
Appeal Decision

Site visit made on 24 October 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 21st November 2017

Appeal Ref: APP/L5240/W/17/3180079

39 Brickfield Road, Thornton Heath CR7 8DS

- 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 Razin Omar against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/00649/FUL, dated 7 February 2017, was refused by notice dated 13 April 2017.
 - The development is the change of use of the existing building from a supervised communal home for up to six persons not including night staff to a house in multiple occupation (HMO) accommodating up to thirteen residents.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The plans submitted with the appeal indicated that the building contained 11 bedrooms. However, as bedroom 7 lacked en-suite facilities, the appellant now describes it as a living room. Consequently, the building now provides 10 bedrooms.

Main Issue

3. The main issue is the effect of the development on the living conditions of adjoining occupiers with particular regard to noise and disturbance.

Reasons

4. The appeal site is a single storey building that has been converted into a house of multiple occupation (HMO). The area is predominantly residential with a small convenience store located next door to the site. The primary concern from the Council is not the use of the building as an HMO, but rather the high level of occupancy by persons that would live separately as independent households within the building.
5. The building is roughly 'U' shaped and contains a living room, 10 bedrooms (each with en-suite WC and shower room), a single kitchen, a double kitchen, a boiler room and an office and shower room for staff. To the rear of the site is a small communal garden area. Notwithstanding the loss of bedroom 7, the building has the capacity to accommodate 13 people within the building living as 10 separate households.

6. The appellant argues that the convenience store next to the site generates a significant number of visits from local residents and therefore this part of Brickfield Road is not necessarily a quiet residential street. However, the store is a small unit that only provides basic products and is the subject of opening hours so that it is closed in the late evening and during the night.
7. The appellant also suggests that it is a generalised assertion that the pattern of activity from a HMO is different to the activities of other property types. Furthermore, the building is detached, which is beneficial in terms of ensuring that there is minimal noise and disturbance to nearby occupiers. However, the use of the property by 13 people living as 10 unconnected households is likely to lead to an increase in the comings and goings of tenants with differing patterns of behaviour, an increase in visitors to the site and other movements associated with deliveries and servicing. This level of activity is not akin to a single family dwelling or if the building was put to its lawful use as a 6 person care home with night staff.
8. I am not persuaded that the site is so far removed from surrounding residential properties that any noise or disturbance from activities associated with the use of the building, occupied by 13 persons, would not affect them. Moreover, local residents comment that anti-social behaviour has been witnessed at the site, affecting their living conditions.
9. I therefore conclude that the use of the building as a HMO occupied by 13 people is likely to result in unacceptable harm to the living conditions of adjoining occupiers through noise and disturbance. The proposal is therefore in conflict with Policies H8 and EP1 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 which seek, amongst other things, to ensure that development is only permitted where it does not have a significant effect on the residential environment.

Other Matters

10. I accept that there is support for the principle of this type of accommodation which could meet the needs of the Borough to provide housing for balanced and inclusive communities. I also acknowledge that the Council's HMO team accept that, subject to changes, the quality of the accommodation is acceptable. However, neither this nor any other material consideration that has been advanced outweighs the identified harm and conflict with policy.

Conclusion

11. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR