



Appeal Decision

Site visit made on 26 September 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2023

Appeal Ref: APP/L5240/W/23/3315980

17 Beverstone Road, Thornton Heath, Croydon CR7 7LL

- 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 Mrs Negiste Habte against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/02583/FUL, dated 15 June 2022, was refused by notice dated 24 August 2022.
 - The development is described as 'conversion of existing house into HMO'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The property appeared to be occupied as a house of multiple occupation (HMO) at the time of my site visit and I noted that associated internal alterations detailed on the proposed plans had been implemented. I am therefore considering the development retrospectively.

Main Issues

3. The main issues are:
 - the effect of the development on the supply of family housing,
 - whether satisfactory living conditions are available for the occupiers, with particular regard to outlook and privacy within the ground floor bedrooms,
 - whether satisfactory provision is available for refuse, recycling and cycle storage.

Reasons

Supply of Family Housing

4. Policy DM1.2 of the Croydon Local Plan 2018 (CLP) states that redevelopment of residential units will be permitted where it does not result in the net loss of 3 bedroom homes (as originally built) or the loss of homes smaller than 130sqm. This is in the context of Policy SP2.7 of the CLP, which sets a strategic target for 30% of all new homes to have three or more bedrooms, in order to ensure that a choice of homes is available in the Borough.
5. The Council's Officer Report further explains that an Article 4 Direction made in 2019 removes permitted development rights for change of use of dwellings

within Use Class C3 to small HMOs within Use Class C4¹. Although the appellant disputes whether the Article 4 Direction applies to the appeal site, the Council's evidence clearly confirms that it is applicable across the whole Borough.

6. The Council has provided evidence underpinning the Article 4 Direction, which identifies an acute need for three-bedroom family homes, based on a Strategic Housing Market Assessment 2015. Against that background, the justification for the Article 4 Direction includes preventing erosion of the supply of smaller family dwellings. I have not been presented with any substantive evidence that the objectively assessed need for family housing has changed in the interim.
7. The appeal site contains a two-storey terraced house with a loft conversion and a single storey rear extension. Evidence from both parties confirms that its floor area, including the extensions, is under 130sqm. Plans submitted with an earlier planning application² indicate that it provided three-bedroom accommodation as built. On that basis, Policy DM1.2 resists the loss of the pre-existing home on the site as a matter of principle.
8. The internal accommodation includes three bedrooms on the upper two floors. The ground floor layout has been adapted to provide additional bedrooms and a long, narrow kitchen. Therefore, further internal alterations would be required to revert to a suitable layout for family use on the ground floor. However, the building remains capable of providing family accommodation and, despite the recent extensions, there is no clear evidence that the accommodation would be underutilised if occupied on that basis.
9. At the same time, the possibility that the property may revert to family occupation at some unspecified time in the future does not weigh in favour of permitting the development, since this would not satisfactorily address the loss of family housing in the present day.
10. For the above reasons, I conclude that the development unacceptably reduces the supply of family housing. As such, it conflicts with relevant requirements in Policies DM1.2 and SP2.7 of the CLP, as summarised above.

Living Conditions

11. The middle bedroom on the ground floor is relatively long and narrow, with the only windows being rooflights at the far end. The rooflights allow daylight to penetrate. However, they are set into a light well beyond the remains of the original rear wall, where they do not provide any meaningful outlook to the outdoors.
12. Since the rooflights are located at the edge of the room, only a very limited and oblique view is possible from the first-floor window above. This does not materially compromise privacy within the ground floor bedroom as a whole. Nevertheless, the limited fenestration makes this bedroom feel gloomy and rather oppressive, providing a poor quality of accommodation for the occupier.
13. The only available communal space is in the long, narrow kitchen. This area also includes a shower room, which appears to serve two of the ground floor bedrooms. As such, occupiers of these rooms have a poor standard of privacy when other residents are making use of the kitchen, in very close proximity to

¹ Use Classes C3 and C4 as defined in the Town and Country Planning (Use Classes) Order 1987, as amended.

² Croydon Borough Council planning application ref 19/02584/LP.

their bedrooms and shower room. Privacy within the front bedroom is also compromised by its proximity to the area used for storage of refuse and recycling and parking of bicycles by other occupiers.

