



Appeal Decision

Site visit made on 10 October 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 31 October 2017

Appeal Ref: APP/L5240/W/17/3181079
45 Melfort Road, Thornton Heath CR7 7RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Georgi Milenkov & Mr Ivan Dimitrov against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/01862/FUL, dated 10 April 2017, was refused by notice dated 16 June 2017.
 - The development proposed is described as the change of use of a single family dwelling to 9 person HMO.
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Decision

1. The appeal is allowed and planning permission is granted for the use as a house in multiple occupation for 9 persons at 45 Melfort Road, Thornton Heath CR7 7RS in accordance with the terms of the application, Ref 17/01862/FUL, dated 10 April 2017, 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: Existing Layout Drawing No MR/09.A; Proposed Layout Drawing No MR/10.
 - 3) Prior to the occupation of the development hereby approved a scheme for the provision of cycle parking and waste /recycling bin storage shall be implemented in accordance with details that shall first be submitted to and agreed in writing by the local planning authority. Thereafter, the cycle parking and waste/recycling bin storage shall be undertaken in accordance with the approved scheme and the areas used for such purposes shall remain free from obstruction and available for use at all times.

Procedural Matters

2. The appeal property is currently occupied as a house in multiple occupation (HMO). The Council has confirmed that the property currently has a HMO Licence for up to six persons which has been implemented. Consequently, the Council changed the description of the proposal from that contained on the application form to 'use as a house in multiple occupation for 9 persons'. This is an accurate description of the proposal which I have used in the determination of this appeal.

3. The appellant has submitted a revised drawing that shows minor revisions to the existing layout from the plan originally submitted to the Council. These revisions primarily relate to the existing external recreation area and minor changes to shower rooms. The revised existing layout plan represents a very minor non-material amendment and I have therefore taken this into account in the determination of this appeal.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupants of nearby properties with particular regard to noise and disturbance.

Reasons

5. The appeal property comprises a two storey, mid terraced property that has been considerably extended on the ground and first floor. It is located on the relatively busy Melfort Road which has a resident's parking scheme in operation and public pay and display bays. The surrounding area is primarily in residential use comprising of similar scale terraced properties.
6. The proposal does not involve an increase in the seven bedrooms that currently exist at the property but proposes that the property would be occupied by nine persons in 5, one person units and 2, two persons units. The Council indicates that the layout meets the requirements as set out in the relevant Housing Acts.
7. I recognise that in some circumstances HMO's can give rise to a degree of noise and disturbance. However, in this case the Council has not provided any compelling evidence to demonstrate that the increase in the number of people living at the premises by three persons would inevitably lead to increased activity of an extent that would result in unacceptable levels of noise and disturbance. Furthermore, I have no evidence to suggest that the current occupation of the property by six persons has given rise to any concerns in respect of noise and disturbance.
8. The appellant has explained the noise insulation that was used in the refurbishment of the property. Although there is a rear communal amenity area, it is surrounded by close boarded timber fencing and I do not consider that its use by the increased number of occupants would cause any noise and disturbance beyond that which would normally result from the use of the property as family accommodation.
9. In view of the above, I consider that the evidence put forward by the Council is based mainly on supposition. Consequently, I find no reason to conclude that the proposal would result in any increased noise or disturbance to neighbouring residents of an extent that would harm their living conditions. The management of residential accommodation and the behaviour of individual residents is not a matter that can adequately be controlled by the planning system. The planning system provides a control on the use of land and, in this instance, I can see nothing inherent in the proposed use that would lead to any unacceptable increase in noise and disturbance, over and above the existing use.
10. Taking the above factors into account, there is no demonstrable evidence to suggest that the proposal would harm the living conditions of the occupants of nearby properties. As such, there would be no conflict with Saved Policies UD2, UD8, EP1 and H8 of the Croydon Replacement Unitary Development Plan

(2006) (UDP) and Policy 7.6 of the London Plan (Consolidated with alterations since 2011) (2015). These policies, amongst other things, require that proposals should not prejudice the amenity of the occupiers of surrounding land.

Other matters

11. The Council also suggests that the proposals would conflict with the provisions of Saved Policy T2 of the UDP. This policy states that 'Planning permission will only be granted where the traffic generated by a development can be satisfactorily accommodated on nearby roads including allowing for the impact of ameliorating measures such as for the increased use of public transport, cycling and walking'. The Officer Report indicates at paragraph 5.28 that the appeal property is located in an area with a Public Transport Accessibility Level (PTAL) rating of 4 which indicates good access to public transport. The report also states that 'it is not considered that the lack of off-street parking would impede highways safety and efficiency'.
12. I have no evidence to suggest how the proposal would conflict with the requirements of Saved Policy T2 of the UDP. The site lies within a sustainable location and although a residents parking scheme is in operation on Melfort Road, parking spaces were available at the time of my site visit in both the controlled and pay and display bays.
13. Although I accept that the submitted plans do not adequately show cycle parking arrangements, this is a matter that can be secured by means of an appropriate planning condition were I minded to allow the appeal. Taking the above factors into account, I can find no conflict with the requirements of Saved Policy T2 of the UDP.
14. I have also taken into account the concerns of a local resident regarding the impact of the proposals on local infrastructure which primarily relate to drainage, internet accessibility and refuse collection. Although these matters have been carefully noted, they do not alter the main issue which has been identified as the basis for the determination of this appeal, particularly in circumstances where the Council has not objected to the appeal scheme for these other reasons.

Conditions

15. In addition to the standard time limit condition, I consider it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. A condition is also necessary to ensure that adequate provision is made for cycle and bin storage.

Conclusion

16. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR