



Appeal Decision

Site visit made on 10 November 2025

by L Gardner MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/L5240/W/25/3371648

16 Elgin Road, Croydon CR0 6XA

- 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 Qasim Gulamhusein of Marlpark 16 CR0 Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 25/01201/FUL.
 - The development proposed is change of use from 2 maisonettes to a C4 small house in multiple occupation for a maximum of 6 occupants.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from 2 maisonettes to a C4 small house in multiple occupation for a maximum of 6 occupants at 16 Elgin Road, Croydon CR0 6XA in accordance with the terms of the application, Ref 25/01201/FUL, subject to the conditions in the attached schedule.

Applications for Costs

2. An application for costs was made by Mr Qasim Gulamhusein of Marlpark 16 CR0 Ltd against the Council of the London Borough of Croydon. This is the subject of a separate decision.

Main Issues

3. The main issues are:
 - whether the development would preserve or enhance the character or appearance of the East India Estate Conservation Area (CA), and,
 - the effect of the proposal on car parking and highway safety.

Reasons

Character and appearance

4. The appeal property is recognised as a building of local interest (a non-designated heritage asset) within the East India Estate CA. I have a statutory duty under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
5. The special character of the CA is largely defined by a concentration of historic buildings of high architectural quality. The CA has strong historical associations

with the East India Military Academy. It is made up of a formal estate layout with a strong urban ladder structure formed of six parallel roads.

6. The Council's Conservation Area Appraisal and Management Plan (CAAMP) Supplementary Planning Document (2014) specifically identifies Elgin Road as holding the largest collection of buildings of historic and architectural significance in the CA, outlining the appeal property as one of the most distinguished examples of a three-storey semi-detached property. On this basis the appeal property makes a clear positive contribution to the character and appearance of the street and the wider CA, and to the significance of the East India Estate CA.
7. Whilst not referring specifically to houses in multiple occupation (HMOs), the CAAMP acknowledges that due to the generous proportions of many buildings in the CA, conversion into flats is often desirable. There is notably no objection to this in principle through the CAAMP, provided it complies with the Croydon Local Plan (CLP) (2018) and the appearance of the front elevation is not harmed by the proposed conversion.
8. The proposal would not introduce external changes to the appeal property. The Council's concern is that the further subdivision of the property proposed would introduce a more intensive use based on the uplift in individual and unrelated households. This in turn, is considered to increase the use of the building in a way which fails to conserve or enhance the established residential character of the street.
9. The appeal property is subject to an extensive planning and appeal history, including in relation to schemes for both 7 bed¹ and 8 bed HMOs². Whilst these proposals are not directly comparable to the appeal scheme before me (the 8 bed proposal in particular included external alterations), they do represent a more intensive form of development than the proposed 6 bed HMO. The findings of the previous Inspectors are therefore material to my decision.
10. In line with the conclusions of the previous Inspectors, I find that there is no substantive evidence before me to indicate that the comings and goings associated with the use of the appeal property as a 6 bed HMO would be materially different or more intensive than its current use as two maisonettes.
11. In the most recent linked appeal decision, dated 21 October 2025, the Inspector found that, "*The two existing properties could feasibly house multiple occupants who could have individual schedules for schooling, employment, and socialising spread across various times of the day. Even if there was some increased activity associated with the proposals, the movements to, from, and around the property would be related to its domestic use and, therefore, would be in-keeping with the residential character of the EIECA.*" I see no reason to disagree with these findings, particularly noting that the appeal proposal before me would be less intensive than the 7 and 8 bed HMO proposals.
12. Based on the above, I find that the development would preserve the character and appearance of the East India Estate CA. I therefore find no conflict with Policy HC1 of the London Plan (LP) (2021) which, amongst other matters, seeks for development proposals affecting heritage assets to conserve their significance. I

¹ Appeal decision reference: APP/L5240/W/23/3333964, dated 3 April 2025 and appeal decision reference APP/L5240/W/25/3369814, dated 21 October 2025

² Appeal decision reference APP/L5240/W/25/3368320, dated 21 October 2025

have also identified no conflict with either Policy SP4 or DM18 of the CLP which collectively seek for new development to respect the character of heritage assets.

