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## Appeal Decisions

Site visit made on 7 December 2021

**by D.R McCreery MA BA (Hons) MRTPI**

**An Inspector appointed by the Secretary of State**

**Decision date: 20 December 2021**

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### **Appeal A Ref: APP/L5240/W/21/3275039**

#### **5 Lismore Road, South Croydon CR2 7QA**

- 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 Nadeem Qureshi against the decision of the Council of the London Borough of Croydon.
  - The application Ref 20/06544/FUL, dated 16 December 2020, was refused by notice dated 12 February 2021.
  - The development proposed is conversion of property into 7 units for use as HMO keeping the existing 2 studios at the side.
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### **Appeal B Ref: APP/L5240/W/21/3282723**

#### **5 Lismore Road, South Croydon CR2 7QA**

- 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 Nadeem Qureshi against the decision of the Council of the London Borough of Croydon.
  - The application Ref 21/02521/FUL, dated 13 May 2021, was refused by notice dated 8 July 2021.
  - The development proposed is retention of existing 2 studio flats with the conversion of the remainder of the property into a 6 bedroom HMO with refuse, cycle, provision and parking.
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## **Decision**

1. Appeal A: is dismissed.
2. Appeal B: is dismissed.

## **Procedural Matters**

3. As set out above there are two appeals on this site. The main differences between the proposals are to the layouts, including associated with the difference in the number of bedrooms. I have considered both proposals on their own merits. However, to avoid duplication I have reported the two on a single decision letter. My conclusions can be read as relevant to both proposals, except where specifically indicated.
4. The description of Appeal B refers to retention of two studio flats that adjoin the main house. The planning history indicates that studio flats were the subject of an existing use certificate granted in 2015.

5. Whilst the configuration of the studios are referred to in the Officer's report, there is not a strong indication from the Council's evidence that their lawfulness is a matter of significant dispute. As such, my conclusions are focused on the acceptability of the change of use of the remainder of the property (a dwellinghouse) to provide HMO bedrooms and the Council's related reasons for refusal.
6. Planning law requires that applications for planning permission be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. In this case, the development plan comprises policies in the Croydon Local Plan (Local Plan) and the London Plan. The National Planning Policy Framework (the Framework) is a material consideration.
7. The planning application in Appeal A was considered by the Council under the now superseded London Plan (2016). As appeals are decided on the basis of the development plan in force at the time of the appeal decision, I have assessed the proposals against policies in the 2021 London Plan.
8. The Council have included a generic reason for refusal relating to the accuracy of the Appellant's details. Where necessary, I have addressed this in relation to the specific main issues. Unless otherwise indicated it can be assumed that I find the evidence satisfactory to understand the proposals. Any minor discrepancies would be capable of being overcome through use of conditions requiring submission of further details.

## **Main Issues**

9. The main issues are:

- Whether or not the proposals result in the loss of a dwellinghouse that should continue to be available for that use.
- The effect on local highway conditions.
- Whether or not they would provide satisfactory living conditions for future occupants.
- Whether or not appropriate provision would be made for refuse and cycle storage.

## **Reasons**

### Loss of dwellinghouse

10. Policy DM1.2 of the Local Plan permits redevelopment of residential units where there is no net loss of three bedroom homes (as originally built). Justification for the policy explains that retention of three bedroom homes is needed to assist with the provision of family housing.

11. The existing dwellinghouse currently exceeds three bedrooms and has been subject to a number of extensions. I do not have sufficient evidence to conclude one way or another on the number of bedrooms that the house had as originally built, although I acknowledge the Appellant's comment that it had four.
12. On the basis of the information provided, I am of the view that conversion to provide HMO bedrooms without retaining suitable family housing of at least three bedrooms would be in conflict with Policy DM1.2.
13. Policy SP2.7 of the Local Plan seeks to achieve a choice of homes for people in the Borough to address needs for homes of different sizes. The provision of HMO bedrooms of a good standard has the potential to contribute towards this objective. However, in this case that would come at the expense of the loss of family sized accommodation. I do not have satisfactory evidence to conclude that the provision of HMO bedrooms would better reflect the requirements of Policy SP2.7. However, I am not of the view that the proposals are in direct conflict with Policy SP2.7, given its strategic nature and intentions.
14. In conclusion on this issue, the proposals would result in the loss of a dwellinghouse that should continue to be available for that use. Consequently, there is conflict with the development plan for the area, in particular Policy DM1.2 of the Local Plan which permits the redevelopment of residential units where there is no net loss of three bedroom homes.

#### Local highway conditions

15. The site falls within an area of poor access to public transport, when the standard PTAL measure is used. As such, there is a general risk of a greater level of car dependence being a characteristic of the area. Street parking on Lismore Road is not formally controlled, although the absence of on street parking controls should not be an automatic barrier to new development, as set out in Policy T6 c) of the London Plan.
16. Notwithstanding this, the evidence provided does not allow me to satisfactorily conclude on the specific levels of parking stress in the area one way or another. The PTAL rating alone suggests that there is at least a risk of high levels of existing parking stress that are worthy of more detailed consideration.
17. Three spaces to the front of the property are indicated as being available for car parking, although whether they are of sufficient size is a matter in dispute. Accepting that the spaces are appropriately sized at face value, the level of parking provided would still be in line with existing provision. It is also unclear whether this includes parking spaces that are intended to serve the two studios.

