



Appeal Decision

Site visit made on 3 August 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/E5330/W/23/3316619

10 Ordnance Road, Woolwich SE18 3SG

- 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 Akinola Anderson against the decision of Royal Borough of Greenwich.
 - The application Ref 22/0257/F, dated 18 January 2022, was refused by notice dated 13 January 2023.
 - The development proposed is described as change from a single dwelling property (C3) to a small HMO (C4).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The evidence outlines that the development has been undertaken. I am therefore considering the appeal retrospectively.
3. The Council's decision notice contains a different description of development from that given on the application form, namely that the development is a change of use from single dwellinghouse (Use Class C3) to a large HMO for up to 8 persons (Sui Generis). Although I have considered the number of occupants in my reasoning below, I have taken the description of development from the original application form as is required.
4. Furthermore, there is no evidence before me to confirm that the appellant agreed to change the description of development, and the appellant's statement would suggest that they do not agree with the description of development as amended.

Main Issue

5. The main issue is whether or not, having regard to development plan policy relating to room size, the development provides acceptable living conditions for its occupants.

Reasons

6. The appeal property is a two-storey terraced dwelling. It is located in a predominantly residential area.
 7. The submitted plans show that the property has five bedrooms of various sizes with communal kitchen, dining room and bathroom. The bedroom sizes are as follows; 13.6 sqm, 10.69 sqm, 10.68 sqm, 5.89 sqm and 5.22 sqm.
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8. Policy D6 of the London Plan (2021) sets out the minimum internal space that is required in dwellings, including HMOs. This requires that single bedrooms must have a floor area of at least 7.5 sqm. Two of the five bedrooms are below the minimum requirement of the London Plan.
9. Having identified that two of the five bedrooms do not meet the minimum space standard as required, I am not convinced by the Council's reasoning that the development provides accommodation for up to 8 persons. The Council in their assessment also acknowledged that two of the five bedrooms do not meet the minimum standards yet proceeded to consider that each of these two bedrooms as providing single bedspaces.
10. Giving greater weight to the statutory development plan as is required, which includes the London Plan, over the Council's Standards for Houses in Multiple Occupation, the remaining three bedrooms provide for 1 no. two bedspace double, and 2 no. one bedspace single bedrooms. The Council considered that three of the five bedrooms are capable for occupation by two persons yet two of these do not meet the minimum floorspace for a double/two-person bedroom as outlined in the London Plan. Thus, to my mind, for the purposes of this planning appeal, these bedrooms should be considered as single person bedrooms only. Nevertheless, regardless of the number of occupants, this does not overcome the conflict in terms of the minimum floor area that is required for bedrooms.
11. The appellant has stated that the use is intended to be for five persons. Having regard to the above policy, the minimum area for bedrooms that is required, the property does not comply with the policy in terms of providing accommodation for five occupants. Therefore, a condition restricting occupancy of one person per bedroom or a total of 5 occupants would not be appropriate.
12. I therefore conclude that due to the size of the two smallest bedrooms, namely 5.22 sqm and 5.89 sqm, the development fails to provide acceptable living conditions for its occupants. It is contrary to Policies DH1 and H5 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014) and Policy D6 of the London Plan (2021). Collectively these policies require, amongst other things, that housing developments are of high-quality design, achieving minimum room sizes to ensure acceptable living conditions for occupants.

Conclusion

13. The development therefore conflicts with the development plan and there are no identified other considerations, including the National Planning Policy Framework (2023), that outweigh this conflict.
14. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR