



Appeal Decision

Site visit made on 20 January 2026

by A James BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 MARCH 2026

Appeal Ref: APP/T5720/W/25/3375275

74A College Road, Colliers Wood, Merton, London SW19 2BS

- 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 Miss Elena Pelayo Rincon against the decision of the Council of the London Borough of Merton.
 - The application Ref is 25/P0989.
 - The development proposed is proposal of change of use from C3 (residential dwelling) to C4 (small HMO).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 1) the effect of the proposed development on the supply of family housing within the area;
 - 2) whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to internal layout; and
 - 3) whether the proposed development would provide acceptable cycle parking facilities.

Reasons

Supply of family housing

3. Strategic Policy H11.1 of Merton Local Plan 2024 -2037/38 (Local Plan) relates to housing choice. Point c of Policy H11.1 sets out that the Council will seek the re-provision of at least one family sized home where the loss of an existing family sized home is proposed. The supporting text of Policy H11.1 defines a family sized home as having three bedrooms or more. The supporting text also highlights a limited supply of family homes within the Borough alongside a significant level of demand. Therefore, there is a clear need for family housing in the Borough.
4. The existing property has 4 bedrooms and therefore meets the definition of a family sized home. From my site visit, it was observable that the maisonette has been extended and thus by virtue of its size, layout and design comprises suitable accommodation for a family home. The proposed development would change the use to a small house in multiple occupancy (HMO) and thus lead to the net loss of a family sized home.

5. The appellant has indicated that smaller shared units such as HMOs form an important part of the housing mix by offering flexible and affordable accommodation for key workers and young professionals. However, whilst I accept that HMOs have a place in the housing mix offering flexible and low-cost accommodation, this should not be at the cost of the provision of family housing, for which there is a demonstrated need consistent with the requirements and supporting text of Policy H11.1 of the Local Plan.
6. The appellant has referred to London Plan (2021) Policies H10 (Housing Size Mix) and H11 (Build to Rent and Shared Living). Whilst the proposal would adhere with the broad principles of Policy H10 in so far as it supports a diverse range of housing types, it remains that the supporting text of Policy H11.1 of the Local Plan demonstrates there is a local need for family sized housing in the Borough that would not be suitably addressed by the proposal. Policy H11 relates to build to rent such that its provisions are not directly related to the proposed development. It is therefore a policy of little relevance to my considerations.
7. Thus, I conclude that the proposed development would lead to the loss of a family sized home which would have a negative impact on the supply of family housing so as to cause harm. This would be contrary to the relevant provisions of Policy H11.1 of the Local Plan which seeks to address different housing needs and protect self-contained family housing.

Living conditions

8. Proposed Bedrooms 3 and 4 fall short of meeting the private internal space standards set out in Policy D6 of the London Plan. I am mindful that these are existing bedrooms, but they are secondary to the main bedroom in the existing dwellinghouse. However, the proposed development would mean that Bedrooms 3 and 4 would be the only private spaces accessible to the individuals living in the HMO. Therefore, these bedrooms would feel cramped in the context of an HMO and be harmful to the living conditions of future occupiers. The appellant has suggested a condition which would limit occupancy to a maximum of four persons, with Bedroom 4 being retained for such use as a study or home office rather than sleeping accommodation. However, such an approach would not resolve the issue of Bedroom 3 which is considered to be of an unacceptable size within an HMO.
9. In conclusion, despite suitable provision of ventilation and natural light, Bedrooms 3 and 4 are undersized and would provide poor living spaces for future occupiers causing harm. The proposed development would not meet the provisions set out in Policy D12.3 of the Local Plan and Policy D6 of the London Plan which seek to ensure proposed developments are designed to a high standard in order to provide good quality living conditions for future occupiers in accordance with defined minimum space standards.

Cycle parking

10. Policy T16.2 of Local Plan sets out that proposed developments need to provide secure, covered cycle parking facilities that meet London Plan minimum standards (higher level requirements) and are designed to a high standard, having regard to the London Cycling Design Standards.
11. From my site visit, it was clear that storing bicycles in the rear garden would be impractical. The maisonette is on an upper level in the middle of a terraced block,

requiring bikes to be carried up one staircase, through the dwelling, and down another to reach the garden. The small front garden is shared and therefore unsuitable for cycle storage. As a result, there is no practical opportunity to provide on-site cycle facilities.

12. Policy T5 of the London Plan point E indicates that, where it is not possible to provide adequate cycle parking within residential developments, boroughs must work with developers to propose alternative solutions which meet the objectives of the standards. These may include options such as providing spaces in secure, conveniently located, on-street parking facilities such as bicycle hangers. In this instance, the Council's secure on-street cycle hangars are intended to be utilised.
13. The appeal site is conveniently located to Colliers Wood Underground Station, Britannia Point and public bike sharing systems, nevertheless relevant policy provisions dictate that bicycle parking that meets London Plan minimum standards and have regard to London Cycling Design Standards shall be provided as part of any scheme.
14. The evidence indicates that the aforementioned bicycle hangers are secure and conveniently located relative to the site. However, detailed evidence with regard to the capacity of the bicycle hangers and any relevant associated mechanism to secure the continued availability of spaces within them has not been provided. Therefore, I cannot be certain that the four-cycle spaces required to serve future occupiers of the development could be accommodated in the local bicycle hangers and thereafter retained for use by said occupiers at all times.
15. In conclusion, it has not been satisfactorily demonstrated that the proposed development would be served by acceptable cycle parking facilities. Thus, harm is identifiable and conflict arises with Policy T16.2 of the Local Plan and Policy T5 of the London Plan in so far as these policies seek to promote cycling by ensuring that secure and covered cycle storage is accessible and well designed.

Other Matters

16. Interested parties have raised concerns with regards to character of the area, parking pressures and harm to living conditions of neighbouring properties. However, as I found the appeal proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters any further here.
17. The appellant has referred to Merton's HMO licensing guidance. This document is not before me. In any event, matters of licensing are covered by a separate regulatory regime. These matters are not a determinative factor in this appeal.
18. I have noted the appellant's frustration in the sense that they feel the Council did not negotiate positively and proactively with them during the application process. However, this is not a determinative factor in this appeal. For the avoidance of doubt, it is my responsibility to focus upon the planning merits of the case.
19. As acknowledged above, the scheme would support a diverse range of housing types offering flexible and low-cost accommodation in an accessible location. However, in my judgement, any benefits to be drawn in these senses would be insufficient to outweigh the multiple harms I have identified.

Conclusion

20. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal is dismissed.

A James

INSPECTOR