



Appeal Decision

Site visit made on 10 November 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Appeal Ref: APP/P5870/W/25/3371721

37 Longfield Avenue, Hackbridge, Sutton SM6 7AZ

- 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. Glenn Perry Capuyan against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2025/00431.
 - The development is proposed 7-person HMO to 9-person HMO.
-

Decision

1. The appeal is allowed and planning permission is granted for proposed 7-person HMO to 9-person HMO at 37 Longfield Avenue, Hackbridge, Sutton SM6 7AZ in accordance with the terms of the application, Ref DM2025/00431 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 drawing nos A-01; A-02; A-03; A-04; A-05; A-06, A-07 and the document titled "Fire Statement" dated March 2025.
 - 3) Prior to first occupation of the development hereby approved, cycle and waste storage facilities shall either be implemented and made available for use in accordance with the details shown on the approved plans A-06 and A-07 or shall be implemented and made available for use in full accordance with alternative cycle and waste storage details which shall have previously been submitted to and approved in writing by the Local Planning Authority. In either eventuality the approved cycle and waste storage facilities shall be maintained thereafter for the lifetime of the development.

Preliminary Matter

2. During my site visit I noted that the two rooms proposed for conversion already have furniture associated with a bedroom. However, it was clear that the rooms were currently not being used for such a purpose.

Main Issues

3. The main issues are:
 - whether the development would provide its occupants with acceptable living conditions, with regard to internal space, and

- the effect of the proposal on the living conditions of neighbouring occupiers, in particular the occupiers of 35 Longfield Avenue, having regard to noise and disturbance.

Reasons

Living conditions – occupiers

4. Policy 10 of the Sutton Local Plan (SLP) (2018) deals specifically with the loss of housing and conversions, including to houses in multiple occupation (HMOs). In respect to proposals which will result in an increase to large HMOs (7 people or more), the policy sets out several criteria which proposals would need to meet to be permitted.
5. The property is already in use as a 7-bedroom HMO. The proposal would create two additional bedrooms through the conversion of a reception room and dining room. Communal space would be provided for the 9 residents through a combined kitchen and dining area which would also provide access to the rear amenity space for the property. The space is accessed via the main hallway on the ground floor allowing unimpeded access for all of the 9 proposed bedrooms.
6. There are no planning policies within the SLP which set minimum standards for shared facilities within HMOs. The shared communal area which would remain through the proposals has an approximate floor space of 34m². The kitchen facilities have some dual functionalities (i.e. two hobs, two ovens and two sinks) which would allow their use by more than one occupant at a time. Whilst the kitchen facilities would not lend themselves to being used by all 9 occupants at once, it is unlikely that these occasions would occur.
7. Each of the bedrooms proposed would have en-suite facilities and a room area of no less than 11m². The rooms are therefore relatively spacious to a degree that occupiers are unlikely to feel constrained through spending long periods of time within the bedrooms. Nevertheless, the size of the remaining communal space which, as well as the kitchen facilities, has a dining table and sofa area, and the large garden to the rear, would provide adequate means of respite from the occupancy within bedrooms where required.
8. Policy 29 of the SLP relates to protecting amenity stating that the Council will grant planning permission unless it adversely affects amenity, including in the context of future occupiers. Based on the above, I find no conflict with Policy 29 of the SLP in relation to whether the proposal would provide its occupants with acceptable living conditions, with regard to internal space.
9. Policy 10 of the SLP requires large HMOs to be within a detached property which would not be the case here. There is therefore some conflict with Policy 10 of the SLP. Nevertheless, based on the above discussion, the configuration of the property as proposed would provide acceptable living conditions for its occupants and I find no specific harm arising purely on the basis that the property is semi-detached rather than detached.

Living conditions – neighbouring occupiers

10. One of the criteria of Policy 10 of the SLP is that proposals should have no adverse impact on the amenity of neighbouring properties. Policy 29 of the SLP

also refers to the amenity of adjoining or nearby properties, requiring consideration against a number of factors, including noise and disturbance.

