



Appeal Decision

Site visit made on 21 April 2023

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Appeal A. Ref: APP/E5330/W/22/3312861

1 Haimo Road, Eltham, Greenwich SE9 6DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Duc Kham Chu against the decision of The Royal Borough of Greenwich Council.
- The application Ref 22/2463/F, dated 21 July 2022, was refused by notice dated 17 November 2022.
- The development proposed is the construction of a 1-bed residential dwellinghouse.

Appeal B. Ref: APP/E5330/W/22/3307003

1 Haimo Road, Eltham, Greenwich SE9 6DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Duc Kham Chu against the decision of The Royal Borough of Greenwich Council.
 - The application Ref 22/1855/F, dated 1 June 2022, was refused by notice dated 15 August 2022.
 - The development proposed is the change of use of a dwelling from residential (Class C3) to a HMO (Class C4).
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is allowed and planning permission is granted for the change of use of a dwelling from residential (Class C3) to a HMO (Class C4) at 1 Haimo Road, Eltham, Greenwich SE9 6DZ in accordance with the terms of the application 22/1855/F, dated 1 June 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DPL.01, DPL.02, DPL.03, DPL.04, DPL.05, DPL.06, DPL.07, DPL.08 and DPL.09
 - 3) No more than 4 persons shall be resident at the property at any one time.

Preliminary Matters

3. As the descriptions of the proposed developments vary between the documents submitted for the purpose of both appeals, I have used the descriptions of the developments from the Council's decision notices as these more fully and accurately describe the proposals.

Main Issues

Appeal A

4. The main issue is the effect of the proposal on the character and appearance of the terrace of which it forms part and that of the local area.

Appeal B

5. The Main issue is the effect of the proposal on the living conditions of occupiers with reference to quality of accommodation.

Reasons

6. The appeal property is a two storey end of terrace house with a wraparound garden with an off street parking area to the front. The short terrace of which the appeal property forms part, reflects the form and layout of terraced and semi-detached houses in the local area, which is part of a larger planned estate. On the flank side of the appeal property is the Eltham Green Fellowship Church and Hall (the church and hall).

Appeal A

7. The proposal would subdivide the existing plot into two. The proposed single storey dwelling would be located on the side part of the property's wraparound garden and would be joined to the flank wall of the existing end of terrace house, requiring the removal of an existing single storey lean-to structure. Whilst the existing dwelling has a hipped roof form, reflecting the general roof form used for houses in the wider local area, the proposal would have a pitched roof with gable end facing the street.
8. The proposed dwelling would align with the front elevation of the existing dwelling on the appeal property and would extend to within approximately 0.8 metres of the boundary of the appeal property with that of the neighbouring church and hall. It would also extend rearward of the existing house, wrapping slightly around its rear elevation. This would not reflect the existing rear building line of the terrace.
9. The front gabled elevation of the proposal would have a central front door, positioned between two windows at ground level, at first floor level there would be a single window serving the proposed attic space.
10. The elevation sketch provided by the appellant in their appeal statement does not appear to represent the actual design of the church and hall. From my site visit it was apparent that, whilst the front gable of the proposal would be similar in form to the gabled feature on the street frontage of the neighbouring church and hall, it would not appear to be as tall or to reflect the angles of this neighbouring gable to the church and hall building.

11. Further, I find that the single storey, front gable and pitched roof form of the proposal would not reflect the established character and appearance of the houses in the two storey hipped roofed terrace, of which it would form part. Rather, due to its single storey, gable and pitched roof form, the proposal would stand in apparent contrast in appearance, scale and height to the existing terrace in both immediate frontal and wider street views.
12. The proposed dwelling would sit between the existing terrace and the neighbouring church and hall. The existing space currently displays generous spatial standards that allows through views to trees and gardens beyond. This reflects the spatial characteristics of the area, where there are substantial gaps and spaces between terraces, semi-detached pairs of houses and other properties in the wider area. The proposal would, therefore, significantly restrict the space between the existing house and the church and hall.

