The Planning Inspectorate

Appeal Decision

Site visit made on 1 August 2017

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 September 2017

Appeal Ref: APP/L5240/W/17/3172187
48 Enmore Road, South Norwood, London SE25 5NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Fergus Prentice – Polo Homes Ltd against the Council of the London Borough of Croydon.
- The application Ref 16/05623/FUL, is dated 1 November 2016.
- The development proposed is alteration and use as 9 bedroom HMO, and single storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for alteration and use as 9 bedroom HMO, and single storey rear extension at 48 Enmore Road, South Norwood, London SE25 5NG in accordance with the terms of the application, Ref 16/05623/FUL, dated 1 November 2016, subject to the following 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: 149 PL001; 149 PL002 Rev 6; 149 PL020 Rev 4; 149 PL021 Rev 3; 149 PL022 Rev 3; and 149 PL023 Rev 2.

    3) Prior to the occupation of the development hereby permitted, details of refuse storage shall be submitted to and approved in writing by the local planning authority. Refuse storage shall be implemented in accordance with the approved details, prior to the occupation of the development hereby permitted and shall be retained thereafter.

    4) The visibility splays as shown on the approved plans shall be provided prior to the use of the vehicular access and shall be retained thereafter.

Preliminary matters

2. The appeal was lodged prior to the date of the Council's decision notice. The appeal therefore follows the failure of the Council to determine the planning application within the prescribed period of time. However, the Council's decision notice, officer report and appeal statement set out the reasons why it considers the proposal would be unacceptable and this has formed the basis of the main issue.

3. The Council's decision notice makes reference to policies of the London Plan 2015. However, I have considered the appeal on the basis of the relevant and most recent London Plan 2016 (London Plan) policies which were in effect when the planning application was submitted.

4. The Council changed the description of the proposed development from that shown on the application form. However, the appellant raises no objection to the change. I have therefore used the revised description in the banner heading above which clearly and accurately describes the proposed development.

5. The appeal property benefits from a Certificate of Lawfulness Development[1] (CLD) to convert it to a 6 bed House in Multiple Occupation (HMO) and for a single storey rear extension. At the time of my site visit, it appeared that the appeal property was in the process of being converted to a 6 bed HMO and the single storey rear extension had been erected. I have considered the appeal on this basis.

6. I have also dealt with another appeal (Ref APP/L5240/W/17/3175147) in respect of this appeal site. That appeal is the subject of a separate decision.

Main issue

7. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance and availability of on-street parking.

Reasons

8. The appeal property is located within a wider residential area. There are a variety of dwelling types along Enmore Road, including single family dwellings, conversions and purpose built blocks of flats. The proposal seeks consent to use the appeal property as a 9 bed HMO. It would therefore accommodate 3 more residents than the consented 6 bed HMO. Consequently, it is the effect of this increase in resident numbers which I need to consider.

9. The Council raises the concern that residents of HMOs are likely to have independent lifestyles which are not fixed around routines similar to residents of a single family dwelling. Moreover, that 3 additional residents would result in general movements substantially above those associated with a single family dwelling. It is on this basis that the Council considers that the proposal would have a harmful effect on neighbour amenity.

10. Nevertheless, the residents of a single family dwelling could equally have a varied routine, depending on their jobs, hours of work and any activities or education they are involved in. Thus, I am not convinced there is any standard for a single family dwelling in this respect. Moreover, on the basis that the appeal property is likely to be used as an HMO in the near future in any case, given the current conversion works and the granted CLD, the principle of an HMO use had already been established. Furthermore, the proposed increase from 6 to 9 residents would not be, in my view, significant in the context of an already varied range of dwelling types in the area and the Council does not qualify, with any clear evidence, why it considers otherwise. Therefore, I consider that such an increase would not materially add to the general

[1] Council Ref 16/05209/LP

movements of residents to and from the appeal property when compared with its use as a 6 bed HMO.

11. The Council also raises the concern that the proposal could accommodate more than 9 people resulting in a greater intensity of use. Nonetheless, the application clearly states the intended number of residents and it is on this basis that I have to consider the proposal. In addition, the appellant sets out that HMOs are subject to strict licensing controls by the relevant authority. Thus, I consider that the Council's concerns in this regard are unfounded.

