

1 SUMMARY OF APPLICATION DETAILS

Ref: 21/01186/FUL
Location: 51 Warren Road, Croydon CR0 6PF
Ward: Addiscombe West
Description: Change of use from small House in Multiple Occupation (HMO) (C4 Use Class) to large 8 person HMO (Sui Generis)
Drawing Nos: WR/01 (Existing Plan), WR/02 (Proposed Plan), L1309 101 (Block Plan), Location Plan
Applicant/Agent: Ms Meng/Mr Peter Higginbottom
Case Officer: Sera Elobisi

- 1.1 This application is being reported to committee because the ward councillor (Cllr Jerry Fitzpatrick) made representations in accordance with the Committee Consideration Criteria and requested Committee Consideration.

2 RECOMMENDATION

That the Planning Committee resolve to GRANT planning permission subject to:

- 2.1 The prior completion of a legal agreement to secure the following planning obligations:
- a) Restriction on future occupiers from obtaining car parking permits in CPZ.
 - b) Any other obligation(s) considered necessary by the Director of Planning and Sustainable Regeneration
- 2.2 That the Director of Planning and Sustainable Regeneration has delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- 1) Commencement of development within three years of consent being granted
- 2) Development to be carried out in accordance with the approved drawings and reports except where specified by conditions.

Pre-occupation

- 3) Management Plan, including waste and recycling management, to be submitted for approval

Compliance

- 4) Provision of cycle storage
- 5) HMO restricted to no more than 8 residents
- 6) Any other planning condition(s) considered necessary by the Director of Planning and Sustainable Regeneration

Informatives

1) Any informative(s) considered necessary by the Director of Planning and Sustainable Regeneration

- 2.3 That, if within 3 months of the issue of a draft planning permission decision notice, the legal agreement has not been completed, the Director of Planning and Sustainable Regeneration has delegated authority to refuse planning permission.

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 The site is a mid-terrace residential dwelling located on Warren Road, Croydon. The dwelling is currently in use as a small HMO unit for up to 6 persons and has been extended at the rear and the roofspace to additional bedroom spaces in the loft as well as a communal area on the ground floor (see history section below).



Image 1: location plan

- 3.2 The proposal seeks conversion of the existing HMO into an 8 person, with the layout as follows:

Ground floor	Two bedrooms, kitchen, living room, shower room and store
First floor	Three bedrooms, kitchen and shower room
Second floor	Two bedrooms

- 3.3 No extensions are proposed.

Site and Surroundings

- 3.4 The area is residential and comprises mainly small family dwellinghouses similar to that of the application building. The site is within walking distance to Lower Addiscombe Road and local amenities.
- 3.5 The site is located within Flood Zone 1 and in an area at high risk of surface water levels. The site has a Public Transport Accessibility Level of 3.

Planning History

- 3.6 19/00050/HSE – Permission granted for erection of single storey side/rear extension and first floor rear extension (implemented).
- 3.7 19/01403/FUL – Permission refused for alterations; erection of single/two storey rear extensions with rear balcony at first floor (refused on grounds of residential amenity and substandard accommodation).
- 3.8 19/02888/LP – Certificate of lawful development granted erection of dormer extension in rear roofslope and use of the dwelling as a small HMO for up to 6 occupants (Use Class 4).
- 3.9 19/04025/FUL – Permission refused for use of the dwelling as a HMO for 8 occupants (refused on grounds of loss of a small family dwelling, visual amenity and sub-standard accommodation).
- 3.10 19/05274/FUL – Permission for use of the dwelling as HMO for 8 persons refused. An appeal against the Council's decision was dismissed on 22/07/2020 on grounds of loss of a small family dwelling and sub-standard accommodation.
- 3.11 20/00241/FUL – Permission refused for use of the dwelling as a large HMO (Sui Generis). Refused on grounds of loss of a small family dwelling and sub-standard accommodation.
- 3.12 20/06663/LE – Certificate of lawful development granted for use of dwelling as HMO within Use Class C4 (3 - 6 persons).

4. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 4.1 An HMO is considered acceptable in this location given its accessibility within a Local Centre and public transport connections.
- 4.2 The development has been designed to meet HMO guidance.
- 4.3 The living standards of future occupiers acceptable and compliant with the Local Plan and HMO guidance. The existing layout to the second floor front bedroom was

considered acceptable and approved for HMO use within Use Class C4 (Ref. 20/06663/LE).