14. Although the Council's Houses in Multiple Occupation Standards 2015 are referred to in the second reason for refusal, the Council has not described any specific conflict with those standards. In particular, the evidence does not specify whether or not the roof lights in the middle ground floor bedroom comply with the required 1/10th of the floor area set out in those standards. However, even if compliance with the standards had been demonstrated, this does not overcome the harm to living conditions arising from the positioning of the rooflights or other aspects of the internal layout, as detailed above.
15. For the above reasons, I conclude that satisfactory living conditions are not available for the occupiers, with particular regard to outlook and privacy within the ground floor bedrooms. This conflicts with relevant requirements in Policies SP2 and DM10 of the CLP and with Policies D3 and D6 of the London Plan 2021. These policies, amongst other things, require that development should meet the needs of residents over a lifetime and deliver appropriate outlook and privacy, as well as a comfortable, fit for purpose internal layout.

Refuse, Recycling and Cycle Storage

16. At the time of my site visit, I noted that three cycle stands have been installed at one end of the small paved front garden. Four wheeled bins and a food waste bin were also available, standing inside the front boundary wall.
17. The cycle stands are positioned closer together than is advised in the London Cycling Design Standards 2014 and access to one of the stands is somewhat compromised by the wheeled bins. However, two bicycles could easily be parked and it would be feasible to lock up two more when necessary. There is convenient access to the street and the type of stand provided allows for cycles to be locked in place. On that basis, this existing provision in the front garden is a reasonable and proportionate response to requirements in the development plan, bearing in mind the modest scale of the development.
18. Evidence submitted with the appeal suggests an alternative arrangement for cycle storage, within the rear garden. However, this area lacks external access so occupiers would have to bring bicycles through the house. This would be inconvenient and impractical, given the rather cramped internal layout. However, since sufficient provision has been demonstrated at the front, there is no need to rely on more inconvenient provision to the rear.
19. Bin storage within the small front gardens appears to be the typical arrangement along Beverstone Road. There is convenient access to the bins without compromising access into the property. The lidded bins do not appear particularly prone to introducing unpleasant odours, if managed properly by the occupiers. The effect on privacy within the front bedroom is a separate matter from the adequacy of refuse and recycling provision to meet the needs of the occupiers in a safe, convenient and accessible location.
20. I conclude that satisfactory provision is available for refuse, recycling and cycle storage. As such, this aspect of the development does not conflict with relevant requirements in Policies DM10, DM13, DM16, DM29 and DM30 of the CLP or Policy T5 and Table 10.2 of the London Plan. These policies, amongst other

things, require that development is provided with safe, convenient and accessible provision for refuse and recycling, together with adequate cycle storage.

Other Matters

21. The development increases the supply of housing in multiple occupation, which provides a form of relatively low cost, flexible housing, accessible to those on lower incomes. However, this is at the expense of maintaining the supply of family housing. The Council's evidence confirms that safeguarding family housing is a higher strategic priority and therefore this outweighs the development's contribution to the supply of HMOs. London Plan policies to safeguard existing HMOs are of only indirect relevance, since the site is not an existing, authorised HMO.
22. The development does not make any net contribution to the overall supply of housing in locations with good access to services, since the site was already in residential use prior to its conversion. The support in the National Planning Policy Framework for efficient use of previously developed land is not at the expense of ensuring that such development provides a high standard of amenity for existing and future users, as set out in Framework paragraph 130.
23. Absence of any effect on heritage assets or the character and appearance of the area are neutral factors, weighing neither for nor against the development.
24. My attention has been drawn to approved developments involving provision of HMOs on two other sites in the Borough. One of the applications was for a Certificate of Lawful Development, so would not have involved consideration of the planning merits. The other involved conversion of an existing dwelling to a large HMO, but no evidence has been provided about the extent to which that existing dwelling or the proposed internal layout had any similarity to circumstances on the appeal site. In any case, it is a well-founded principle of the planning system that each development should be considered on its merits and that is what I have done.

Conclusion

25. I have found that there would be harm to the supply of family housing and that the development does not provide suitable living conditions for the occupiers. While suitable arrangements are available for refuse, recycling and cycle storage, this does not outweigh the conflict with other aspects of the development plan. Therefore, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR