



Appeal Decision

Site visit made on 8 June 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2022

Appeal Ref: APP/P5870/W/22/3291998

6 Park Hill Road, Wallington SM6 0SB

- 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 Akash Luthra of AKA Investments (UK) Ltd against the decision of London Borough of Sutton.
 - The application Ref DM2021/01225, dated 11 June 2021, was refused by notice dated 27 January 2022.
 - The development proposed is change of use from 6-bed house of multiple occupancy (Class C4) to 7-bed house of multiple occupancy (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from 6-bed house of multiple occupancy (Class C4) to 7-bed house of multiple occupancy (Sui Generis) at 6 Park Hill Road, Wallington SM6 0SB in accordance with the terms of the application, Ref DM2021/01225, dated 11 June 2021, subject to the conditions set out in the schedule at the end of this decision.

Applications for costs

2. An application for costs was made by Mr Akash Luthra of AKA Investments (UK) Ltd against the London Borough of Sutton. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on the supply of family housing with particular regard to the character of the area.

Reasons

4. 6 Park Hill Road is currently in use as a House in Multiple Occupation (HMO) occupied by up to six people. I have no substantive evidence that it is likely to be occupied as a single family dwelling in the future. Therefore, the proposed change of use would not result in the loss of any family housing.
5. The site is within the Park Hill Road Area of Special Local Character (ASLC). The local plan describes the significance of this area as deriving from the character and appearance of its "large late Victorian and Edwardian detached and semi-detached well maintained two storey family housing typical of that period and in a variety of styles". I agree with this assessment. However, given the use of the property, it does not make a positive contribution to the family housing characteristic of the ASLC.

6. The increase of a single additional bedroom would not significantly alter the character of this property. No external alterations are proposed and therefore the existing appearance of the building would be maintained. As such, the proposed development would conserve the character and appearance of the area and ASLC.
7. Consequently, the proposed development would have an acceptable effect on the supply of family housing with particular regard to the character of the area. As such, in this respect, it would be in accordance with Policies 10 and 30 of the Sutton Local Plan 2016-2031 (2018) (SLP). Together these require that proposals for HMOs should not detract from the character and appearance of the area, and that development should conserve the character and appearance of ASLCs ,amongst other things.

Other Matters

8. The proposed development includes two off street car parking spaces and 7 cycle storage spaces which would be secured by condition. Considering the accessibility of the site and the likely car ownership of HMO occupiers, this would not significantly increase on street parking.
9. The property is not detached which is contrary to part of Policy 10 c (i) of the SLP. However, the proposed new bedroom does not adjoin the party wall, and the likely limited increase in occupants at this property would not significantly alter the current levels of noise. As such, in these circumstances, the semi-detached nature of the property would not be harmful. Therefore, in this case, these material considerations would outweigh this minor policy conflict.
10. Planning permission is not sought for any external works including extensions, boundary treatment, or changes to CCTV or external lighting and therefore these matters are not before me. It is put to me that there are issues regarding the maintenance and management of the existing property and its grounds, however the addition of one extra bedroom would not be additionally harmful in this respect.
11. There may be a very small increase in carbon emissions associated with an additional bedroom at this property. However, given the scale of the proposal any effect would be negligible. I have no detailed evidence that persuades me that the proposed development would result in unacceptable flood risk.
12. Although small properties are not of the highest local housing need, no loss of residential units are proposed and therefore the proposed development makes a small but positive contribution to the housing stock in the Borough. I am satisfied that the proposed development would provide appropriate quality accommodation and outdoor space for future occupiers and I have no reason to believe that the property would not satisfy fire safety requirements. The bin storage proposed is adequate.
13. I have been provided with detail of a number of applications for demolition of existing buildings and erection of flats¹, and applications for new houses² in the nearby area which were dismissed at appeal. However, none of these seek permission for a change of use from a small HMO to a large HMO. Therefore

¹ T/APP/5870/A/02/1086653, APP/5870/A/06/2011718, APP/5870/A/08/2077525, APP/P5870/W/19/3226021

² T/APP/5870/A/09/2094344, APP/P5870/W/19/3240126

they are significantly different to the appeal before me now and do not alter my conclusions.

14. Each application and appeal must be determined on its individual merits and therefore the concerns that the development would set a precedent would not justify withholding permission. Given the lack of harm identified, this property would be suitable for the development proposed.

Conditions

15. I have considered the Council's suggested conditions. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord. Car parking is required to be provided in the interests of highway safety. Details of cycle parking are required in order to promote sustainable modes of transport. These are required to be pre commencement as, due to the nature of the appeal scheme, the facilities would be required for the full duration of the development.
16. A condition specifying hours of construction work is suggested. However, as this application is for a change of use only, this would not be necessary.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

H Miles

INSPECTOR

Schedule of Conditions

- 1) The development must be begun not later than the expiration of three years beginning with the date hereof.
- 2) The approved development shall be carried out in accordance with the following drawings/details: Design and Access Statement, Location Plan, Block Plan, PR-00-DR-A-FFF Rev B, PR-00-DR-A-VV Rev A, PR-00-DR-A-YY Rev B
- 3) The proposed car parking area within the application site, as shown on drawing no. PR00-DR-A-FFF Rev B shall be implemented prior to the first occupation of the development hereby approved and permanently retained for that purpose only.
- 4) Prior to the first occupation of the development hereby approved (excluding demolition works), full details of the secure cycle storage facilities which shall show their positioning within the site, the size and materials of the enclosure and the means of access, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented on site prior to the first occupation of the development hereby approved and thereafter permanently retained in accordance with the approved details.