



Appeal Decision

Site visit made on 15 January 2025

by **A Hunter LLB (Hons) PG Dip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/D5120/W/24/3349894

2 St Edmunds Close, Bexley, London DA18 4DU

- 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 Ola Olarinsoye of Asset for Life Ltd against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 24/01539/FUL.
 - The development proposed is the change of use from residential dwelling (Class C3) to HMO (House of Multiple Occupation) (class C4) for a maximum of 5 people incorporating conversion of garage and alterations to front fenestration.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the description of development specified on the Council's notice of decision as this most accurately describes the proposed development.
3. Since the Council's notice of decision, the National Planning Policy Framework (the Framework) has been revised (December 2024). The main parties have had the opportunity to comment on these changes in regard to the appeal proposal.

Main Issues

4. The main issues are:
 - Whether there is sufficient information submitted regarding flood risk;
 - The effect of the proposed development on the character and appearance of the area, with particular regard to the concentration of Houses in Multiple Occupancy (HMOs);
 - Vehicle and cycle parking; and,
 - Whether there is sufficient information provided regarding the disposal of waste.

Reasons

Flood risk information

5. The appeal site is located within Flood Zone 3, and the proposed change of use of the property includes a new bedroom on the ground floor, it is also likely that it

would be more intensively used as a HMO with 5 no. individual occupiers, than its current use as a dwelling. The Environment Agency say the site benefits from protection from the River Thames tidal flood defences.

6. Footnote 62 to Paragraph 176 of the Framework says such a change of use proposal would not need to pass the sequential test. Nevertheless paragraph 176 says the proposal should still meet the requirements for site-specific flood risk assessments set out in footnote 63, which requires a site-specific flood risk assessment for all development in Flood Zones 2 and 3. Policy DP32 of the Bexley Local Plan, dated 2023 (BLP) says all proposals for development in Flood Zones 2 and 3, must include a site-specific flood risk assessment (FRA), including a drainage impact assessment. It further states that for development below the predicted flood water level there should be a detailed evacuation plan that clearly outlines how people can easily leave to safety or move upwards from the lower floors to safety. Against this background, a FRA is required.
7. A site-specific flood risk assessment has not been provided, it is not clear what the predicted flood water level would be at the property, nor has there been any engagement within the submission about how flood risks at the appeal property could be adequately mitigated. This information is necessary to accompany the planning application and be considered alongside the proposed change of use, as it may affect the design and layout of the proposed development. Consequently, in this case, I did not find a condition would adequately address this issue, and it was unclear if, or how, safe evacuation could be secured, if necessary.
8. The appellant's comments about upgrading the property's surface water drainage system are noted, but they do not amount to a site -specific flood risk assessment, nor do they contain any substantive information to demonstrate how this would be undertaken.
9. In the absence of a satisfactory flood risk assessment, there is insufficient information provided to adequately assess and mitigate potential flood risks for future occupiers of the proposed accommodation. The proposal would therefore conflict with the requirements of BLP Policy DP32, the requirements of which are set out above, and paragraph 176 of the Framework, also set out above.
10. The Council referred to the proposal being inconsistent with its Strategic Flood Risk Assessment, however on the limited information provided I have not been able to conclude whether there would be any conflict in this case.

Character and appearance

11. The appeal property is one of some 25 or so mainly terraced properties on St Edmunds Close (a cul-de-sac), it is a three-storey terraced house, with a garage at ground floor and a parking space in front of it, along with a rear garden that can be accessed from within the property itself, and by a gate on its rear boundary onto a communal grassed area. St Edmunds Close (where the appeal site is located) is accessed via St Katherines Road, which also contains approximately 33 similar terraced properties, there is also a smaller cul-de-sac, St Brides Close, containing 16 or so similar properties very close to the appeal site, also accessed from St Katherines Road.
12. Policy H9 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP) states Boroughs should take into account the role

of HMOs in meeting local and strategic housing needs and where they are of a reasonable standard they should generally be protected. BLP Policy DP5 states amongst other things, that HMO's will be supported subject to demonstrating they will not have an adverse impact on the local area. The supporting text to Policy DP5 indicates that when assessing the effect on a local area, relevant considerations can include issues such as highway safety, the residential amenity of future and neighbouring occupiers, and refuse arrangements. Waste provision, cycle, and vehicle parking will be assessed separately in this decision below, and no objections have been raised regarding the effects of the proposal on living conditions for existing or future occupiers, and I see no reason to disagree.

13. The Council has said that within the DA18 postcode, there are fourteen HMOs, three are said to be on St Edmunds Close although the precise locations of them are unknown. The location of the other eleven HMOs is also not stated, nor is the total number of properties within the DA18 postcode, but the Council has said that HMOs on St Katherines Road could also contribute to the cluster of HMOs in the locality.
14. The Council has not specifically set out why 14 HMOs is a maximum figure for this postcode, moreover there is no maximum number expressly set out within BLP Policy DP5. It is accepted that the additional HMO would increase the cumulative number to 15 no. HMOs in the area, but from my own site observations, it was unclear which of the other 24 properties on St Edmunds Close were HMOs, and how this additional HMO would disrupt social cohesion of the neighbourhood, which the Council say is predominantly occupied by families or single occupiers. Even if most nearby occupiers are families or single persons, and the occupiers of the proposed HMO are more transient as the Council say, it does not necessarily follow that such a relatively low level of HMOs in this area would negatively affect social cohesion or adversely affect the character of the area.
15. In the event that the appeal were allowed, HMO accommodation would still be significantly in the minority in comparison to other properties on St Edmunds Close, and also in the wider postcode area. In the absence of any evidence to the contrary, I have no substantive evidence to show that the proposal either on its own or in combination with other HMOs would be harmful to local character.
16. In terms of the external alterations to the property, these would relate sympathetically to the character and appearance of the host property and the area. It is also noteworthy that the Council did not identify any such harm in this respect.
17. I therefore conclude on the evidence before me, that the proposed development would not be harmful to the character and appearance of the area, and would comply with the relevant requirement of Policy DP5 of the BLP, as set out above.

