



Appeal Decision

Site visit made on 23 April 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th May 2024

Appeal Ref: APP/E5330/W/23/3332377

337 Plumstead High Street, Plumstead, Greenwich SE18 1JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Janet Ifidon on behalf of Alexander Property Consulting Limited against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 23/0880/F.
 - The development proposed is change of use from C3 Residential to a 6 Bedrooms Houses in Multiple Occupation (C4).
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from C3 Residential to a 6 Bedrooms Houses in Multiple Occupation (C4) at 337 Plumstead High Street, Plumstead, Greenwich SE18 1JX in accordance with the terms of the application, Ref 23/0880/F, and the plans submitted with it reference: Existing & Proposed Drawings & Site Location Plan, Section A-A, Front of the House Photo, Planning Statement, Supporting Information, Refuse & Recycling Statement and HMO Kitchen Facilities, subject to the conditions in the attached schedule.

Preliminary Matter

2. At the time of my site visit, I saw that the change of use was substantially complete and I have dealt with the appeal on that basis.

Main Issue

3. The main issue is whether the proposed development would provide adequate living conditions for future occupiers with regard to the provision of kitchen facilities.

Reasons

4. The development is for a six person HMO which would be use class C4. The Council's HMO Standards¹ provides guidance on standards for a number of different matters when considering HMO's, which amongst other things includes bedroom and kitchen size requirements.
5. Three of the bedrooms provide over 12m² of floor space, which according to Table 1 of the HMO Standards is the minimum floor space to be considered a double room, capable of double occupancy. For this reason, the Council consider that the HMO is capable of serving nine people which means that

¹ Royal Borough of Greenwich Standards for Houses in Multiple Occupation

according to Table 5 of the HMO Standards that a minimum of 14.5m² of kitchen floorspace would be required.

6. I note the Council's concerns, however, the development is for a class C4 HMO which is restricted to the occupation of six individuals. While the bedrooms are above the required standards this is not to say that they will be used for the occupation of more than one individual and is not what is being sought by the appellant. Instead, the size of the bedrooms above the required standards can be seen as a benefit for the occupiers of these rooms in providing more space than is considered the minimum for a single occupier.
7. On the basis of the development being for the occupation of six individuals, Table 5 of the HMO standards require a minimum kitchen floorspace of 10.5m² which the kitchen would exceed. The development would also meet the minimum levels for kitchen facilities outlined in Table 6.
8. I therefore conclude that the development would provide adequate living conditions for future occupiers. I find no conflict with Policy D6 of the London Plan 2021, Policies DH1 and H5 of the Royal Greenwich Local Plan Core Strategy with Detailed Policies Adopted 30 July 2014 and guidance contained within the HMO Standards. Amongst other things, these seek to ensure that development creates well-functioning spaces, achieve a high quality of housing design and provide adequately sized rooms.

Other matters

9. I note that the Council has referred to an appeal² in an attempt to support their decision. I do not have the full details in respect of this appeal so I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
10. However, from the limited information in respect of this appeal I note that the proposal was for a varied occupancy of a HMO between seven and ten occupants. In light of the varied occupancy proposed the Inspector assessed some of the rooms proposed as being capable of occupying more than one person and therefore considered the proposal as being capable of a higher occupancy. This differs from the appeal before me where a varied occupancy is not being proposed and occupation above six persons would trigger the need for separate planning permission.

Conditions

11. I have considered the Council's suggested conditions in the event I were to allow the appeal. Where necessary, and in the interests of clarity and precision, I have slightly altered them to more closely reflect the advice in the Framework and the Planning Practice Guidance.
12. The standard time limit condition is not necessary as the use has already been implemented. Conditions 1 and 2 require details of cycle parking and refuse and recycling facilities which is to encourage sustainable means of transport and ensure that adequate refuse and recycling facilities are available for occupiers.

² APP/H2265/W/16/3165882

13. In the circumstances, I have found it exceptionally necessary to include condition 3 which removes certain permitted development rights in order that the Council can exercise control over these aspects to ensure that the area's character and appearance is maintained.
14. The Council have proposed a condition restricting occupancy to no more than nine persons. However, the development is for a C4 HMO which is restricted to six persons and as such, any increase in occupation would require planning permission. This condition is therefore not necessary.

Conclusion

15. For the reasons given above the appeal should be allowed.

D Wilson

INSPECTOR

Schedule of Conditions

1. Within three calendar months from the date of this decision, full details of a minimum of two (2) secure and dry cycle parking spaces for the development shall be submitted to and approved in writing by the local planning authority.

The cycle parking facilities shall in all respects be constructed in accordance with the approved details within three calendar months of the approval of the details and maintained for the lifetime of the development.

2. Within three calendar months from the date of this decision, and notwithstanding those details submitted with the application, five (5) 240L waste bins (2 for general waste, 2 for recycling waste and 1 for food waste) shall be made available for the residents of the HMO use hereby approved and retained thereafter.

3. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no extensions or alterations to the building hereby approved shall be carried out without the prior written permission of the local planning authority.