

Appeal Decision

Site visit made on 15 September 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/L5240/W/20/3253718
97 Melfort Road, Thornton Heath CR7 7RT

- 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 Ms Mussarat Khan against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/04432/FUL, dated 10 August 2019, was refused by notice dated 21 May 2020.
 - The development proposed was originally described as the conversion of 7 bedroom dwelling into 10 rooms HMO (Sui Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. At Part E of the appeal form it is stated that the description of development has not changed but a different description has been entered which reflects that which was used by the Council and is similar to that which was the subject of public consultation. The alternative description refers to a rear extension that the main parties indicate was incorporated into the proposal after the application was originally submitted. Although neither main party has provided written confirmation that a revised description of development has been agreed and I have used the original description in the heading above for that reason, I will proceed on the basis that the development includes a rear extension.
3. On visiting the site it appeared that works of development were being undertaken but that the development that is the subject of this appeal had not been completed. I have determined the appeal on that basis.

Main Issue

4. The main issue is the effect of the development on the supply of family housing.

Reasons

5. Policy SP2 of the Croydon Local Plan 2018 (The CLP) seeks to ensure that a choice of homes is available to meet a need for homes of different sizes, stating that this will be achieved by setting a strategic target for 30% of new homes to have 3 or more bedrooms. Whilst Policy SP2 does not address the change of use of existing dwellings and primarily relates to the provision of new dwellings, the retention of existing dwellings would contribute to the aim of securing a stock of housing that would align with that policy and ensure that the benefits of delivering housing in accordance with that policy are not undermined. As such, the change of use of the dwelling at the appeal site would conflict with the aim of Policy SP2 of The CLP.

6. Moreover, Policy DM1 of The CLP states that, in the interests of providing housing choice for sustainable communities, the redevelopment of residential units will be permitted where it does not result in the net loss of homes that were originally built with 3 bedrooms or were smaller than 130 square metres. Both main parties agree that, although the dwelling has been extended, it was originally built with 3 bedrooms and measured 130 square metres. Accordingly, whilst the development would not conflict with the abovementioned size threshold, the loss of a dwelling originally built with 3 bedrooms would conflict with Policy DM1 of The CLP.
7. Although the building has previously been extended and adapted, with a 4th bedroom having been formed previously and more recent extensions also increasing the number of bedrooms, Policy DM1 is clear that it relates to dwellings as they were originally built. I find that the inclusion of that text within the policy provides a clear indicator that the discouragement of the loss of dwellings is intended to apply to dwellings that have been extended as well as those that have not. Those dwellings that have been extended would still be likely to contribute to the stock of family housing with 3 or more bedrooms and, as such, their retention would reflect the strategic aim of Policy SP2 of the CLP.
8. In comparison to its predecessor from 2015, The Strategic Housing Market Assessment Update (November 2019) identifies an increased need for 2 bedroom homes and 'other accommodation', including shared housing. Although there is a remaining need for housing with 3 or more bedrooms, this is reduced. In this regard the appellant has identified that, outside of 3 large developments, 473 dwellings with 3 or more bedrooms were completed between March 2016 and June 2019. However, neither this nor the Council's Housing Completions records are conclusive in terms of demonstrating that there is no longer a need for 3 bedroom housing to be provided or retained. Consequently, the evidence before me does not lead me to afford reduced weight to the abovementioned policies.
9. The appellant has identified that, prior to the Council adopting an Article 4 direction, HMOs could be created without planning permission being required. Consequently, the record of planning applications is not necessarily an indicator of the stock of HMO accommodation and, as such, that evidence does not demonstrate that there is such a shortfall of shared accommodation that this proposal should be found acceptable despite the conflict with the abovementioned policies. Likewise, the evidence relating to the stock of HMO accommodation does not demonstrate that there is not pressure on the stock of family housing.
10. For the reasons given above, the development would have an unacceptable effect on the supply of family housing. Consequently, the proposal would conflict with policies SP2 and DM1 of The CLP, the aims of which are set out above.
11. As Policy 3.14 of the London Plan (2016) seeks to resist the loss of both housing and shared accommodation that meets an identified need, the change of use of the building from one form of housing to another would not conflict with that policy. However, this does not alter my assessment in respect of the other development plan policies set out above.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR