including equalities, have been taken into account.