



Appeal Decision

Site visit made on 27 June 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 AUGUST 2023

Appeal Ref: APP/E5330/W/22/3306045

54 Crescent Road, Woolwich SE18 7BN

- 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 Mrs S Blaggan against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 22/1732/F, dated 22 May 2022, was refused by notice dated 25 July 2022.
 - The development is described as "Retrospective change of use from previously existing single dwelling house (use class C3) into an HMO (use class C4)".
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a single dwelling house (use class C3) to an HMO (use class C4) at 54 Crescent Road, Woolwich SE18 7BN in accordance with the terms of the application, Ref 22/1732/F, dated 22 May 2022, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. The Council assessed the development as change of use from a single dwelling house (use class C3) to a large house in multiple occupation (HMO) (*sui generis*) because it considered the property had potential to be occupied by more than five people based on the size of some of the bedrooms. The Council has said it has a policy of assessing HMO applications in this way, but there is little in the evidence before me to substantiate this.
3. The appellant has asked me to consider the appeal based on the description of development as originally applied for. Even though the appellant did not raise a concern when the Council changed the description of development, there is no clear reason for me to do other than the appellant has requested. I have therefore determined the appeal based on the development applied for. I have simplified the description in my decision above to remove words not relating to acts of development.
4. The application form states the development was completed in March 2018. I saw during my visit that the house was in multiple occupation, which appears to accord with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place.

Main Issue

5. The main issue is whether the development provides adequate living conditions for existing and future occupants, with particular regard to room size, bathroom provision, outlook and light.

Reasons

6. The development plan policies brought to my attention do not specify minimum standards for HMOs. 'Royal Borough of Greenwich Standards for Houses in Multiple Occupation' (GSHMO) provides guidance on several aspects of HMO use and management including room sizes and bathroom provision. However, this guidance is not referred to in relevant development plan policy, so I attribute it limited weight.

Room size

7. Bedroom 3 as identified on the plans before me is the smallest of the five bedrooms. I observed it can adequately accommodate a bed, sufficient storage and circulation space for one adult. I therefore consider it to be large enough for occupation by one person, even if it is somewhat smaller than the minimum 9m² sought by GSHMO for a one-person room.

Bathroom provision

8. The house has a bathroom, which includes a bath and shower, washbasin, and toilet; and it has a separate toilet with wash hand basin. This is similar to the level of provision commonly found in a family house occupied by five people. It is also consistent with the standard for five persons set out in GSHMO. I accept some of the larger bedrooms are big enough to be occupied as double rooms by two people. However, the HMO was licensed in July 2020 for a period of five years for occupation not exceeding five households consisting of no more than five adults, with no more than one adult occupying each bedroom. This is a consideration to which I attribute moderate weight.
9. Taking all this together, I consider the bathroom provision is adequate, subject to the HMO being occupied by no more than five people, which can be secured by condition.

Outlook and light

10. Bedroom 5 as identified on the plans before me is on the ground floor, to the rear of the house. Its window faces the side return, which runs alongside a two-storey outrigger with single storey extension. The window has an unobstructed outlook of the side return and the generous rear garden beyond that. While the outrigger and extension somewhat restrict the amount of natural light received by the bedroom, the unobstructed outlook and favourable orientation of the rear of the property mean the room does receive sufficient light to ensure it is not oppressive for its occupant. I therefore consider the outlook and light in bedroom 5 are acceptable.

Conclusion

11. For the above reasons, I conclude the development provides adequate living conditions for existing and future occupants, with particular regard to room size, bathroom provision, outlook and light. Accordingly, I find no conflict with Policies DH1 and H5 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (CSDP) or Policy D6 of the London Plan (LP). Together these policies seek high quality design with adequately sized rooms, comfortable and functional layouts and adequate light.

Conditions

12. As the change of use from a single dwelling house to an HMO has already taken place, conditions relating to the time limit for implementation and compliance with plans are not necessary.
13. Condition 1 is imposed to ensure a scheme for the parking of 2 bicycles is submitted, approved and implemented to promote cycling in accordance with Policy T5 of the LP and Policy IM(c) of the CSDP. There is a strict timetable for compliance because permission is being granted retrospectively and it is not possible to use a negatively worded condition to secure the approval and implementation of the bicycle parking before the development takes place. The condition will ensure the development can be enforced against if the requirements are not met.
14. A condition limiting the number of people occupying the HMO to five is necessary to ensure there is adequate bathroom provision for those in occupation. Whilst a breach of this condition may be difficult to detect, this would not be impossible based on evidence such as that gathered from visits to the property. I therefore consider the condition to be enforceable.
15. The Council has suggested a condition requiring approval of details of refuse and recycling facilities. The space provided for three bins in the front garden is in line with other dwellings along Crescent Road. There is no clear basis in development plan policy to require more than three bins for five people. Consequently, a condition relating to refuse and recycling details is not necessary.

Conclusion

16. For the above reasons the proposal accords with the development plan, when read as a whole. Material considerations do not indicate a decision should be taken other than in accordance with the development plan. I therefore conclude the appeal should be allowed.

C Carpenter

INSPECTOR

Schedule of conditions

- 1) Unless within 3 months of the date of this decision a scheme for the parking of 2 bicycles is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the site as an HMO (use class C4) shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 3 months of the date of this decision, the use of the site as an HMO (use class C4) shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved bicycle parking specified in this condition, that bicycle parking shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The house in multiple occupation hereby approved shall be occupied by no more than 5 persons at any one time.