18. As such, whilst I find the submitted drawings sufficient to understand the proposal, there is doubt in the evidence over the level of overall parking provision that would be specifically allocated to serve the HMO bedrooms.
19. I appreciate the Appellant's view that users of the HMO are less likely to be car owners. There is a degree of logic to this point, however it is unevidenced and therefore does not attract significant weight.
20. For the reasons set out, the positions on existing parking stress and the potential need for on street overspill car parking resulting from the proposals is not satisfactorily evidenced. As such, I cannot conclude that they would not have a detrimental impact on local highway conditions by contributing to local parking stress, congestion, and therefore a reduction in highway safety.
21. Consequently, there is conflict with policies in the development plan for the area, in particular Policies DM29, and DM20 of the Local Plan in relation to highway safety.
22. Due to its strategic nature and content, I am not persuaded that there is conflict with Policy SP8 of the Local Plan. Given its specific requirements, direct conflict with Policy T6 of the London Plan is also not demonstrated.

#### Living conditions – future occupants

23. The Council refer to their 2015 standards for HMOs but have provided no detailed information about the planning status of the document. As such, I am unable to conclude on the weight to be attributed to its contents. Nevertheless, the overall sizes for the HMO bedrooms appears to be consistent with the standards.
24. In relation to Appeal A, the Council raise concerns about one of the HMO rooms having natural light provided only from a roof light. I agree that such provision would not represent acceptable living accommodation for future occupants. The drawings in relation to Appeal B show this issue as being addressed. Appeal B therefore represents acceptable provision in relation to the size and standard of the bedrooms.
25. I note the Council's comments in relation to the location of communal spaces. Elements of this might be inconvenient for users. However, I am not persuaded that it would result in unacceptable living conditions for future occupants.
26. In relation to outdoor amenity space, the evidence does not indicate whether the existing garden to the rear would be provided for users of the HMO bedrooms and, if so, on what basis. As such, I am unable to conclude that the proposal would provide appropriate private amenity space of high quality that accords with Policy DM10 of the Local Plan.

27. Considering each proposal as a whole, I am not satisfied that they would result in satisfactory living conditions for future occupants. Consequently, there is conflict with the development plan for the area, in particular Policy DM10 of the Local Plan which requires provision of private amenity space that is of a high quality. In addition, in the case of Appeal A, there is conflict with Policy D6 of the London Plan regarding provision of housing of high quality design with comfortable and functional layouts which are fit for purpose.
28. In the case of Appeal B the Council refer to Policy H10 of the London Plan in their reason for refusal. The evidence provided does not demonstrate that there is direct conflict with this policy.

#### Provision for cycles and waste storage

29. There is limited evidence on the refuse needs of the proposals and whether provision for waste storage would need to be greater than that associated with the existing dwelling. Given that each occupant of the HMO would be living reasonably independently, it cannot be assumed that provision would simply be in line with existing. I do not therefore have satisfactory evidence to conclude that the provision for refuse storage indicated on the plans, and space which might reasonably be available elsewhere on the site, is acceptable to meet the needs of the proposals.
30. The Council's evidence does not persuade me that strict provision for refuse storage in line with Policy DM13 of the Local Plan would be reasonable, particularly requiring integration into the building fabric or storage to be behind the front building line. Notwithstanding this, I cannot conclude that the proposals are adequate in their current form.
31. In relation to storage for cycles, the plans show an area to the side of the property. The overall size of the space appears adequate to accommodate storage in line with Policy T5 of the London Plan. Details of secure storage is a matter that could be addressed satisfactorily by condition.
32. In relation to the width of the side access, the Council do not indicate the origin of the 1.2 metre requirement that they highlight in their officer report. As such, I am unable to establish the weight I should give to this standard.
33. Notwithstanding this, a 1 metre width does not fall materially short and is adequate to serve the intended purpose. It is also reasonable to afford a margin of flexibility in cases such as conversions where strict adherence to such standards is not always practical and the planning impacts of falling slightly short would be negligible. As such, the cycle provision would accord with Policy DM30 of the Local Plan.

34. For the reasons set out, I do not have satisfactory evidence to conclude that the proposals would make appropriate provision for refuse storage. Consequently, there is conflict with Policy DM13 of the Local Plan in relation to refuse and recycling provision.

### **Conclusion**

35. The proposals would result in the loss of a dwellinghouse that should continue to be available for that use. I also do not have satisfactory evidence to conclude that they would not have a detrimental impact on local highway conditions, would result in satisfactory living conditions for future occupants, and would make appropriate provision for refuse storage. Associated conflict with the development plan for the area flows from my conclusions on these matters.
36. I acknowledge that the housing provision proposed may help contribute towards a mix of local needs. This could be a benefit, but should also be weighed against the loss of family sized housing. As such, this is not a matter which I can afford material weight to based on the evidence provided.
37. The Appellant's offer to give his home to the Council for their use is noted. However, the detail of what is proposed and formal mechanism for delivering such a proposal is unevidenced. As such, this is not a matter that attracts significant weight in this decision.
38. In the absence of material considerations to indicate otherwise, the proposals should be determined in accordance with the development plan. In this case, there is policy conflict pointing towards refusal of planning permission for both appeals.
39. For the above reasons, and paying regard to all other matters that have been raised, both Appeal A and Appeal B are dismissed.

*D.R. McCreery*

INSPECTOR