Car parking and highway safety

13. Policy SP8 of the CLP states, amongst other matters that the Council will seek to limit parking spaces in the borough. Policies DM29 and DM30 of the CLP relate to promoting sustainable growth in Croydon by promoting measures to increase the use of public transport and reducing the impact of car parking. Policy T6 of the LP acknowledges that car parking should be restricted in line with levels of public transport accessibility, whilst Policy T6.1 of the LP in part seeks to limit parking through the provision of maximum standards.
14. Elgin Road is within a controlled parking zone (CPZ) with a public transport accessibility level (PTAL) of 4, which is considered to be good on a scale of 0 – 6b. Parking along the road is also restricted by the prevalence of dropped kerbs. At the time of my site visit, I observed that parking availability was limited. Whilst I appreciate that this is a snapshot in time, I have not been presented with evidence such as parking surveys which suggest the situation is usually different.
15. The Council contend that the proposal would need to be accompanied by a legal agreement to secure the delivery of a car free development in acknowledgement of the existing parking stresses in the area. Paragraph 58 of the National Planning Policy Framework (the Framework) sets out that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
16. The matter of whether a legal agreement securing a car free development is necessary has been assessed through several recent previous appeal decisions at the appeal site³. None of these decisions relate to a 6 bed HMO. The appellant has presented that a scheme for 3 self-contained one-bedroom flats which was allowed at appeal⁴ would present a direct comparison insofar as the number of potential occupants. However, having reviewed the submitted plans for that scheme, I note that the flat on the second floor is shown as having one single bedroom. I therefore cannot be satisfied that if implemented, the 3 self-contained flats scheme would reasonably be occupied by 6 occupants.
17. Notwithstanding this, the existing lawful use of the appeal property is two maisonettes, comprising a 4 bed and 2 bed flat. The proposal for a 6 bed HMO would therefore be comparable to the existing lawful occupation of the appeal property. Consequently, the demand for car parking is unlikely to increase and the effect on the existing levels of parking stress in the area would not be readily perceivable.
18. On this basis, I find that the proposal would have an acceptable effect on car parking and highway safety, and that a planning obligation is not necessary to mitigate the effects of the development on parking and to make the development acceptable in planning terms. I have therefore identified no conflict with Policies SP8, DM29 and DM30 of the CLP, or Policies T6 and T6.1 of the LP.

³ Appeal decision references: APP/L5240/W/25/3368320 and APP/L5240/W/25/3369814, dated 21 October 2025, and APP/L5240/W/23/333964, APP/L5240/W/23/3334189 and APP/L5240/W/24/3337606, dated 3 April 2025

⁴ Appeal decision reference APP/L5240/W/23/3334189 dated 3 April 2025

Other Matters

19. Letters of representation have been received objecting to the proposal on numerous grounds. It is stated that there has been a recent proliferation of HMO applications in the area, which are perceived to detrimentally affect community cohesion, local services, and lead to increases in anti-social behaviour and disturbance. Nevertheless, based on my findings above, there is little in the evidence before me to suggest that the proposal for a 6 bed HMO would be perceivable when compared to the lawful use of the appeal property.
20. Reference has also been made to the number of applications and subsequent appeals at the appeal property, but this is not a matter which I can consider through a Section 78 appeal.

Conditions

21. I have considered the conditions put forward by the Council, having regard to the six tests set out in the Framework. Where necessary I have amended the wording in the interests of effectiveness and precision.
22. In the interests of certainty and clarity, I have imposed the standard conditions relating to the commencement of development as well as the approved plans. I have also referred to the submitted fire statement to ensure that the development incorporates the necessary fire safety measures in accordance with London Plan Policy D12.
23. Conditions requiring the provision of refuse and recycling facilities, cycle storage and mechanical ventilation are necessary in the interests of visual amenity, sustainable travel and ensuring suitable living conditions for future occupiers.
24. A condition requiring the submission of a management plan has been suggested to ensure that the property is adequately managed in the interests of protecting the amenities of neighbouring occupiers and maintaining the character of the area. Given the proximity to neighbouring residential occupiers, I find that the imposition of this condition would be necessary to make the development acceptable.
25. The Council has suggested a condition limiting the development to six bedrooms for single occupancy. It is implicit through the description of development that the proposal is for six bedrooms. Whilst I note the intentions of controlling the occupancy, it would not be realistically enforceable to prevent occupants from moving partners in for example. I am therefore not satisfied that a planning condition to limit occupancy would meet the tests set out in the Framework.

Conclusion

26. The proposed development accords with the development plan when read as a whole, and there are no material considerations which indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed, subject to the conditions in the attached schedule.

L Gardner

INSPECTOR

SCHEDULE OF 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 drawing nos E101 Rev.03; E103 Rev.03; E104 Rev.03; E105 Rev.03; E106 Rev.03; E107 Rev.03; E108 Rev.03; E109 Rev.03; E110 Rev.03; E111 Rev.03; E112 Rev.03; E113 Rev.03; E115 Rev.03; E116 Rev.03 and the Fire Statement dated April 2025.
- 3) The development hereby approved shall not be first occupied until refuse and recycling facilities are provided in accordance with details first submitted to and approved in writing by the local planning authority. The approved refuse and recycling facilities shall thereafter be retained in perpetuity.
- 4) The development hereby approved shall not be first occupied until cycle storage facilities are provided in accordance with details first submitted to and approved in writing by the local planning authority. The approved cycle storage facilities shall thereafter be retained in perpetuity.
- 5) The development hereby approved shall not be first occupied until a House in Multiple Occupation (HMO) Management Plan, has been submitted to and approved in writing by the local planning authority. The development shall be operated and managed in accordance with the approved HMO Management Plan at all times.
- 6) The development hereby approved shall not be first occupied until mechanical ventilation to all bathrooms are provided in accordance with details (including location of external vents, noise levels, and extraction rates) first submitted to and approved in writing by the local planning authority. The approved mechanical ventilation shall thereafter be retained in perpetuity.

END OF SCHEDULE