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# Appeal Decision

Site visit made on 1 October 2024

**by M Ollerenshaw BSc (Hons) MTPI MRTPI**

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

**Decision date: 23 OCTOBER 2024**

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**Appeal Ref: APP/L5240/W/24/3338965**

**76 Ingram Road, Thornton Heath, Croydon CR7 8ED**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Akeel Alidina of Caridon Property against the decision of the Council of the London Borough of Croydon.
  - The application Ref is 23/03796/FUL.
  - The development proposed is change of use to a large HMO under the sui generis use class for up to 8 occupiers, with associated alterations.
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## Decision

1. The appeal is allowed, and planning permission is granted for change of use to a large HMO under the sui generis use class for up to 8 occupiers, with associated alterations at 76 Ingram Road, Thornton Heath, Croydon CR7 8ED in accordance with the terms of the application, Ref 23/03796/FUL, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Proposed Floor Plans dated 4 January 2024.
  - 3) The development hereby permitted shall not be occupied until details of cycle parking and refuse storage facilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained and kept free of obstruction.
  - 4) The House in Multiple Occupation hereby permitted shall not be occupied by more than 8 persons at any one time.

## Preliminary Matters

2. In the decision above I have used the description set out on the decision notice, as this is more precise than that given on the planning application form. The appellant's appeal form and statement also refer to the updated description.
3. An amended floor plan and a fire statement were submitted with the appeal. The plan indicates changes to the floor layout, including the replacement of one of the kitchens with a bedroom, and the enlargement of the other kitchen. The additional bedroom would not increase the intended number of occupiers from

that originally proposed. The amended plan did not form part of the scheme that the Council made its decision on, and I am mindful that the Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals. However, the amended plan and fire statement do not fundamentally change the substance of the proposal, and the Council had the opportunity to comment on these as part of their appeal submissions, albeit they have not done so. Therefore, the Council and interested parties would not be prejudiced by my consideration of them.

4. The Council states that the claimed existing use as a small House in Multiple Occupation (HMO) for between 3 and 6 people, is unlikely to be lawful, while the appellant has stated that the property is currently used as an HMO for 11 people. However, it is not within the scope of this appeal to determine the lawfulness or otherwise of the existing use.

### **Main Issues**

5. The main issues are:

- the effect of the proposal on the character and appearance of the area;
- whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to internal floor space, light, outlook, ventilation, odour, noise and disturbance;
- whether the proposal would make satisfactory provision for refuse and cycle storage; and,
- whether the proposal would include adequate fire safety measures.

### **Reasons**

#### *Character and appearance*

6. The appeal site relates to a two storey semi-detached property which is set back from the road behind a driveway. The property includes a two storey side extension that adjoins 74 Ingram Road to the south. The surrounding area is residential and is characterised by similar properties. There is a sense of uniformity to the street scene due to the houses being set back from the road along linear building lines. Properties generally have driveways and front gardens, some with low boundary front walls.
7. Cycle and refuse stores are proposed to the front of the property where they would project towards the pavement and be prominently located. Whilst the height and design of the stores has not been detailed, they would likely be low-lying and unobtrusive structures. Moreover, there is not a strong sense of openness to the frontages of properties along this road due to the presence of numerous wheelie bins, vehicles parked on driveways, and boundary fences. Therefore, the stores would not be uncharacteristic of the area. Moreover, the refuse store would screen the bins and thereby improve the appearance of the property frontage. Precise details of the stores can be secured by condition to ensure satisfactory siting and appearance.
8. I conclude that the proposal would not be significantly harmful to the character and appearance of the area. Thus, it would comply with Policies DM10 and DM13 of the Croydon Local Plan 2018 (Local Plan). Amongst other things, these

policies seek to ensure that development proposals are of high quality design with scale, height and massing which respects local character.