Other Matters

13. The appellant has raised the issue of communication with the Council during the application process. However, this is not a matter that I can consider as part of this appeal and other procedures are in place to deal with matters of this nature.
14. For the reasons given above, the proposal would appear as an incongruous addition to the terrace and to not integrate with or reflect the established character, appearance, or spatial standards of the local area. As such, it would result in significant harm to the character and appearance of the terrace of which it would form part and that of the local area. This would fail to accord with policies DH1 and H5 and H(c) of the Royal Greenwich Local Plan: Core Strategy (2014) (the Local Plan), policy D3 of the London Plan (2021) (the London Plan) and paragraph 130 of the National Planning Policy Framework (2021) (the Framework). These collectively seek to ensure that development, demonstrate high quality design and integrate with the local area.
15. Whilst a single new one bedroom dwelling would add to the housing stock of the Council area, the benefits of a single dwelling would not outweigh the harm that I have identified.

Appeal B

16. The development proposed is a change of use from a 3 bedroom dwelling house (C3 Use) to a small HMO (C4 Use) with 4 bedrooms. The internal change to accommodate the extra bedroom is accompanied by the blocking off of windows in the ground floor rear elevation and the creation of a new rear door. I see no reason from the Council's conclusion that these external changes would result in harm of any significance to the character and appearance of the appeal dwelling.
17. Whilst the proposal is for a four bedroom HMO, the Council has assessed that 2 of the proposed bedrooms could accommodate 2 people rather than 1. In making their decision the Council have, therefore, determined that the appeal dwelling as being capable of accommodating 6 residents.
18. This would mean that, whilst the size of the kitchen and the single bathroom proposed would accommodate 4 residents, according to the standards set out

in the Royal Borough of Greenwich Standards for Houses in Multiple Occupation (April 2017), the size of the kitchen would be too small and two bathrooms or shower rooms and two toilets with a wash hand basin should be provided to meet the needs of 6 residents.

19. I have had regard to the issues raised in the appeal¹ brought to my attention by the Council, which sets out that proposed HMOs should be assessed against their absolute maximum capacity. Whilst it is apparent that 2 of the bedrooms in the proposal could possibly accommodate 2 persons, the room sizes are not particularly generous, and no occupancy level forms part of the proposal before me.
20. As a 4 bedroom, 4 person HMO, the appeal property would be of a reasonable standard, although not particularly generous or high quality. I do not find that there is any requirement for single occupancy bedrooms to be small, but rather that better quality accommodation in HMO's is facilitated by having good sized private as well as shared spaces.
21. For this reason, I find that the use of the appeal property as a small 4 bedroom HMO (C4 Use) for 4 residents would accord with policy H5 of Local Plan and policy D6 of the London Plan which seek to ensure that the development meet the required housing quality and standards. The proposal would further accord with policies H9 and H10 of the London Plan, which seek to ensure that the role of good quality houses in multiple occupation is taken into account in meeting local and strategic housing needs and achieving a suitable housing size mix.
22. The appellant has confirmed that that they will be seeking an HMO licence for 4 residents. However, the licencing regime for HMO's does not form part of the planning system. To satisfy planning requirements the property could be limited to 4 residents through the application of a suitable condition. Having regard to the requirements for conditions as set out in Paragraphs 56 and 57 of the National Planning Policy Framework (2021), I find that occupancy controls are a well-established principle and are enforceable, and it is reasonable for such a condition to be attached.

Other Matters

23. It is noted that blocking up of windows has been carried out at first floor level to the flank wall of the appeal dwelling. This does not, however, form part of the proposal for Appeal B and does not form part of my consideration of this appeal proposal.
24. Concerns have been raised by the Design Out Crime Officer. These are, however, presented as generalised concerns with regard to crime and antisocial behaviour. In raising these concerns, no details have been provided that relate to the local area or to the appeal property in particular. The council have also not provided any formal material relating to any previous or existing issues in the local area, which would lead me to conclude that they would persist or be amplified by allowing the proposed change of use.

¹ Appeal Ref: APP/H2265/W/16/3165882

Conditions

25. I have had regard to the conditions proposed by the Council. As part of their appeal submission the appellant has confirmed that dry secure cycle parking is available for at least 2 cycles in two locations at the property. A condition requiring submission of further details in this regard is, therefore, unnecessary.
26. Along with the standard timing of implementation, to ensure that the provision of the required standard of accommodation is provided and maintained with regard to the number of occupiers, I have attached conditions requiring compliance with approved drawings and that limit the residents of the property at any one time to 4.

Conclusion

27. For the above reasons and having regard to all other matters raised I conclude that:
- Appeal A should be dismissed.
 - Appeal B should be allowed, subject to conditions.

Victor Callister

INSPECTOR