11. The rooms which are proposed for conversion to the additional bedrooms would be sited along the detached wall rather than adjoined directly to 35 Longfield Avenue (No 35). However, the shared living space would be adjacent to the party wall separating the semi-detached properties. The proposal would lead to an intensification of the use of the property from 7 to 9 occupants.
12. Nevertheless, the occasions where all 9 occupants would be within the shared living space or the rear garden at one specific time would likely be limited. The appellant has stated that the party wall, and all rooms are fitted with sound insulation. Details of this have been provided in the form of product specifications and photographs.
13. Whilst I note anecdotal evidence from interested parties that the existing use of the property causes undue noise and disturbance, this is not substantiated, for example through record of formal upheld noise complaints. There is little in the evidence before me to demonstrate that the additional two occupants would lead to a material change in noise and disturbance which would be disruptive to neighbouring amenity, particularly when compared to the existing use of the property as a 7-bedroom HMO.
14. On this basis, the proposal would have an acceptable effect on the living conditions of neighbouring occupiers, in particular the occupiers of 35 Longfield Avenue, having regard to noise and disturbance. I have therefore identified no conflict with Policies 10 or 29 of the SLP in respect to this main issue.

Other Matters

15. Concerns have been raised that the proposal would not adequately be served by parking provision. The effect of the development on car parking was not listed as a reason for refusal on the decision notice. However, the officer report acknowledged that a Section 106 agreement would be required to ensure the development is car free. Prior to the arranged site visit, the appellant was given the opportunity to provide such an agreement during the appeal proceedings.
16. A completed legal agreement has been provided to support the appeal. This document covenants (amongst other matters) that the owner shall not apply for a parking permit in connection with the occupation of the appeal site. I am satisfied that this agreement would serve the purpose of preventing occupiers from applying for resident parking permits and in doing so would help to mitigate the exacerbation of parking stress in the area.
17. Letters of representation have been received objecting to the proposal on numerous other grounds. It is stated that there has been a recent proliferation of housing in the area, including HMO applications, the latter of which are perceived to detrimentally affect community cohesion, public safety, and lead to increases in anti-social behaviour and disturbance. Nevertheless, I am mindful that the appeal site can already lawfully function as a 7-bedroom HMO. There is little in the evidence before me to substantiate that two additional bedrooms would lead to adverse community impacts or undermine the balance of housing stock in the area.

18. It is stated that the noise and disruption associated with the development, would have a detrimental impact on health, including mental health and enjoyment of a private life. I have therefore had due regard to Article 8 of the Human Rights Act 1998 which outlines that everyone has the right to respect for his private and family life, his home and his correspondence. These rights are engaged in reaching my decision. However, they are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.
19. When compared to the existing lawful use of the site, the two additional residents are not likely to create long term disruption which would have a detrimental impact on neighbouring parties health, private and family life. I have considered the impact on neighbouring living conditions in my main issues above and found the proposal to be acceptable in this respect. It is therefore proportionate in the circumstances to allow the appeal.
20. Concern has been raised in relation to how additional waste would be catered for. The appellant has demonstrated provision for bin storage to the front of the property, the delivery of which could be secured by condition. Equally I am satisfied that a condition requiring the provision of the cycle storage proposed would be sufficient to allow occupiers to safely and securely store cycles, in turn encouraging sustainable means of transport.
21. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. I have considered this case on its individual planning merits.

Conditions

22. I have considered the conditions put forward by the Council, having regard to the six tests set out in the National Planning Policy Framework (the Framework). Where necessary I have amended the wording in the interests of effectiveness and precision.
23. 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. Within the plans condition, 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.
24. A condition requiring the provision of refuse and recycling facilities is necessary in the interests of visual amenity. It is also necessary to secure the cycle parking spaces proposed as part of the development in the interests of sustainable travel.
25. The Council has suggested a condition relating to the hours of operation of site construction works. However, given that the proposed works relating to the development would largely be internal, and in any case modest in their extent, this condition is not necessary to make the development acceptable in planning terms.

Conclusion

26. Whilst the proposal would be contrary with Policy 10 of the SLP in respect to it relating to a semi-detached property, the conflict is minor and when taken as a whole, the proposal would not conflict with the overall aims and objectives of the policy which seek to protect overall housing stock. HMOs play an important role in

contributing towards diverse housing needs. The proposal would create a home for two additional individuals. These represent material considerations which indicate that the appeal should be granted despite the minor conflict with Policy 10 of the SLP.

L Gardner

INSPECTOR