



Appeal Decision

Site visit made on 8 July 2025 by S Wilson LL.B. MSc MRTPI

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2025

Appeal Ref: APP/T5720/W/25/3364438

4 Fortescue Road, Colliers Wood, Merton, London SW19 2EB

- 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 Adnan Ahmad against the decision of the Council of the London Borough of Merton.
 - The application reference is 24/P2819.
 - The development proposed is change of use from dwellinghouse (Class C3) to a 5-bedroom, 5 person HMO (C4).
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use from dwellinghouse (Class C3) to a 5-bedroom, 5 person HMO (C4), at 4 Fortescue Road, Colliers Wood, Merton, London SW19 2EB, in accordance with the terms of the application 24/P2819, subject to the conditions set out below.
 - 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 drawing numbers: Existing / Proposed Plans.
 - 3) The development hereby approved shall be occupied by a maximum of five persons.
 - 4) Before the development hereby approved is first occupied, precise details of the design and position of bicycle storage units shall be submitted to and approved in writing by the Local Planning Authority. Once approved in writing the bicycle storage units shall be installed prior to first occupation of the HMO and shall be retained thereafter.
 - 5) Before the development hereby approved is first occupied precise details of the design and position of refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. Once approved in writing the refuse and recycling facilities shall be installed prior to first occupation of the HMO and shall be retained thereafter.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. In the banner heading above, I have used the description of development to reflect that as provided within the Council's decision notice, in the interests of accuracy and consistency.
4. The Council adopted the Merton Local Plan on 20 November 2024. This replaces the Merton Core Planning Strategy (2011) and the Site and Policies Plan (2014) such that the policies of those plans cited on the decision notice are no longer part of the development plan and have no weight. I have therefore considered the relevant policies within the Merton Local Plan (2024) as is required.
5. The Council's Officer Report sets out that there is no planning history concerning a two-storey rear addition and a rear dormer at the appeal property. It has been subsequently confirmed that a lawful development certificate has been granted for these additions. Therefore, I have proceeded on the basis that the additions are lawful.
6. The submitted plans for the proposed House of Multiple Occupation (HMO) label two bedrooms as 'double bedroom.' As such the Council is concerned that the description of development as a '5-bedroom, 5 person HMO' contradicts the submitted plans and that the labels 'double bedroom' could facilitate the development to be a 5 bedroom, 7 person HMO if approved.
7. The Appellant has stated that they would be agreeable to the imposition of a condition limiting the proposed development to 5 persons at any time, which I agree would overcome the ambiguity in the plans. I therefore conclude that the plans would be sufficient to assess the proposal with the imposition of such a condition limiting occupation to a maximum of 5 persons at any time and have considered the remaining issues with this in mind.

Main Issues

8. The main issues are 1) whether the proposal would provide acceptable living conditions for the occupiers, with particular regard to communal space, light and outlook., and 2) whether the proposal would provide acceptable storage facilities for cycles, refuse, and recycling.

Reasons for the Recommendation

Living Conditions

9. Policy D12.3(g) of the Local Plan sets out the requirement that development demonstrates acceptable light and outlook would be available to occupiers so that a high standard of amenity is provided. Furthermore, it requires that the design of shared spaces have a positive physical and mental wellbeing effect on occupiers through good quality design. Local Plan Policy D12.3 (m) sets out that the space standards in the London Plan 2021 Policy D6 must be met or exceeded.
10. The evidence before me is that the proposed 5 bedrooms would meet the standards required in terms of space in the Local Plan Policy D12.3 (m) and the London Plan Policy D6. Additionally, the plans show beds in the bedrooms and there appears to be sufficient space for associated bedroom furniture in all the bedrooms. As such I conclude that there would be no harm to living conditions of occupiers regarding the space provided for the bedrooms or their functionality.

