



Appeal Decision

Site visit made on 8 November 2022

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2022

Appeal Ref: APP/E5330/W/22/3298788

31 Nithdale Road, Plumstead SE18 3PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Caroline Logue against the decision of Royal Borough of Greenwich.
 - The application Ref 21/2814/F, dated 28 July 2021, was refused by notice dated 16 February 2022.
 - The development proposed is ground floor rear extension, rear dormer extension and change of use from two flats to Sui Generis HMO.
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Decision

1. The appeal is allowed and planning permission is granted for ground floor rear extension, rear dormer extension and change of use from two flats to Sui Generis HMO at 31 Nithdale Road, Plumstead SE18 3PF in accordance with the terms of the application, Ref 21/2814/F, dated 28 July 2021, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the living conditions of neighbouring properties in relation to noise and disturbance.
 - The effect of the proposed development on highway safety.

Reasons

Living conditions

3. The plans provided show 2 existing 1 bedroomed properties and my observations on site confirmed this to be accurate. The proposed change of use would provide a seven bedroomed HMO and I accept that the proposed development would result in an increase in the number of occupiers at the site from the existing 1 bed flats.
4. There are already 2 separate residential units at the site that does not have a limit on the number of occupiers and could indeed be used for larger units if desired. The proposed development would be split across three floors providing 3 bedrooms on the ground and first floor and a bedroom within the loft space. Consequently, the general activity associated with this internal arrangement and development of this size would not be so significant as to adversely impact the living conditions of neighbouring occupiers in relation to noise and

disturbance at a detrimental level over and above the existing situation or what can be reasonably expected within a residential setting.

5. Nithdale Road comprises a mix of family dwellinghouses and flats and I observed the general comings and goings/movements on my site visit. Whilst only a snapshot in time, movements were relatively average for the setting and whilst active, the general area did not appear overly busy where noise would be an issue.
6. I appreciate that such development if located inappropriately can harm the character of established residential areas through more activity including more people movements, increased car movements, more rubbish, deliveries etc. However, whilst I accept that a HMO is a different type of occupancy to the use as a single dwelling house and comings and goings are likely to be different, the level of activity involved within an already relatively active street would not be so substantially different to materially or harmfully alter the area particularly when taking into account the existing property which already serves 2 flats and could indeed accommodate a high level of occupancy.
7. There have been no technical documents to demonstrate whether or not the development would have an acceptable impact on neighbouring occupiers in terms of noise pollution. However, given the size and occupancy levels as well as taking into account its residential setting and level of activity, I am content that the proposed development would not be so significant to cause an unacceptable impact on the living conditions of neighbouring properties. Additionally, Environmental Health have been consulted on this scheme and have therefore considered any likely noise impact arising from the development and raise no objection having recommended a number of planning conditions including construction working hours which I have applied.
8. I also appreciate the concerns regarding the general nature of HMO's and other similar HMO's within the immediate locality which are said to have caused distress due to an excessive number of occupants, antisocial behaviour and turnover of tenants. No clear evidence has been provided of antisocial behaviour at other HMO's in the area and there is no compelling case that any such issues would arise from this scheme.
9. I conclude that the proposed development would not have an unacceptable effect on the living conditions of neighbouring properties in relation to noise and disturbance. The proposed development would therefore comply with Policy D14 of the London Plan, and Policy E(a) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (CSDP) which together, amongst other things, avoids development which would have a significant adverse effect on the amenities of adjacent occupiers or users, especially where proposals would likely result in significant adverse noise impacts on health and quality of life.

Highway safety

10. I observed the parking situation on my site visit where while only a snapshot in time, I saw that unrestricted on street parking is available along Nithdale Road and surrounding streets and there were several parking spaces available. Even taking into account the busier time of day such as early mornings/evenings, the parking needs of the development could be reasonably accommodated either along Nithdale Road or on surrounding streets.

