



Appeal Decision

Site visit made on 20 May 2021

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021.

Appeal Ref: APP/L5240/D/20/3260258

268 Melfort Road, Thornton Heath CR7 7RR

- 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 Imran Niazi against the decision of the London Borough of Croydon.
 - The application Ref 20/03345/FUL, dated 28 July 2020, was refused by notice dated 22 September 2020.
 - The development proposed is the change of use from a C3 (residential) to a small HMO (C4) for no more than 6 residents.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the application was determined the London Plan 2021 has been published by the Mayor. This London Plan replaces all previous versions and, therefore, the London Plan 2016 policies are no longer in force. There are no London Plan policies cited within the reasons for refusal. Therefore, given the nature of the refusal reasons, the main issues and the other Local Plan policies, it is not considered on this occasion that the publication of the new London Plan directly changes the assessment of this appeal.

Main Issues

3. The main issues are: -
 - whether the proposal would result in the unacceptable loss of a 3 bedroom family home; and
 - whether the development provides satisfactory cycle and refuse storage.

Reasons

4. The appeal site is within a predominately residential area and formed of a mid terrace property set back from the road. The proposal would change the use of the property to a house of multiple occupancy (HMO) occupied by between three and six unrelated individuals, as their only or main residence sharing basic amenities such as a kitchen or bathroom.
5. The permitted change of use between a dwellinghouse (Use Class C3) and an HMO (Use Class C4) has been removed across the Borough by an Article 4

Direction which came into effect on 28 January 2020. The Direction was introduced to address concerns relating to the loss of small family sized houses, for which there is a need, and the escalation of HMOs in some areas.

6. Policy DM1 of the Croydon Local Plan 2018 (Local Plan) promotes housing choice for sustainable communities with DM1.2 setting out that the Council will permit the redevelopment of residential units where it does not result in the net loss of 3 bedroom homes or the loss of homes smaller than 130sqm. At 118sqm and 3 bedrooms 268 Melfort Road falls within both restrictions.
7. The appellant argues that the Council have not provided substantive evidence of the harm that arises from the loss of small dwellings, their need and that that smaller homes are better suited to alternative housing types. However, contrary to the appellant's view, a strategic objective of the Local Plan is to provide a choice of housing, and the aim of policy DM1 is to meet the need for 3-bedroom family homes including the retention of the existing stock. The policy, as set out in the supporting text, is informed by the Croydon Strategic Housing Market Assessment. This objective is further supported by the recent introduction of the Article 4 Direction which specifically seeks to manage the existing stock of family housing, and the application received objections from third parties indicating that there is a wealth of HMOs in the area. The appellant has not provided any alternative evidence to support their position or demonstrated that there is no need for 3-bedroom family homes.
8. Whilst I accept that a small HMO would not change the residential character of the property or the area, it would result in the loss of a 3 bedroom family home. As such, I conclude that the proposal would be harmful to the family housing stock in direct conflict with Local Plan policy DM1.2.

Cycle and Refuse Storage

9. Local Plan policy DM10 is a general design and character policy which specifically indicates that in considering proposals for HMOs the Council will, amongst other things, consider the effects of refuse collection and parking on the character of the area.
10. I saw from my site visit that along Melfort Road refuse bins are stored to the front of properties, and many of the gardens have been removed to accommodate vehicle parking. The plans show areas for refuse and cycle storage within the existing front garden, including details of the enclosures¹. The garden, which is enclosed by a low wall, is of a sufficient size to accommodate this storage while maintaining areas of planting. Therefore, I do not find the proposed storage provision would be detrimental to the visual amenity of the area, and I agree with the appellant that any size or screening requirements could be addressed through a condition.
11. The proposal provides for covered cycle and refuse storage in an accessible location in accordance with policy DM13 and would support cycling in accordance with policy DM29 and accordingly I find no conflict with Local Plan policy DM10.

Conclusion

¹ Plan PR-P001

12. Whilst I have found that the proposal would make provision for appropriate cycle and refuse storage these considerations do not outweigh the conflict with Local Plan policy DM1.2 from the resultant loss of a 3 bedroom family home. As such, the proposal is contrary to the development plan when read as a whole and in this case, there are no material considerations of sufficient weight to indicate that the appeal should be determined other than in accordance with the development plan.
13. For the reasons set out above the appeal is dismissed.

G Ellis

Inspector