12. A single off-street parking space would be provided. The Council sets out within its appeal statement that the appeal site is located within a reasonably accessible part of the Borough with local shops and bus stops within reasonable walking distance. I observed this to be the case. It is the Council's view that on this basis, car ownership rates by any future occupiers would not be high and that the proposal would comply with the expectations of local transport policies. This view is reflected by the Council's Transport Planner, who also sets out that car ownership levels for HMOs tend to be lower. I have no substantive evidence to take a different view on these matters. Moreover, at the time of my site visit, I observed a number of opportunities for on-street parking along Enmore Road. Whilst only a snapshot in time, there is no substantive evidence to demonstrate that this situation is likely to significantly change throughout the day. Thus, even if some additional on-street parking was to occur, it is likely that it could be adequately absorbed along this road without inconvenience for other residents.

13. I therefore conclude that the proposal would not result in material harm to the living conditions of the occupiers of neighbouring properties in respect of noise and disturbance and availability of on-street parking. It would therefore comply with saved Policies UD8, EP1, H8 and T2 of Croydon Replacement Unitary Development Plan 2006 (RUDP). These policies require, amongst other things, development to protect the amenity of neighbouring occupiers and to satisfactorily accommodate any traffic generated.

14. The proposal would also comply with Policy 7.6 of the London Plan which requires development not to cause unacceptable harm to the amenity of surrounding residential buildings.

15. Whilst the Council cites conflict with saved Policy UD2 of the RUDP, this policy does not specifically relate to living conditions matters and is therefore not of relevance to this main issue.

Other matters

16. I have had regard to the concerns of a number of interested parties including in respect of land ownership, standard of living accommodation, anti-social behaviour, flooding, overlooking, refuse, character and appearance, structural damage, protected species, asbestos, Japanese knotweed, fire safety, pressure on local services and sewers, plan inaccuracies and human rights.

17. Land ownership is a private matter and is therefore not a material planning consideration to which I afford any significant weight. The Council's HMO Team considers that the proposal meets the relevant standards for HMO accommodation. I have no compelling reasons to consider otherwise. There is no substantive evidence before me to indicate that HMOs generate anti-social

behaviour. On the basis that there would be no significant alterations to ground conditions, I am satisfied that there would be no increased risk of flooding. It is my understanding that additional windows have been approved as part of the CLD consent and that the proposal before me would not be significantly different in this regard. In addition, some of these windows are to be obscure glazed. Therefore, there would be no greater opportunity for overlooking. The provision of refuse storage is also unlikely to be materially different from that required under the CLD consent. I also observed that refuse storage in front gardens occurs at a number of other properties along Enmore Road so would not appear wholly out of context. In addition, the proposal would reflect the wider residential character of the area.

18. There is no substantive evidence to demonstrate that any building works, which would in any case be minor in nature, would result in structural damage to neighbouring properties. Nor is there any substantive evidence to indicate that there are any protected species within the appeal site, or any asbestos or Japanese knotweed. Fire safety would be likely to be dealt with under separate building control legislation. I also consider that the number of occupiers that the proposal would accommodate would be unlikely to put undue pressure on local services in the area or the sewer system. Having viewed the appeal property and considered the plans, I am satisfied that there are no inaccuracies which give me any significant cause for concern. Moreover, it is the proposed plans which I have based my considerations of any effects on. As I have found no material harm in respect of neighbour living conditions, I also find there to be no conflict with Schedule 1, Part I, Article 8 or Schedule 1 Part II, Article 1 of the Human Rights Act 1998.

19. In light of the above, I do not consider that any of these matters raised weigh against the proposal.

Conditions

20. I have had regard to the planning conditions suggested by the Council. I have amended some of these for clarity and conciseness. In addition to the statutory time limit condition, a condition specifying the relevant plans is necessary as this provides certainty. A condition relating to refuse storage is necessary in the interests of character and appearance and the efficient disposal of waste. I also agree that a condition relating to visibility splays is necessary in the interests of highway safety.

Conclusion

21. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson

INSPECTOR