



Appeal Decision

Site visit made on 12 September 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2023

Appeal Ref: APP/E5330/W/23/3319310

32 Saunders Road, Plumstead, Greenwich SE18 1NU

- 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 Samuel Mbua against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 22/3187/f, dated 22 September 2022, was refused by notice dated 19 December 2022.
 - The development proposed is the change of use of part of the application building from a dwelling house (use class C3) to a large HMO (sui generis use class) and creating a one-bedroom ground floor flat (use class C3), addition of side entrance door and associated external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development was originally described on the application form as "Retrospective change of use from existing C3 residential dwelling to proposed C4 HMO." However, an amended description was agreed, and the Council carried out a re-consultation as a result. The amended description is used in the banner heading above.
3. I note that this is a retrospective application and that the development has already been carried out. On my site visit, I noted that there have been some changes to the layout shown on the plans, including the en-suite arrangements within bedroom 5 of the House in Multiple Occupation (HMO) and the provision of some kitchen facilities within bedroom 4 of the HMO. I must determine the appeal on the basis of the submitted plans and information considered by the Council.

Main Issue

4. The main issue is whether the development provides acceptable living conditions for the occupants, with particular regard to internal space, internal facilities and external amenity space.

Reasons

5. The appeal site lies within a residential area and the scheme involves the use of a former dwelling as an HMO and a one-bedroom flat. The HMO comprises 5 bedrooms assessed by the Council as capable of accommodating up to 7 people.

6. The Council's Residential Extensions, Basements and Conversions Supplementary Planning Document 2018 (the SPD) indicates that to be considered good quality, proposals for conversions to an HMO will need to provide sufficient internal space. The SPD cites the Council's Standards for Houses in Multiple Occupation (the HMO Standards) and advises all applicants to refer directly to this. It confirms compliance with all applicable standards should be demonstrated as part of a planning application.
7. The HMO Standards set out a minimum floor area for kitchen facilities of 11.5sqm for 7 occupants. It indicates that where exclusive kitchen facilities cannot be provided, one set of kitchen facilities shall be provided for every 5 occupants, necessitating two sets of facilities in this case. The plans indicate the provision of a single set of facilities in a kitchen measuring 10sqm for 7 occupants. The shortfall in kitchen floorspace together with the provision of only one set of facilities falls short of the standards in both respects based on the maximum occupancy of the HMO.
8. The Council's HMO Standards require HMOs accommodating 6-10 people to provide two bathrooms or shower rooms, and two toilets with a wash hand basin. One of the toilets and wash hand basins should be provided in a room separate to the bath/shower room. The plans show the provision of a communal bathroom and en-suite shower rooms within bedrooms 4 and 5 but no separate toilet. This provides substandard bathroom and toilet provision for the residents of the HMO, except the occupants of bedrooms 4 and 5.
9. Policy D6 of the London Plan 2021 (the London Plan) requires one-bedroom flats with one bedspace and a shower room to have an internal floorspace of 37sqm and built-in storage of 1sqm which reflects the nationally described space standards. The flat has just over 25sqm internal floorspace and no built-in storage. The internal floorspace is significantly less than the minimum required and, together with the lack of built-in storage space, creates a very small residential unit providing a substandard quality of internal accommodation for the occupants.
10. London Plan Policy D6 also requires a minimum of 5sqm of private outdoor space with a depth and width of at least 1.5m to be provided for one person dwellings. The flat has access to the communal rear garden but the lack of any private external amenity space does not provide a satisfactory living environment. This is exacerbated by the small internal floor area of the unit.
11. The appellant states that the bedrooms meet the space standards, and that adequate refuse and recycling provision is provided. Furthermore, the units provide enough ventilation, have sufficient levels of light and outlook, are dual aspect, and meet the minimum floor to ceiling height requirements. However, these do not overcome the substandard quality of internal and external living space I have found above.
12. Consequently, I conclude that the development provides unacceptable living conditions for the occupants, with particular regard to internal space, internal facilities and external amenity space. This is contrary to Policy D6 of the London Plan and Policies DH1 and H5 of the Royal Greenwich Local Plan Core Strategy with Detailed Policies 2014 (the Local Plan). Together, these seek to ensure that housing is of a high-quality design and provides adequately sized internal and outdoor spaces, amongst other things. It also conflicts with the National Planning Policy Framework (the Framework) which requires decisions

to provide a high standard of amenity for existing users. In addition, it is contrary to the standards set out in the London Housing Supplementary Planning Guidance 2016 and the Council's HMO Standards.

Other Matters

13. The proposal makes a modest contribution to the supply and mix of housing in a predominantly residential area appropriate for the location of an HMO with moderate access to public transport. It helps to meet Greenwich's housing needs on an unconstrained brownfield site which makes better use of urban land in accordance with national planning policies. It includes the provision of an HMO which helps to meet housing needs in accordance with Policy H9 of the London Plan and promotes a mix of housing types and sizes which complies with Policy H2 of the Local Plan. This benefit of the proposed development is considered in the overall planning balance below.
14. The appellant states that the development does not adversely affect adjoining occupiers and retains key architectural features and materials. The Council did not raise concerns on these matters and there is no compelling evidence before me that would lead me to reach a different conclusion to the Council on them. However, these are only neutral factors in the planning balance.

Planning Balance

15. The Council accepts that its current housing land supply stands at 3.1 years, which represents a shortfall against the required five years. Paragraph 11(d) of the Framework states that, where the policies which are most important for determining an application are out-of-date (which includes situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The Framework is a material consideration of great weight.
16. Given the unacceptable living conditions for occupants I have identified, I conclude that the proposal conflicts with policies in the development plan. This harm also results in a conflict with the Framework for the reasons given above. I attribute moderate weight to the benefits of the proposed development set out in the other matters. However, I consider the adverse impacts of the proposal arising from the unacceptable living conditions for occupants significantly and demonstrably outweigh these benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

17. For the reasons given above, the proposal conflicts with the development plan as a whole and there are no material considerations, including the Framework, that outweigh that conflict. Therefore, the appeal is dismissed.

A Wright BSc (Hons) MRTPI

INSPECTOR