4.4 Suitable waste management and cycle arrangements have been provided within the site.

4.5 There would be no undue harm to the residential amenities of adjoining occupiers.

5. CONSULTATION RESPONSE

The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6. LOCAL REPRESENTATION

6.1 Letters were sent out to neighbouring occupiers to advertise the application. The number of representations received from neighbours, local groups etc. in response to initial consultation notification and publicity of the application were as follows:

No of individual responses: 11 Objecting: 11 Supporting: 0

The following issues were raised in representations. Those that are material to the determination of the application, are addressed in substance in the MATERIAL PLANNING CONSIDERATIONS section of this report:

Summary of objections	Response
<i>Use</i>	
Loss of family home.	Refer to paragraph 7.5 of this report.
Overcrowding and overdevelopment, not in keeping with the area	Refer to paragraphs 7.7 and 7.8 of this report.
<i>Impact on neighbours</i>	
<i>Noise</i>	Refer to paragraph 7.8 of this report.
Anti-social behaviour	There has been no registered complaint to the Council regarding anti-social behaviour.
<i>Waste</i>	
Refuse Storage	Refer to paragraphs 7.13 and 7.14 of this report.
<i>Non-material issues</i>	
Concerns about the type of people occupying the property.	Not a material consideration.
The impact on the application on surrounding property values.	Not a material consideration.

<i>Procedural issues</i>	
Multiple applications submitted despite planning refusals.	There has been a material change of use of the property since the previous application refusals and therefore the application is subject to a full planning assessment.
Application misleading as property is already being advertised commercially as an 8 bedroom HMO.	The property is licenced as a small HMO unit for 6 persons.
<i>Parking</i>	
Parking congestion problems to existing residents in Warren Road.	Refer to paragraph 7.11 of this report.

6.2 Councillor Sean Fitzsimons has made the following representations:

- This is an overdevelopment of the site and loses a valuable family home, and provides inadequate living and amenity space for residents.

6.3 Councillor Jerry Fitzpatrick has made the following representations

- Loss of a small family dwelling - (On 22nd July the appeal to Secretary of State was rejected for these reasons: "The development would result in the permanent net loss of a three bedroom family home and the loss of small family dwelling") - This is still the case in that there is a shortage of 3-bedroom family homes in the borough. A Sui Generis HMO is a different category altogether. It sits in the same category as hostels as well as betting offices, casinos and theatres. Not an appropriate change of use for a residential street.
- Living conditions – Nothing has been done to alleviate this issue. (The Appeal Inspector agreed with the council that the room "doesn't allow any real outlook", "enclosed and oppressive", "resulted in a poor standard of living conditions for the occupier of that bedroom" "contrary to the aims of Policies 7.6 of the London Plan 2016 and DM10.6 of the Local Plan)
- The proposal seeks to remove shared communal space from the existing residents (a study) in favour of bedroom 7 which just adds more congestion in the remaining communal areas such as the ground floor shower and kitchen. This is to the detriment of the existing tenants.
- Paragraph 5.20 only underlines the point that the communal space (existing study) is necessary for the occupier of bedroom 1 and its loss would be of detriment to his/her wellbeing.
- No evidence has been provided that the proposed accommodation is "considered acceptable and accepted by the LB of Croydon Environmental Team. No evidence has been provided that the licensing team considers this to be high standard for a
- 8-person HMO.

- Character and appearance of the area - Insufficient side storage to store the quantity of wheelie bins required for an 8-person HMO. Storing 2 to 3 landfill bins and 2 recycling wheelie bins would be unattractive and here I disagree with the Appeal Inspector - The walls are not high enough to hide the wheelie bins and the front will have no function other than to store them. With 3 bins you can see they already come up to the bay window and start obscuring the view from the occupant there. Adding more makes the home look like a recycling site.

7. RELEVANT PLANNING POLICIES AND GUIDANCE

7.1 In determining any planning application, the Council is required to have regard to the provisions of its Development Plan so far as is material to the application and to any other material considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The Council's adopted Development Plan consists of the London Plan 2021 the Croydon Local Plan 2018.

7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF) most recently updated in July 2021. The NPPF sets out a presumption in favour of sustainable development, requiring that development which accords with an up-to-date local plan should be approved without delay. The NPPF identifies a number of key issues for the delivery of sustainable development, those most relevant to this case are:

- Achieving sustainable development
- Delivering a sufficient supply of homes
- Promoting sustainable transport
- Achieving well designed places

7.3 The main policy considerations raised by the application that the Committee are required to consider are:

London Plan 2021 (LP):

- GG2 Making the best use of land
- GG4 Delivering the Homes Londoners need
- D2 Infrastructure requirements for sustainable densities
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D12 Fire safety
- D14 Noise
- H1 Increasing housing supply
- H10 Housing mix and size
- SI2 Minimising greenhouse gas emissions
- SI5 Water infrastructure
- SI12 Flood risk management
- T1 Strategic approach to transport
- T3 Transport capacity, connectivity and safeguarding

- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking

Croydon Local Plan 2018 (CLP):

- SP2 – Homes
- SP4 – Urban design and local character
- SP6.3 - Sustainable Design and Construction
- DM1 - Housing choice for sustainable communities
- DM10 - Design and character
- DM13 - Refuse and recycling
- DM23 - Development and construction
- SP8 – Transport and communication
- DM29 - Promoting sustainable travel and reducing congestion
- DM30 - Car and cycle parking in new development

7.4 There is relevant Supplementary planning Guidance as follows

- Supplementary Planning Document (SPD2) Suburban Design Guide 2019.
- HMO Housing Standards Act (2004)

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

1. Principle of development
2. Townscape and visual impact
3. Residential amenity of adjoining occupiers
4. Residential amenity of future occupiers
5. Parking
6. Refuse

Principle of development

8.2 The Local Plan seeks to ensure that a choice of homes are available in the borough that will address the borough's need for homes of different sizes. The London Plan (policy H9) states that houses in multiple occupation play a strategically important part of London's housing offer, meeting distinct needs and reducing pressure on other elements of the housing stock.

8.3 Policy DM1.2 of the Croydon Plan seeks to protect residential dwellings from conversion where they have a floor space of less than 130sqm or 3 bedrooms as originally built. The property as originally built was a three bedroom house and classed as a small family dwelling. As can be seen from the Planning History, planning permission has been previously refused (among other grounds covered below) due to the loss of a small family dwellinghouse.

- 8.4 In the case of the current application, the property was confirmed (via an officer's site visit) to be in HMO use within Use Class C4 prior to 28th January 2020, when an Article 4 Direction came in to place restricting the possibility of converting such a property from a single family dwelling house (C3 use) to a small Houses in Multiple Occupation with 3- 6 occupants (C4 use) without the benefit of planning permission. A Certificate of Lawful Development (Existing Use as a small HMO) was granted at the property on 15/02/2021 (20/06663/LE in the Planning History). The property is therefore no longer in use as a small family dwellinghouse which is a material change since the previous refusals (19/04025/FUL, 19/05274/FUL and 20/00241/FUL) were determined.
- 8.5 The principle of conversion from an established small HMO of 3 – 6 persons (C4 Use) to an 8 persons HMO (Sui Generis) is therefore acceptable as it would not result in the loss of a small family home.

Townscape and visual impact

- 8.6 There are no new extensions to the building proposed as part of this application. The application does however propose that refuse storage facilities would be provided in the front garden area of the property as per the existing arrangements. Further consideration of the point is detailed below.

Residential amenity of adjoining occupiers

- 8.7 The proposed scheme would not result in any additions of built form to the building with the result that the application scheme would not harm the outlook, daylight or privacy of the neighbouring occupants.
- 8.8 The property currently has a licence to operate as a 6 bedroom/ person HMO (with this confirmed via 20/06663/LE). The proposal would result in 1 extra bedroom being provided and the current application seeks to increase the maximum number of residents from 6 to 8. Whilst it would increase the intensity of the use, the additional bedroom and persons on the site is therefore relatively modest. HMOs are essentially a residential use, and it is not considered that two additional residents would generate significant levels of noise and disturbance to the extent which could warrant refusal of planning permission. A condition is recommended limiting the number of occupiers to 8.

Residential amenity of future occupiers

- 8.9 The HMO would provide 2 kitchens, a separate living area and two storage areas. The layout plan submitted for consideration shows 5 out of the 7 bedrooms would have en-suite shower rooms as well as two additional shower rooms on the ground and first floor. The proposal makes provision for an outdoor communal area in the rear garden which would be accessible to all via the lounge.
- 8.10 The size of the rooms and facilities available have been considered by the HMO Team. Further to amended plans, all the rooms meet the minimum floor space standard as contained in the Housing Acts 2004 for HMO units.

- 8.11 Officers note that the second floor front bedroom is only served by rooflights and this area of concern was raised by the Planning Inspector in his decision to dismiss an appeal against the Council's refusal of application 19/05247/FUL. It is noteworthy however, that said bedroom in the loft space is occupied as a fully functioning bedroom under the existing C4 (Small HMO) Use, confirmed under 20/06663/LE. Given the existing use and the fact there is no change proposed to this floor, a grounds for refusal cannot be justified.

