



Appeal Decision

Site visit made on 20 August 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2024

Appeal Ref: APP/D5120/W/24/3338665

5 Westwood Lane, Welling, Bexley DA16 2HG

- 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 A Merchant against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 23/01845/FUL.
 - The development proposed is change of use from dwellinghouse (Class C3) to House of Multiple Occupation (C4) for a maximum of 5 occupants.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above I have used the description of the proposed development on the Council's decision notice, which abbreviates the more discursive description on the application form. This is also the description used on the appeal form and I am satisfied that it accurately describes the proposed development.
3. The appellant's statement of case refers several times to Policy SP5 of the Bexley Local Plan 2023 (BLP), but where specific wording has been quoted, those references are to Policy DP5 and its supporting text. The appellant also confirms that Policy DP5 is considered to be the most relevant development plan policy, in line with the reason for refusal. I have likewise referred to Policy DP5 where relevant.

Main Issues

4. The main issue is whether the proposed development would provide acceptable living conditions for future occupiers.

Reasons

5. The appeal site contains a detached bungalow, currently containing four bedrooms, a lounge and a large kitchen/dining room. The lounge is in the area marked as bedroom 5 on the plans.
6. Policy DP5 of the BLP is supportive in principle of new Houses of Multiple Occupation (HMO) in suitable locations, subject to a requirement that an appropriate quality of accommodation is proposed. The supporting text gives examples of considerations relevant to the quality of accommodation, which include residential amenity of future occupiers.

7. The BLP was adopted relatively recently, in April 2023, and it is not the function of this appeal to examine whether it meets the tests for plan-making in the National Planning Policy Framework. While privacy and outlook are not specifically mentioned in Policy DP5, both issues are readily understood aspects of residential amenity, in terms of living conditions for future occupiers. Furthermore, although Policy DP5 is the most directly applicable policy in relation to new HMOs, Policy DP11 was also identified in both the Council's Officer Report and the appellant's statement of case as being relevant to the appeal proposal. Policy DP11 is a general design policy which includes an expanded definition of amenity, mentioning both privacy and outlook. As such, there is little ambiguity that these are relevant considerations when the development plan is considered as a whole.
8. Although no internal or external alterations are proposed, use of the bungalow as an HMO would introduce different requirements for future occupiers. In particular, the accommodation may be shared by people with no prior relationship and should therefore include suitably comfortable and private space in the bedrooms, as those would be the main self-contained living area for each occupier. Free and unencumbered access to shared facilities, including the garden, would also be a reasonable expectation.
9. Bedroom 2 is lit by a single window on the side elevation. This has only a limited outlook, due to the proximity of the boundary fence and adjacent dwelling. However, the window is large and allows for some sense of connection with the outdoors, as well as sufficient daylight and ventilation. The bedroom is a reasonable size and could provide comfortable, private accommodation. Future occupiers would also have access to the generous kitchen/dining area and the garden. On that basis, notwithstanding the somewhat limited outlook, this room would provide an adequate living space.
10. Bedrooms 1 and 5 each have double sliding patio doors opening directly into the rear garden. The garden is quite small, so anyone using it would inevitably be within the area adjacent to the patio doors. Given the substantial area of glazing, occupiers of these rooms would have little privacy when the garden is in use. They would also have little control over the timing or frequency of use of the garden by other occupiers. Although blinds could be used, occupiers of both rooms could reasonably expect to be able to work, study or relax in privacy without having to close blinds at short notice, limiting the availability of daylight or ventilation.
11. While it is not unusual for HMOs to include ground floor rooms with windows into the garden, in this case the window openings are particularly large, and the garden area is limited. Consequently, based on the specific layout of the appeal site, inadequate levels of privacy would be available.
12. Due to its limited size, the garden could not realistically be subdivided to provide privacy screening. The patio doors already exist and are not obscure glazed. In any case, such a large expanse of obscure glazing within an important living space would be unusual and is likely to make the room feel uncomfortably enclosed. Although there are also side-facing windows in each room, they are narrow, secondary openings which would provide only a limited outlook in isolation, if the patio doors are obscured.
13. For the reasons given above, I conclude that the proposal would not provide acceptable living conditions for future occupiers, with particular reference to

living conditions within bedrooms 1 and 5. The harm cannot reasonably be mitigated through the imposition of conditions. As such, the proposal would conflict with Policy DP5 of the BLP, which requires amongst other things that new HMOs provide an appropriate quality of accommodation.

Other Matters

14. The appeal site is not within a Green Belt, AONB or Conservation Area and no flood risk issues have been raised. The Council did not allege any harm in relation to the principle of an HMO in this location, the character and appearance of the area or living conditions within neighbouring properties. Highway, parking and security considerations could be addressed through appropriate conditions. However, even if I were to agree that there would be no harm in relation to each of the above issues, that is a neutral consideration which is not capable of outweighing the harm identified above.

Conclusion

15. The proposed development would conflict with the development plan and no material considerations indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, the appeal should be dismissed.

Jane Smith

INSPECTOR