11. The proposed separate communal first floor lounge would not have any windows and despite being accessible from the first-floor hallway would result in a dark room with no natural light or outlook. However, the living room would not be the only shared communal space for the proposal. There would also be a communal shared kitchen/dining which has adequate space, natural light and outlook.
12. Given that I have concluded that a condition to restrict occupancy to 5 persons in 5 bedrooms would be acceptable, and thus the proposal would be for single room lettings for 5 persons, I have assessed the communal kitchen/dining space needed based on the evidence in the Council's Delegated Report, which states that the minimum requirement is for the kitchen to be 3 square metres (sqm) per person.
13. With the above in mind, I conclude that a kitchen space for 5 persons would need to be a minimum of 15sqm. The plans show the kitchen would be 16sqm and the Council does not dispute this. In addition, the communal dining area adjoined to the kitchen would be 6sqm, cumulating in 22sqm of shared communal space. Consequently, on the evidence before me, I conclude that the communal kitchen/dining space would be adequate in size for a 5-bedroom, 5 persons HMO.
14. Even taking the living room into account, the adequate kitchen/dining communal internal space would provide acceptable living conditions overall to the occupiers of the proposed HMO. Given the adequacy of the communal space in the kitchen/dining, the use of the living room would be a choice rather than the only option.
15. Accordingly, the proposed HMO would provide acceptable living conditions for the occupiers, with regard to communal space, light and outlook. It would comply with Policy D12.3(g) and (m), Policy D6 of the London Plan and the relevant paragraphs of the National Planning Policy Framework 2024, insofar as they seek high quality development that demonstrates acceptable light and outlook would be available to occupiers so that a high standard of amenity would be provided and that the design of shared spaces have a positive physical and mental wellbeing effect on occupiers.

Storage facilities for cycles, refuse and recycling.

16. Local Plan Policy D12.3 paragraphs(r), (s), (t) and (u) set out the requirements for cycle storage to accord with the London Plan minimum standards and the requirements for the design of refuse and recycling facilities, amongst other things.
17. In the submitted plans I have been provided with detail showing that two bicycle storage units for three bikes each will be provided. Whilst I have seen the council have reservations about the positioning of the two bicycle storage units, given the extent of the rear outdoor amenity space a condition could be utilised to ensure the storage units are appropriately, designed, constructed and located.
18. Furthermore, whilst the Appellant has provided plans demonstrating the appearance, location, and dimensions for the waste bin storage the plans for recycling storage facilities have been omitted. However, this issue could be overcome by the imposition of a suitably worded condition requiring this matter to be addressed in detail and in agreement with the Council.
19. Consequently, with the imposition of suitably worded conditions regarding these matters, the proposal would provide acceptable storage facilities for cycles, refuse,

and recycling. It would therefore be compliant with Local Plan Policy D12.3 paragraphs(r),(s),(t) and (u), insofar as they require adequate cycle storage, and efficient and effective refuse and recycling storage facilities.

Other Matters

20. Although not forming part of the reasons for refusal, the Council consider that the proposal has the potential to be harmful to the amenities of adjoining occupiers in terms of noise and disturbance. There is no substantive evidence to demonstrate that there would be noise levels or disturbance generated that would be significantly in excess of a dwellinghouse of equivalent size. As such this would not be a reason to dismiss the appeal in this case.

Conditions

21. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the Framework. In addition to the standard three-year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord.
22. I also consider that it is necessary to limit the number of residents to 5 to regulate the overall effect of the proposal on living conditions of occupiers. Furthermore, a condition is necessary to ensure there would be adequate provision of cycle parking, waste and recycling storage at the property, to promote sustainable travel and protect the character and appearance of the area, respectively.
23. The Council have suggested a condition requiring that the materials to be used in the construction of the external surfaces match those of the existing building. This would be unnecessary given that the proposal does not propose external development to the building. Whilst there are two bicycle storage facilities and waste and recycling facilities these would be covered under a separate condition.
24. The Council have concerns regarding the appeal site's location within a critical drainage area and have suggested that a condition should be imposed to facilitate the collection and storage of rainwater. Given the property is not being enlarged or the use intensified above the existing use, such a condition is unnecessary.

Conclusion and Recommendation

25. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

A M Nilsson

INSPECTOR