### *Living conditions*

9. The Council has two sets of HMO Standards, one of which relates to bedsit type HMOs and the other to hostels. Both include guidance on the minimum internal space for bedrooms. The Council assessed the proposal against the bedsit HMO Standards which require one person bedrooms with a shared kitchen to have a minimum floor space of 10m<sup>2</sup>, and two person bedrooms to be at least 15m<sup>2</sup>.
10. The amended floor plan indicates that the proposed one person bedrooms would exceed the 10m<sup>2</sup> minimum requirement and the two person bedrooms would exceed 15m<sup>2</sup>. Furthermore, the proposed layout indicates a generously sized communal living room and kitchen/dining room. Therefore, the proposed layout demonstrates sufficient internal space to meet the needs of future occupiers and complies with the HMO Standards in this regard.
11. The plan shows an enlarged kitchen extending to the rear of the property with double doors to the rear elevation. The kitchen would therefore have some outlook and natural light, together with ventilation. Taking this into account, I consider that the kitchen facilities would be satisfactory.
12. The Council is concerned about the close relationship between one of the ground floor bedroom windows and the refuse stores and parked vehicles. However, given the scheme would be car free and the limited size of the refuse stores, the living conditions within the ground floor bedroom would be acceptable in terms of outlook and noise. Moreover, the enclosure of the bins within the stores would be likely to mitigate potential noise and odour nuisance.
13. I conclude that the proposal would provide satisfactory living conditions for future occupiers of the development. Thus, it complies with Policy D6 of the London Plan (2021), which seeks, amongst other things, to ensure that development is of high quality design and provides adequately-sized rooms with comfortable and functional layouts.

### *Refuse and cycle storage provision*

14. The refuse and cycle stores would be located on either side of the driveway adjacent to the boundaries with the adjoining properties. There appears to be space on the driveway to park two or three vehicles. However, the appellant's intention is that the development would be car free, with a tenancy agreement in place to prevent vehicle parking, so there should not be a conflict between parked vehicles and the stores. Even if parking did take place on the driveway, residents would be aware of the stores and would be likely to park considerately to avoid obstructing access. Therefore, it is unlikely that access to the refuse and cycle stores would be obstructed through parked vehicles.
15. The proposed refuse stores appear to be of sufficient size to provide adequate waste and recycling storage facilities and offer the opportunity to improve waste management over the existing situation.
16. Therefore, the proposed development would make satisfactory provision for refuse and cycle storage. It complies with Policy T5 of the London Plan and DM13, DM29 and DM30 of the Local Plan. These policies, amongst other things,

require development to provide suitable waste and cycle storage facilities, and seek to promote sustainable travel.

#### *Fire safety*

17. Policy D12 of the London Plan sets out that all development must achieve the highest standards of fire safety, taking into account such factors as fire risk reduction, fire escape and evacuation and provision for firefighting.
18. Part B of the policy requires a fire statement as part of major development proposals. The proposal is not a major development and the appellant is not required to submit a fire statement. Nevertheless, in response to the Council's fourth reason for refusal, the appellant has submitted a fire statement which shows that the proposal has taken into account fire safety and sets out the fire safety measures to be incorporated into the scheme. The final design would be subject to Building Regulations prior to any development being undertaken.
19. I consider that the proposal would be able to achieve suitable fire safety measures. Thus, it satisfies Policy D12 of the London Plan.

#### **Other Matters**

20. I have had regard to the other concerns raised by interested parties. The proposal would result in a more intensive use of the property than a traditional dwellinghouse, but it would be unlikely to lead to a significant increase in noise and disturbance or pressure on infrastructure, and I note that the Council has not objected to the proposal on these grounds. During my site visit I saw that there was some on street parking availability in the area. The site is within proximity of alternative transport options, such as bus services, and walking or cycling would also be realistic options for some occupiers, who would not necessarily be dependent on the private car and it is unlikely that all occupiers will own a vehicle. Taking these factors into account, the proposal would not be likely to result in any significant increase in competition for on street parking spaces or obstruction of driveways.

#### **Conditions**

21. I have considered the conditions suggested by the Council. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. A condition relating to the maximum occupancy of the HMO is necessary in the interests of neighbouring amenity and to ensure suitable living conditions for occupiers of the HMO. A condition relating to the cycle and refuse storage facilities is necessary in the interests of promoting sustainable transport and to ensure satisfactory appearance and provision.

#### **Conclusion**

22. For the above reasons, I conclude that the appeal should be allowed subject to the conditions specified.

*M Ollerenshaw*

INSPECTOR