



Appeal Decision

Site visit made on 8 October 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2024

Appeal Ref: APP/L5240/W/24/3341556

79 Nova Road, Croydon CR0 2TN

- 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 Charles Imafidon against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/04208/FUL.
 - The development proposed is for the change of use from a dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the application form included reference to the development being retrospective. I have removed this from the banner heading above as this is not an act of development.

Main Issues

3. The main issues are:
 - a) the effect of the proposed development upon the availability of family housing, and
 - b) the effect of the proposed development on existing on-street parking provision.

Reasons

Supply of family housing

4. Policy DM1.2 of the Croydon Local Plan 2018 (CLP) sets out a need for the provision of housing choice in order to achieve sustainable communities. It accepts the redevelopment of dwellings subject to such schemes not resulting in the net loss of three-bedroom homes (as originally built) or the loss of homes smaller than 130 square metres. This policy is reiterated by policy SP2.7 of the CLP which highlights the need to provide a choice of homes in order to address the need within the borough for homes of different sizes. It sets a strategic target of 30% of all new homes to have three or more bedrooms.
5. The development has resulted in the loss of one three bedroom home and this is not disputed by the parties. Although I accept that the dwelling is slightly

larger than 130 square metres, it is a three bedroom dwelling and thus falls under the ambit of policy DM1.2 of the CLP.

6. The proposal has increased the level of single-occupancy accommodation within the area by providing a five bedroom House in Multiple Occupation (HMO). Whilst I acknowledge that both family dwellings and HMOs contribute towards meeting the housing needs of the area, the Council has identified a necessity for family units of accommodation which are under-represented in the housing stock. The confirmation of a borough wide Article 4 Direction restricting small HMOs from being created without planning permission highlights this importance. It does not infer that such HMOs will be unacceptable, just that they will require planning permission. I accept that Nova Road may not have a predominance of HMOs. However, policy DM1.2 of the CLP is a borough wide policy and does not distinguish between areas of high or low HMO concentration in its applicability.
7. That the HMO here has operated without complaint or concern for a period of years is a neutral consideration that does not weigh for or against the scheme. Equally, other pertinent matters to which the Council has expressed no concerns, such as the lack of harmful effects on the character of the area, are also neutral considerations. Moreover, that the Borough has seen an increase in the number of three bedroom homes is not a reason to disregard policy DM1.2; indeed it is evidence that the policy has been successful in its aims.
8. It is not disputed by the main parties that rooms in an HMO are lower cost than a single open market dwelling. However, this does not render them affordable dwellings as per the definition in Annex 2 of the National Planning Policy Framework (the Framework).
9. I have considered the appeal cited by the appellant at 16 Southcote Road¹. This was only granted permission for a temporary period and thus, in the longer term, there would be no loss of family accommodation. The appeal site has already operated as an HMO for a period of years. In any case the Planning Practice Guidance (PPG) suggests such conditions should only be imposed where a trial run is needed in order to assess the effect of the development on the area. The effect of the loss of a three bedroom dwelling is already apparent such that no such trial is necessary.
10. The proposal has increased the number of HMO rooms. I acknowledge that such accommodation contributes towards meeting a type of housing need in the area. However, I have been presented with no substantive evidence to demonstrate that any undersupply of such housing would outweigh the loss of a family-sized dwelling which is required by CLP policy.
11. The development has led to the loss of a unit of family housing in the area. It is therefore contrary to CLP policies DM1.2 and SP2.7 which promote such forms of accommodation to meet an identified need.

Parking provision

12. The lawful use of the property as a single three bedroom dwelling would not have a restriction on the number of vehicles that could be associated with it and a family of four could, in theory, have upwards of four vehicles. However, I find this to be an unlikely scenario given the area's Public Transport

¹ APP/L5240/W/21/3288139

Accessibility Level (PTAL) and urban context. Even so, I accept that a HMO may generate comparable amounts of demand for vehicle parking to a family home. Ultimately however, the individual circumstances of the occupants, whether in use as a family dwelling or HMO, are most likely to influence the level of parking demand.

13. The site is located within an area with a PTAL of 6a. This places it amongst the highest levels of accessibility across the capital and, given that is above a PTAL of 4, the provisions of policy DM30a of the CLP apply in this instance. This policy seeks to reduce the impact of car parking in areas of good public transport accessibility and, therefore, is applicable here and the restriction of on-street parking is justified.
14. Such restriction for on-street parking can be imposed in this area which is within a Controlled Parking Zone (CPZ). A Planning Obligation to prevent future occupants from applying for a parking permit would be reasonable and necessary. However, no Planning Obligation has been completed to secure this. There is therefore no legal mechanism to restrict future occupiers from applying for permits.
15. It has been suggested that a condition could be imposed to require the subsequent completion of this Planning Obligation. The PPG notes that, in exceptional circumstances, a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate. However, no exceptional circumstances have been nominated.
16. The example of 76 Eastwood Road² did include a condition requiring the completion of a Planning Obligation. However, this site already contained parking provision for three vehicles within it. The exceptional circumstance for the condition was because additional on-street parking was therefore unlikely to arise, a scenario that is not applicable here. In any case, the appeal is to be dismissed on other grounds and the provision of a completed Planning Obligation would not alter the outcome of this appeal.
17. In the absence of a Planning Obligation, the proposed development is likely to have a harmful effect on existing on-street parking provision and would not conform with the intent of policy DM30a to reduce the impact of car parking in areas of good public transport accessibility. Hence, the proposal does not comply with this policy, nor policies SP8 or DM29 of the CLP or the provisions of policies T4, T6 and T6.1 of the London Plan 2021 which further relate to the provision and accessibility of vehicle parking.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

Nick Bowden

INSPECTOR

² APP/W5780/W/20/3262152