11. The levels associated with the proposed development would again not be so significant to cause parking stress over and above the level what could be generated by 2 properties where occupants could have multiple cars. I also note concerns regarding walking to and from cars on an evening if not parked close to properties. However, given there is no substantive evidence to show parking is currently an issue or at full capacity then there is nothing to show that residents would need to walk far.
12. I acknowledge the concern regarding increased pressure on the road network, increased traffic/parking problems, blockages to the flow of traffic and overall safety as a result of limited visibility. However, the proposed development would provide a seven bedroomed HMO and vehicle movements associated with a development of this size would not be so significant to give rise to an unacceptable impact on the local road network. I also accept that the school is located nearby, and the street is naturally busier around drop off and pick up times. Whilst this is not disputed, the proposed development by reason of its size is unlikely to exacerbate the existing situation to a harmful degree. Additionally, given the availability in car parking spaces, the proposed development would not result in indiscriminative parking or block the flow of traffic.
13. Moreover, the site is located within walking distance of local shops and the location is one which forms part of the London Cycle Network Route. Whilst the site has a PTAL index of 1 and therefore marked low in terms of public transport, there are still a number of bus stops within walking distance of the site as evidenced on my site visit which would further reduce the reliance on private car.
14. I accept that there has been no technical information submitted in the form of a parking survey. However, the Council's Highways Department have previously considered such matters and conclude that the nature of the proposal is unlikely to generate significantly any more trips than the existing use if used as 2 properties and I have no reason to disagree with this. The Highways Department have also recommended that adequate cycle provision is made to promote a sustainable approach to transport, and I have applied a condition to ensure provision is made.
15. The proposed development would provide cycle storage and although located to the rear of the property, this arrangement is not uncommon for residential uses and would not be substantially different to that of individuals from 2 households who could have cycle storage to the rear.
16. I conclude that the proposed development would not harm highway safety. As such, it would not be contrary to Policies T4, T6 and T6.1 of the London Plan and Policies IM4, IM(a) and IM(c) of the CSDP which together, amongst other things, assesses and mitigates transport impacts and encourages the reduction of the use of the private car.

Other Matters

17. I have reviewed all matters raised by the Council including third party representations as part of my decision and acknowledge the concerns that the proposed development would harm the character and appearance of the surrounding area. However, the works to facilitate the proposed development would largely be contained within the existing building envelope albeit some

minor external changes to the rear elevation. As a result, it would be largely indistinguishable from the host property and those located along Nithdale Road and thus not impacting on the character and appearance of the area. I have also added a condition to ensure the materials would match the existing property.

18. Comments have also been made regarding the overconcentration of HMO's in the area and that the increase in occupancy would result in additional pressure on public services. Residents are also concerned that the proposed development may set a precedent for further development along Nithdale Road. However, there is no clear evidence that there is currently an issue with regard to the number of HMO's in the area or that public services are at full capacity. I have found the proposal to be acceptable and therefore see no reason why it would set a precedent for any unacceptable future schemes.
19. I acknowledge concerns regarding the loss of a potentially future family home. However, there is no clear evidence that there is currently an issue with regard to the supply of family housing in the area.
20. I also acknowledge concerns regarding quality of accommodation/internal layout, lack of communal areas, fire risks and increased waste/provision as well as the impact of the rear extension work. Based on the assessment of the plans submitted and my observations onsite as well as there being no clear evidence that the proposal fails to meet the required standards, I am content that the proposed development would bring forward an acceptable quality of accommodation to prospective occupiers whilst not causing undue harm to existing and future occupants of the host property and neighbours.
21. Matters relating to the management of HMO's, financial gain and property prices have not affected my findings on the main issues.

Conditions

22. I have considered the Council's suggested planning conditions in their Statement of Case and in light of the National Planning Policy Framework and Planning Practice Guidance. As a result, I have amended these where necessary for clarity.
23. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. A condition relating to materials is necessary to ensure materials would match the existing dwellinghouse. Conditions relating to provision of refuse storage units and also cycle parking facilities are necessary to ensure adequate facilities are provided of an acceptable design whilst promoting sustainable travel. A condition relating to ground contamination is necessary in the interests of human health, property and wider environment.
24. A condition limiting construction hours and occupancy levels are imposed to protect the living conditions of nearby residents.

Conclusion

25. For the above reasons and having had regard to the development plan as a whole, the appeal should be allowed.

N Teasdale

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development must be begun within three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the application plans, drawings and documents hereby approved and as detailed below:

Site Location Plan, PGA001(Rev. C), PGA002 (Rev. D), PGA003 (Rev. C).
- 3) The external surfaces of the development hereby permitted shall be constructed in materials to match the existing dwellinghouse.
- 4) Prior to the occupation of the development, bin stores shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and maintained for the lifetime of the development.
- 5) Prior to the occupation of the development, the cycle parking facilities as shown on drawing number PGA001 (Rev C) shall in all respects be constructed in accordance with the approved details and maintained for the lifetime of the development.
- 6) If, during development, contamination not previously identified is found to be present at the site, then no further development of that part of the site shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 7) Demolition or construction works shall take place only between 08:00 to 18:00 on Monday to Friday, and between 08:00 to 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 8) The number of persons residing in the dwelling shall be limited to a maximum of 8

End of schedule