



Appeal Decision

Site visit made on 10 November 2021

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 04 FEBRUARY 2022

Appeal Ref: APP/L5240/W/21/3272957

102 Richmond Road, Thornton Heath CR7 7QD

- 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 M Khan against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/06147/FUL, dated 23 November 2020, was refused by notice dated 22 January 2021.
 - The development proposed is the material change of use of the dwelling to a 5 person House in Multiple Occupation (HMO).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development which is the subject of the appeal has already taken place.

Main Issues

3. The main issues are;
 - The effect of the proposal on the supply of small family sized dwellings; and
 - the safe and efficient operation of the highway network with regard to parking.

Reasons

Effect on supply of small sized dwellings

4. 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 three-bedroom homes (as originally built) or the loss of homes smaller than 130sqm. The wording of Policy DM1.2 is clear in that the size of the dwelling under consideration is as it was originally built, prior to any extensions. I have no doubt that it was specifically worded to take account of situations such as this, where a 'small' property was then subsequently extended. Although I understand the appellant's statements relating to the existing size of the property, there is clear conflict with Policy DM1.2 and the development has resulted in the loss of a dwelling which is protected by this policy.

5. There is a growth in single person households and the proposal would make a very modest contribution in meeting this demand. Moreover, 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 is informed by the Croydon Strategic Housing Market Assessment. This objective is further supported by the introduction of the Article 4 Direction which specifically seeks to manage the existing stock of family housing.
6. Whilst I accept that the HMO has not changed the residential character of the property or the area, and that it would provide additional housing for single households in the Borough, 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.
7. Policy SP2.7 indicates that the Council will seek to ensure that a choice of homes is available in the borough that will address the borough's need for homes of different sizes. Whilst this sets out a strategic objective, I note that the policy relates predominantly to new homes, and whilst the use of the dwelling as an HMO would conflict with the policy in respect of providing a choice of homes, the weight attached to this conflict is limited as this is not a proposal for a new home.

Effect on highway safety

8. The property is located in an area with what is considered to be an average level of public transport accessibility (the site has a public transport access level (PTAL) rating of 3). Public bus stops and Thornton Heath Train station are within walking distance of the appeal site and occupants of the development would have a range of transport options, thereby reducing the need to rely on a private vehicle.
9. The surrounding streets are not controlled parking zones, and at the time of my site visit there was parking capacity along Thornton Road. I note the Council refers to a significant impact on car parking stress, however I have very limited evidence relating to existing parking stress. Based on the availability of alternative transport options, and my observations at the time of my visit, I am satisfied that the proposal would not result in harm to the safe and efficient operation of the highway network.
10. Accordingly, it would comply with Policies SP8, DM29 and DM30 of the Local Plan which collectively seek to promote development which makes full use of public transport, cycling and walking and does not result in a severe impact on local transport networks.

Other matters

11. An Article 4 Direction covering the whole of the Borough came into force on the 28 January 2020, the effect of which was to remove permitted development rights for the change from Class C3 (dwellinghouse) to Class C4 (a small HMO).
12. The appellant asserts that the use of the property as an HMO does not require planning permission as it was in use as an HMO prior to the confirmation of the Article 4 Direction. I have before me an appeal statement and planning statement referring to the use of the property by Chatfield House since June 2019, and the property is currently in use as an HMO. However, whilst I have

information relating to the use generally, there is very limited evidence before me relating to the actual occupation of the property and on what terms or within which timeframes, such as tenancy agreements or statements from occupants. Whilst I note that the scheme is retrospective, I have limited evidence to qualify when the use began. I have determined the appeal based on the evidence before me and the applicable policy and legislation in force.

13. A scheme was previously considered at appeal on this site, and I have carefully considered the decision of the previous Inspector (APP/L5240/W/14/3001401). That Inspector found that the proposal (to convert the property into two 2 bedroom flats) would not result in the loss of a small family dwelling based on his interpretation of the Croydon Plan Unitary Development Plan (2006). That plan is no longer in force, and Policies H7 and H11 as considered by the Inspector are now found in Policy DM1 of the Local Plan. As I have set out in my reasoning above, the Local Plan is clear that the 'original dwelling' is to be considered when determining whether it is a small dwelling. Therefore, whilst the property has been significantly enlarged over a number of years, it was originally built as a three-bedroom house, and it remains for the purposes of this assessment subject to Policy DM1 of the Local Plan. I am required to determine the scheme having regard to the up-to-date development plan, and therefore my findings on this issue differ to the previous Inspector who assessed the redevelopment of this property against a previous development plan.

Conclusion

14. The proposal would conflict with the development plan when taken as a whole. There are no material considerations that would outweigh this conflict. Accordingly, for the reasons above and having regard to all other matters raised I conclude that the appeal is dismissed.

J Ayres

INSPECTOR