Vehicle and cycle parking

18. The appeal site contains an existing dwelling said to have 4 no. bedrooms, and the proposed garage would be converted to living space, although it would retain an area in front of it that I saw on my site inspection was used as an off-street parking space. It is not located within a controlled parking zone and there are no yellow lines or parking restrictions in the immediate area, and it is said to be within walking distance for 3 no. bus routes. Abbey Wood Station is also within walking distance of the appeal site.

19. BLP Policy DP23 says the principles of sustainable development require a balance to the need for parking and the environmental, economic and social impacts of traffic movement and parked vehicles, which in most cases are said to be the lowest applicable maximum London Plan standards, although the Council has not specified the exact parking requirement. Whilst Policy DP23 does not explicitly require a Transport Assessment or a Transport Statement, it says within its supporting text, that a parking survey can be necessary to assess on-street parking availability within 200 metres of developments. BLP Policy DP22 also sets out proposals to encourage sustainable travel other than by car.
20. I saw on my site inspection in areas that are likely to be within 200 metres or so of the appeal site there was plenty of available on-street parking spaces, including along St Katherines Road. Although only a snapshot in time, if all 5 no. occupiers of the proposed development had a vehicle, there would, based on my site observations, be more than sufficient available parking spaces nearby, in addition to the one off-street parking space at the appeal property. It is also noted that the Council has not provided any evidence of parking constraints or pressures in the immediate area to support its request for a parking stress survey.
21. Whilst there could be less available parking at night times, it is also acknowledged that not all occupiers would likely have a vehicle, and that some may wish to use sustainable travel choices, which are available nearby, consequently the parking requirement for occupiers of the proposed development could be less than 5 no. spaces. Given the existing use of the appeal site, along with my site observations, I am not persuaded that a parking survey (including during the night-time) would be necessary. In the event the appeal were to be allowed, a condition could be imposed to safeguard the off-street parking space.
22. In view of the scale of the proposed change of use of the existing property, I am not convinced a Transport Assessment or Transport Statement would be necessary to accompany the application in this case.
23. In terms of cycling provision, BLP Policy DP22 says that cycling parking should be provided that is secure, integrated, convenient and accessible in line with the standards set out in the London Plan, as a minimum, which the Council say is one space per occupier: 5 spaces in total in this case. Based on my site observations, I see no reason why 5 no. secure cycle parking spaces, if this is indeed the required provision, could not be provided within the rear garden of the appeal property. In the event the appeal were to be allowed, these could be the subject of an appropriately worded condition.
24. I therefore conclude that subject to a cycle parking condition and a condition to safeguard the existing off-street parking space, there would be adequate vehicle and secure cycle parking for occupiers of the proposed development, and that the proposal would satisfy the relevant requirements of Policy DP22 and DP23, which are set out above.

Waste management

25. BLP Policy DP26 states that for 'other residential development', which does not include flatted development, there is a requirement for adequate space within each residential property for the temporary storage of waste generated by that residence allowing for the separate storage of recyclable materials; and there is

adequate external storage space for waste, including separate recyclables, pending its collection.

26. Whilst the appellant has indicated that they would agree to a comprehensive waste management plan, there has not been such a document submitted. In view of my site observations, I am content that there would be adequate external space within the appeal site for waste and recycling to be stored before it is collected, and I see no reason based on the proposed floor plans why there would not be adequate storage space internally for waste and recycling. BLP Policy DP26 does not expressly say this information should accompany the planning application. Moreover, I am satisfied that in the event the appeal were to be allowed, a condition could be imposed regarding the submission of a waste and recycling management plan.
27. I therefore conclude that subject to a suitable planning condition, there would be satisfactory arrangements for waste management at the appeal property and the proposal would comply with the requirements of BLP Policy DP26, which are set out above.
28. The Council referred to BLP Policy SP12 in regard to this main issue, that policy is mainly concerned with strategic waste matters, and I did not find it to be directly determinative on this main issue.

Planning Balance and Conclusion

29. Although the proposed development would not be harmful to the character and appearance of the area, and that satisfactory vehicle parking, cycle parking and waste management provision could be secured by condition, there is insufficient information provided to assess the flood risks of the proposal along with any appropriate mitigation, to ensure future occupiers and others are not put at unacceptable risks of flooding. As such there would be conflict with the development plan, I attach significant weight to this, given it relates to development in an area with known flood risks.
30. It is recognised that the proposal would contribute towards Government's objective of significantly boosting housing supply and contribute towards economic development through its conversion works and that its future occupiers could contribute to the local economy. However, these benefits given the scale of the proposal taken alongside the loss of an existing dwelling are likely to be limited. Nevertheless, they do to a limited extent weigh in favour of the proposal.
31. In conclusion, the proposal would conflict with the requirements of the development plan when taken as a whole, and there are no other considerations, including the Framework and those outlined above, that outweigh this conflict. Accordingly, for the reasons outlined above the appeal should be dismissed.

A Hunter

INSPECTOR