



Appeal Decision

Site visit made on 29 June 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021.

Appeal Ref: APP/L5240/W/20/3264339

146 Addiscombe Road, Croydon, CR0 7LA

- 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 Oliver Zergani against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/02198/FUL, dated 25 May 2020, was refused by notice dated 21 July 2020.
 - The development proposed is change of use from residential to HMO, 4 double bedrooms.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application the London Plan 2021 has been published by the Mayor. This London Plan replaces all previous versions and, therefore, the London Plan 2016 policies that are referred to in the decision notice are no longer in force. Both parties have been given a further chance to comment as to the impact of the publication of the London Plan 2021 on the proposal and therefore would not be prejudiced.
3. The appellant disputes whether planning permission is required for the proposed development as it is stated that the change of use to an HMO was implemented prior to the Article 4 which restricts such uses, taking effect. However, within the context of an appeal under Section 78 of the Act it is not within my remit to formally determine whether the proposed development requires planning permission as questioned by the appellant. If the appellant wishes to ascertain whether the development is lawful, they may make an application under section 191 of the Act.
4. The appellant, as part of their evidence, states that a revised internal layout has been submitted for consideration. However, a copy of this plan does not appear to have been included as part of the appeal documentation. In any event, a materially different layout would fundamentally alter the development proposed. It is important that in the interests of ensuring no one with an interest in this appeal is unfairly prejudiced, that what is considered at appeal is essentially what was considered by the Council at the planning application stage. Therefore, I have considered this appeal based on the plans submitted to the Council with the planning application.

Main Issues

5. The main issues are:

- The effect of the change of use on the Council's stock of housing suitable for family occupation; and
- The effect of the proposal on the living conditions of occupiers, with reference to internal space.

Reasons

Effect on housing stock suitable for family occupation

6. The appeal site comprises a four-bedroom detached dwelling, located within a large plot. It is located within an area that is predominantly characterised by detached and semi-detached family sized dwellings.
7. Both main parties confirm that in January 2020 an Article 4 Direction was put in place in Croydon which removed permitted development rights that would otherwise exist for changes of use to small houses in multiple occupation (HMOs). This enables the Council to control such changes of use through the consideration of a planning application.
8. Although I have not been provided with a copy, both parties confirm that the Strategic Housing Market Assessment (2015) identifies a particular need for 3-bedroom houses in the Borough. This is reflected by Policy SP2.7 of the Croydon Local Plan 2018 (LP) which states that the Council will seek to ensure that a choice of homes is available in the Borough that will address the borough's needs for homes of different sizes. It also sets a strategic target for 30% of all new homes to 2036 to have three or more bedrooms. It does not however, seek specifically to protect the Council's existing housing stock of family homes. Therefore, I do not consider that the appeal proposal would conflict with Policy SP2.7 in this regard.
9. The appellant has also highlighted the need for other types of accommodation in Croydon, having regard to the young demographics of the population and the percentage of single and homeless people. Indeed, whilst policy SP2.7 refers specifically to the need for homes with three or more bedrooms, it does also seek to ensure that homes of different sizes are provided in association with new developments.
10. The Council has not provided any substantive evidence to show that the appeal property is located within an area where there is a particular over concentration of HMOs. This leads me to conclude that the proposal would not have a harmful effect on the Council's stock of housing suitable for family occupation and accordingly, would not conflict with Policy SP2.7 of the LP which seeks to ensure that a choice of homes is available in the Borough.

Living Conditions

11. The proposed layout shows 4 bedrooms to be provided on the first floor of the property along with a bathroom. One of the proposed bedrooms measures only 3 metres x 2 metres. Shared facilities are shown to be provided on the ground floor; these comprise of a kitchen, two relatively large reception rooms and a WC.

12. The size of the smallest bedroom would not meet the minimum size of 10 square metres set out in the Council's Houses in Multiple Occupation Standards (2015) (HMO Standards). Whilst not forming part of the development plan, these standards do nonetheless provide useful guidance with regard to appropriate room sizes for HMOs in order to ensure appropriate living conditions.
13. The smallest bedroom would also fall short of the minimum floor area set out in the Technical Housing Standards – nationally described space standard (2015) (THS). Standard 24 of The London Plan Housing SPG (March 2016) (SPG) also requires all new dwellings to meet the nationally described space standard. Whilst the SPG was developed to support previous versions of the London Plan, it currently remains relevant for the implementation of the London Plan 2021. Whilst the standards set out in the THS relate to new dwellings, they provide useful guidance on acceptable minimum standards which I have had regard.
14. Whilst the bedroom would be provided with a good source of natural light and outlook, its restrictive width of 2 metres and its overall floor area of 6 square metres would not provide suitable living conditions for its occupier where it would be the main area of private space within the HMO. I therefore conclude that the proposal would have a harmful effect on the living conditions of existing and future occupiers, with reference to internal space. The proposal would be contrary to Policy SP2 and DM10 of the LP and the standards set out in the THS and the HMO Standards, which when taken together, expect high quality development that will provide a good standard of amenity for existing and future users and in particular provide adequately sized rooms.

Other Matters

15. I have been provided with tenancy agreements and letters of support from the tenants of the property which highlight the difficulties of finding alternative accommodation particularly during the COVID pandemic. This is a matter to which I have had regard but does not outweigh the harm I have identified with regard to living conditions.

Conclusion

16. Whilst I have found that the proposal would not have a harmful effect on the Council's housing stock of family sized dwellings, I have found that it would have a harmful effect on the living conditions of existing and future occupiers of the property with reference to internal space.
17. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR