



Appeal Decision

Site visit made on 22 November 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/L5240/W/22/3292381

38 Woodville Road, Thornton Heath, Surrey CR7 8LG

- 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 Ms Flora Ebire Ezenwoye against the decision of London Borough of Croydon.
 - The application Ref 21/03547/FUL, dated 13 July 2021, was refused by notice dated 27 August 2021.
 - The development proposed is conversion to HMO
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Decision

1. The appeal is allowed and planning permission is granted for conversion to HMO at 38 Woodville Road, Thornton Heath, Surrey CR7 8LG in accordance with the terms of the application, Ref 21/03547/FUL, dated 13 July 2021, subject to the following conditions:
 - 1) The development shall be begun within three years of the date of the permission.
 - 2) The development shall be carried out entirely in accordance with the following drawings and documents submitted with the application: 1, 2, 3, 4, 5, 6, and 7A.
 - 3) Prior to the commencement of the use, details of a sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented and retained in accordance with the approved details.
 - 4) Prior to the commencement of the use, details of secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented and retained in accordance with the approved details.
 - 5) Prior to the commencement of the use, details of refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented and retained in accordance with the approved details.
 - 6) The maximum number of occupiers residing in the HMO accommodation within the building shall not exceed 5 persons.

Main Issues

2. The main issues are the effect of the proposed development on the supply of homes of different sizes and on the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

Reasons

Homes of different sizes

3. The London Borough of Croydon's Strategic Housing Market Assessment 2015 identified a requirement for larger homes and formed the evidence base for the Croydon Local Plan 2018 (CLP) policies. Consequently, Policy SP2.7 of the CLP sets a strategic approach to achieve a mix of homes by size and seeks to ensure that homes that meet the borough's need for different sizes are available. Policy DM1.2 provides further detail with regard to the redevelopment of residential units and requires that such development should not result in the net loss of 3 bedroom homes (as originally built).
4. There is a dispute between the main parties as to the number of bedrooms in the house as originally built. This relates to the bedrooms at second floor.
5. Planning permission was granted for a roof extension in 2004¹ and there is a large dormer to the main roof slope which is not found on the other nearby properties. As such this part of the property, which includes the rooms labelled as bedrooms 4 and 5 on the existing plans, appears to have been extended.
6. However, bedroom 6 on the submitted existing plans is within the three storey rear projection. This part of the building appears the same as those at nos 38-46 and is symmetrical with the adjoining property. As such, this part of the property appears to be original. I have been provided with plans relating to previous applications at 32, 36 and 34 Woodville Road². However, properties in this part of the road appear to have two storey rear projections and as such their internal layout and original number of bedrooms would be different. Consequently, I conclude that there was a bedroom at second floor level as originally built.
7. Therefore, in addition to the three bedrooms at first floor level, there was also a bedroom on the second floor. As such I am satisfied that the property was not a three bedroom house as originally built.
8. I am provided with appeals that have been dismissed where Inspectors have supported the protection of three bedroom units³. However, as I find that this property was not a three bedroom house as originally built, these appeals are notably different to the circumstances before me now.
9. Therefore, the proposed development would not result in the loss of a 3 bedroom home as originally built. Consequently, it would not have a harmful effect on the supply of homes of different sizes. As such it would not be contrary to Policy DM1.2 and SP2.7 of the CLP, the aims of which are set out above.

Living Conditions

10. Although originally constructed as a four bedroom property, the plans show that 38 Woodville Road has been extended and is now a 6 bedroom house. This would be converted to a 5 person HMO. As such, even considering the sizes of some of the bedrooms, the number of occupants is likely to be similar.

¹ 04/00947/LP

² 01/02037/P, 88/3205/P, 00/00138/P

³ APP/L5240/W/17/3178917, APP/L5240/W/18/3218090, APP/L5240/W/18/3217306, APP/L5240/W/18/3212648, APP/L5240/W/18/3202081

11. The appeal property adjoins 40 Woodville Road on one side and is detached, although close to no. 36 on the other. The street has a traditional terraced layout and the rear garden of no 38 is adjoined on both sides and to the rear by neighbouring gardens.
12. Occupation by 5 unrelated individuals may result in different comings and goings or use of the garden than as a family or up to 6 residents living together as a single household. However, the amount of increase associated with 5 individuals would be at a level that would not be unacceptably harmful to neighbouring occupiers over and above the existing situation. A condition requiring occupation by a maximum of 5 people would be required to ensure the effects on neighbouring living conditions were at the level assessed.
13. As such the proposed development would have an acceptable effect on the living conditions of neighbouring occupiers with particular regard to noise and disturbance. Therefore, the proposed development would be in accordance with Policies DM10.6, SP4.2 and DM23 of the CLP. Together these seek to enhance well being and ensure that the amenity of the occupiers of adjoining buildings are protected including with regard to development that may cause noise.
14. Policy H9 of the London Plan 2021 mainly relates to making the best use of housing stock. Therefore, the policies set out above are more relevant to this main issue.

Conditions

15. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the National Planning Policy Framework (2021) and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, including ensuring that conditions would not unnecessarily delay the delivery of development.
16. 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. A condition limiting the number of occupants is required for the reasons set out above. Details of refuse storage and cycle storage are required in the interests of the character and appearance of the area and the living conditions of existing and future occupiers. Due to the nature of a change of use application, these details would be required for the full duration of the development, therefore these are pre commencement conditions.
17. The Council has requested the provision of a water butt to comply with the need for sustainable drainage principals. Whilst compliance with such principles is necessary, in the absence of any detail, it is unreasonable for the Council to specify that it should be achieved in this way. As such I have amended this condition to require the submission of details. This is required to be a pre commencement condition as the details would be required for the full duration of the development.
18. The application does not seek permission for any external changes and therefore the Council's suggested condition 3 is not necessary and I have not included it here.

Conclusion

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

H Miles

INSPECTOR