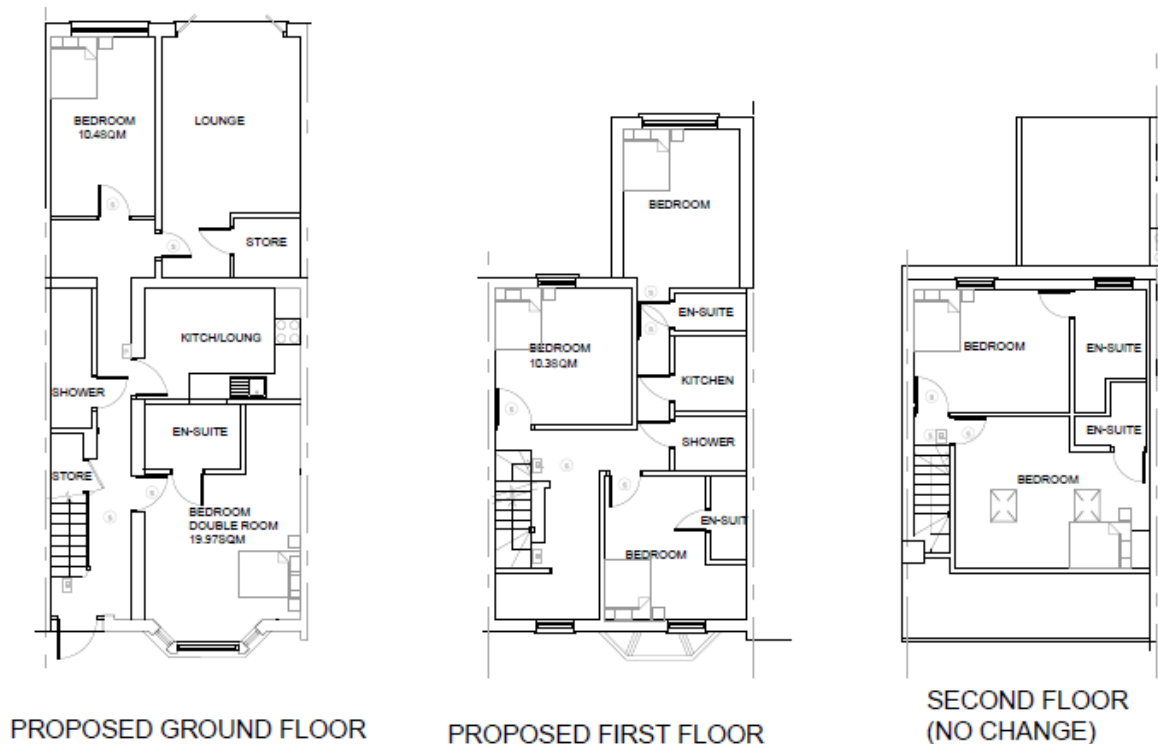


Image 2: Proposed Floor Plans

- 8.12 A Fire Safety Statement has been provided which covers the details necessary as part of Policy D12 of the London Plan (2021).

Highways and parking

- 8.13 The location for the proposed development has a PTAL level of 3, which indicates a moderate level of accessibility to public transport links. The site is also within walking distance of bus stops and local amenities on nearby Lower Addiscombe Road. The London Plan 2021 does not have specific guidance regarding parking standards for HMO's. The site is within a Controlled Parking Zone (CPZ) and as such, a legal agreement would be put in place to prevent tenants applying for a permit. Given the location, CPZ restriction and modest uplift against the lawful use of the premises as a 6 person HMO, it is not considered that the use would result in a significant impact upon on street parking in the area and the lack of parking for the site is considered acceptable.

- 8.14 The existing cycle storage arrangements in the rear garden would be maintained as per the submitted planning statement. The provision of one cycle parking space per occupant in line with the London Plan can be secured by way of a Condition where the Council is minded to grant permission.

Refuse

- 8.15 Policy DM13 of the Croydon Local Plan requires development to sensitively integrate refuse and recycling facilities within the building envelope, or within landscape covered facilities located behind the building line; ensure facilities are visually screened; provide adequate space for the temporary storage of waste materials generated by the development; and ensure facilities are safe, conveniently located and easily accessible by occupants, operatives and their vehicles. The Council's adopted Suburban Design Guide 2019 requires refuse stores to be located in a visually discreet and easily accessible location. They should generally not be accessible via the front elevation of the building or abut the pavement so as to avoid visual intrusion on the appearance of the building
- 8.16 Refuse would be stored in the front garden area and although the bins would be visible above the front garden wall, the arrangement was considered acceptable by the Planning Inspector in the appeal decision 19/05274/FUL.

Conclusion

- 8.17 It is recommended that planning permission should be granted for the proposal, as it would be acceptable in all respects, subject to conditions.
- 8.18 All other relevant policies and considerations, including equalities, have been taken into account.