



Gregg Chapman – Case Officer  
Development Management  
6th Floor  
Bernard Weatherill House  
8 Mint Walk  
Croydon  
CR0 1EA

**Monks Orchard Residents'  
Association  
Planning**

5<sup>th</sup> August 2024

Emails: [dmcomments@croydon.gov.uk](mailto:dmcomments@croydon.gov.uk)  
[development.management@croydon.gov.uk](mailto:development.management@croydon.gov.uk)  
[gregg.chapman@croydon.gov.uk](mailto:gregg.chapman@croydon.gov.uk)

Emails: [planning@mo-ra.co](mailto:planning@mo-ra.co)  
[chairman@mo-ra.co](mailto:chairman@mo-ra.co)  
[hello@mo-ra.co](mailto:hello@mo-ra.co)

---

Reference: 24/02353/FUL  
Application Validated: Tue 16 Jul 2024  
Address: 189 Shirley Road Croydon CR0 8SA  
Proposal: Change of use from a C3 dwellinghouse to a 6-bedroom 6-person (6b6p) House in Multiple Occupation.  
Status: Awaiting decision  
Consultation Expiry: Fri 09 Aug 2024  
Determination: Tue 10 Sep 2024  
Case Officer: Gregg Chapman

---

Dear Mr Chapman – Case Officer

Please accept this letter as a formal objection to **Application Ref: 24/02353/FUL** Change of use of **189 Shirley Road** from a **C3 dwellinghouse**, to a **6-bedroom 6-person (6b6p) House in Multiple Occupation**.

### Planning History:

**Ref. 23/02700/LP** Garage Conversion comprising alterations to the front façade; **189 Shirley Road** Croydon CR0 8SA.

- Status Decided:
- Decision Lawful Dev. Cert. Granted (proposed)
- Decision Issued Date: Wed 20 Sep 2023

**Ref: 23/02701/LP** Loft conversion with erection of hip to gable extension and rear box dormer and insertion of front rooflights with associated works including internal and external alterations. Alterations to the rear fenestrations. **189 Shirley Road** Croydon CR0 8SA.

- Status Decided
- Decision Lawful Dev. Cert. Granted (proposed)
- Decision Issued Date: Wed 20 Sep 2023

**Ref: 20/03288/FUL** Alterations, use as a **House in Multiple Occupation** with **6 Bedrooms**, provision of associated off-street parking. **189 Shirley Road** Croydon CR0 8SA.

- Status Decided:
- Decision **Permission Refused**
- Decision Issued Date: Thu 07 Jan 2021.

### Reason(s) for Refusal - (Ref: 20/03288/FUL):

- 1 The development would result in increased noise and disturbance to the detriment of adjacent residential occupiers by reason of the 7+ number of persons proposed in the HMO accommodation. It thereby conflicts with Policies 7.6 and 7.15 of the London Plan 2016 (as consolidated with alterations since 2011), and Policies SP4.2, DM10.6 and DM23 of the Croydon Local Plan 2018.
- 2 The layout of the HMO would be a sub-standard accommodation to the detriment of future occupiers through a poor layout to Room 5 and under provision of kitchen facilities for a 7+ person HMO accommodation. It thereby conflicts with Policy 3.5 of the London Plan 2016 (as consolidated with alterations since 2011) and Policy SP2.8 of the Croydon Local Plan 2018.
- 3 The design and layout of the forecourt parking spaces would be cramped and overcrowded and would not be safe or efficient. It thereby conflicts with Policy 6.12 of the London Plan 2016 (as consolidated with alterations since 2011) and Policies DM29 and DM30 of the Croydon Local Plan 2018.
- 4 The lack of specific detail of the siting and appearance of refuse storage could be detrimental to the amenity of adjacent residential occupiers through increased litter. It thereby conflicts with Policy 7.6 of the London Plan 2016 (as consolidated with alterations since 2011) and Policies DM10.6 and DM13 of the Croydon Local Plan 2018.

### Article 4 directive <sup>1</sup>

#### The Article 4 Direction Schedule <sup>2</sup>

Croydon Council introduced an ‘**Article 4**’ Direction on **28 January 2019** ‘to protect family homes’ (houses and flats) by requiring planning permission to convert these properties into small houses of multiple occupation (HMOs).

The **Article 4 Direction** was confirmed to come into place on **28 January 2020**, a year after it was first drafted and proposed.

The **Article 4 Direction** applies to the whole borough. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class (C3) (Dwellinghouses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C4 (Houses in multiple occupation) of that Schedule, being development comprised within Class L(b) of Part 3 of Schedule 2 to the GDPO and not being development comprised within any other Class.

The objective of **Article 4 Directive** is ‘to protect existing family homes’ against the loss and trend to smaller accommodation, including Flats, and applies to both the current **Croydon Local Plan 2018** and the revised **Croydon local plan 2024**. Also, to prevent conversion of individual areas becoming high residential density without any increase in infrastructure to support the increase.

---

<sup>1</sup> [https://www.croydon.gov.uk/sites/default/files/Planning/Masterplans/HMO\\_Article\\_4\\_Confirmation.pdf](https://www.croydon.gov.uk/sites/default/files/Planning/Masterplans/HMO_Article_4_Confirmation.pdf)

<sup>2</sup> <https://www.croydon.gov.uk/planning-and-regeneration/planning-policy/article-4-directions>

## NPPF Emerging Policies: NPPF para 48

Local planning authorities may give 'weight' to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

As the **Revised Croydon Local Plan 2024**<sup>3</sup> is now undergoing **Regulation 19 consultation**, (1<sup>st</sup> July to 12<sup>th</sup> August), it is considered that the proposed Policies are of 'material significance'

Irrespective of any other policy interpretations, the proposal fails to meet the proposed **Croydon Local Plan 2024 Policy DM2B.1 c)** and should therefore be Refused.

### Policy DM2B: Houses in Multiple Occupation:

**DM2B.1** Proposals for the conversion of larger homes to Houses in Multiple Occupation (HMO), including small HMOs (3-6 unrelated people) within the area covered by the Article 4 Direction (whole of the borough), will only be permitted where:

- a. The gross original internal floor space of the existing dwelling is greater than 130m<sup>2</sup>.
- b. They do not give rise to any significant adverse amenity impact(s) on the surrounding neighbourhood, including cumulative impacts arising from an overconcentration of HMOs within an area.
- c. **They are located in areas meeting a minimum Public Transport Accessibility Level (PTAL) rating of 4 and are accessible by public transport, cycling and walking.**
- d. They provide high quality accommodation that satisfies the relevant policies of the Local Plan, including internal space standards, provision of a satisfactory level of amenity space for occupants and adequate and convenient refuse and recycling storage and collection.
- e. Where non-self-contained, have exclusive use of a kitchen or space within a shared kitchen for each household.
- f. Soft landscaping is incorporated to improve and enhance the site.

**DM2B.2** Planning applications for the change of use from an HMO to self-contained accommodation will only be considered where the property does not meet the appropriate

<sup>3</sup> <https://www.croydon.gov.uk/sites/default/files/2024-07/croydon-local-plan-%20detailed-policies-and-proposals-proposed-submission-draft-part-1.pdf>



standards for an HMO (as set out in the Housing Act 2004 and the Management of HMOs (England) (Regulations) 2006) and has no realistic prospect of meeting the standards.

### Taking each new Policy.

**DM2B.1** Proposals for the conversion of larger homes to **Houses in Multiple Occupation** (HMO), including small HMOs (3-6 unrelated people) within the area covered by the **Article 4 Direction** (whole of the borough), will only be permitted where it meets policy DM2B.1 a) to f):

- a) We understand “the gross original internal floor space of the existing dwelling” before undertaking building works is greater than **130m<sup>2</sup>**.
- b) However, we are convinced that the proposal would give rise to significant adverse amenity impact(s) on the surrounding neighbourhood, including cumulative impacts arising from an overconcentration of HMOs within an area, contributing to increased noise and disturbance.
- c) The Location of 189 Shirley Road at **PTAL 2** (**PTAL** output for **2031 (Forecast)** 2 Easting: 535238, Northing: 165876); is **‘inappropriate’** for an **HMO** in accordance with the revised **Policy BM2B.1 para c)**. i.e. the **PTAL** at **189 Shirley Road** is **PTAL 2** and for **HMO status** the locality would need to be **≥ PTAL 4**.
- d) They provide high quality accommodation that satisfies the relevant policies of the Local Plan, including internal space standards, provision of a satisfactory level of amenity space for occupants and adequate and convenient refuse and recycling storage and collection. – No Comment.
- e) Where non-self-contained, have exclusive use of a kitchen or space within a shared kitchen for each household. – No Comment
- f) Soft landscaping is incorporated to improve and enhance the site. – No Comment.

### Current Application and Building Works

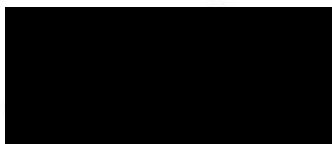
It is understood that **189 Shirley Road** has undergone significant building works recently and it is therefore **‘presumed’**, the actual conversion works for **HMO occupation** has already been implemented, which we believe means this is probably a **‘retrospective’** application for **Change of Use to HMO status**.

The previous application **Ref: 20/03288/FUL** “Alterations, use as a House in Multiple Occupation with **6 Bedrooms**, provision of associated off-street parking” was refused on 7<sup>th</sup> Jan 2021. (Officers Report attached). Does this earlier refusal negate the argument that the revised policy is not yet current accepted policy?

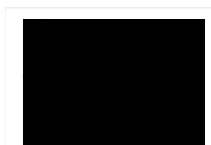
Therefore, unless there are extenuating circumstances which would allow the formal change of use, we respectfully request that this retrospective planning application be refused on Grounds of failure to meet the proposed emerging Policies for the Croydon Local Plan 2024.

Kind Regards

Derek



**Derek C. Ritson I. Eng. M.I.E.T.**  
**MORA – Planning**  
**Email: [planning@mo-ra.co](mailto:planning@mo-ra.co)**



**Sony Nair**  
**Chairman MORA**  
**Monks Orchard Residents' Association.**  
**Email: [chairman@mo-ra.co](mailto:chairman@mo-ra.co)**

Cc:

Cllr. Sue Bennett  
Cllr. Richard Chatterjee  
Cllr. Mark Johnson

Shirley North Ward  
Shirley North Ward  
Shirley North Ward