



Appeal Decision

Site visit made on 2 April 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal Ref: APP/D5120/W/24/3358101

72 Pembroke Road, Erith, Bexley DA8 1BZ

- 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 Mr Ledi Gjata against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 24/02310/FUL.
 - The development proposed is conversion of a residential dwelling house (C3) to a house of multiple occupation (HMO) (C4) for up to 6 persons following the demolition of the front structure.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of a residential dwelling house (C3) to a house of multiple occupation (HMO) (C4) for up to 6 persons following the demolition of the front structure at 72 Pembroke Road, Erith, Bexley DA8 1BZ in accordance with the terms of the application, Ref 24/02310/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - whether the proposal would result in an over-concentration of Houses of Multiple Occupation (HMO) within the local area, with particular regard to the detriment of the character of the area; and,
 - the effect of the development on waste management.

Reasons

Whether the proposal would lead to an overconcentration of HMOs

3. The appeal property is located just beyond the entrance into Pembroke Road from its junction to Fraser Road. Pembroke Road hosts a predominantly residential character. However, in the immediate area around the appeal site, this character does change due the presence of commercial premises which are located at the entrance into Pembroke Road.
4. The Council note that within the 'DA8 1' postcode, there are several licenced HMO properties, with two in Pembroke Road itself. I was able to visit the locations of these HMOs during my site visit. Athol Road and Riverdale Road are noted to host a particularly high number of HMO properties and as noted by the Council, many bins were noticeable within the street. Other individual examples also had an increased number of bins when compared to typical C3 dwellings located close by. I shall return to the matter of waste management later in my decision.

5. I recognise that spatially, the distribution of existing HMO properties within this postcode area would initially suggest that there is a large number of this property type. However, this is a significant area which encompasses several different streets which do not all host the same character. In the particular location around the appeal site, the Council note that there is a small spatial gap in the spread of HMOs from the example at 31 Pembroke Road to Fraser Road, close to the appeal site. Owing to the spatial character and linear layout of the dwellings which make up Pembroke Road, this itself is in my view a large spatial area.
6. As such, I do not find that in the specific spatial circumstances of this appeal, that the provision of one, six-person HMO in this location would significantly alter the character of the area or its quality. This proposal alone would not tip the balance and lead to a dominant proliferation of HMOs in Pembroke Road.
7. The matter of whether there is a need for an additional HMO is raised and that there is a higher requirement for three and four bedroom properties in the borough. An extract from the London Borough of Bexley Strategic Housing Market Assessment 2021 is provided. This notes that within Erith, there is a high number of 1-bedroom/bedsit properties. However, this is a total which covers the full ward and not the specific spatial circumstances of this case. In my assessment, I have found that the evidence shows that this area of Pembroke Road is absent of HMO properties and as such, its presence would not significantly alter the character of the area. Furthermore, I recognise that this proposal would lead to a loss of a family dwelling, and this is a dwelling type which is required over the plan period. However, the information provided by the Council does suggest that, although to a lesser demand, there is still a requirement to provide for 1-bedroom units at market cost.
8. As such, the proposal would not conflict with Policy DP5 or Policy DP11 of the Bexley Local Plan 2023 (LP). These policies note that development proposals for new HMOs will be supported where it is demonstrated that they will not have an adverse impact on the local area.

Waste management

9. Policy SP12 and DP26 of the LP requires new development to be appropriately managed by ensuring that there is adequate space for the temporary storage of waste, which also allows for the separate storage of recyclable materials, pending its collection. Policy D6 of the London Plan 2021 further notes that housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables.
10. The proposed plans note the location of the bin storage which would service the proposal. These plans indicate that six bins would be stored to the front of the property. The application was also accompanied by a waste management statement. In my assessment of this statement, it suggests that six wheelie bins would be separately designed for each occupant. Owing to the physical size constraints of the site and the layout shown on the proposed plans, I am not convinced that this is possible.
11. Furthermore, the Council suggest that several errors are contained within this waste management statement. These include the use of recycling boxes, the particulars of the waste management operation procedures and the time at which bins must be placed on the kerb for collection. This suggestion is not rebutted by the appellant. Issues such as waste separation and mitigation of potential nuisances are also not adequately covered

within this statement. As such, this undermines my confidence in the accuracy and coverage of this statement as a decision maker.

12. The appellant has suggested that a planning condition which requires the submission of a detailed waste management strategy would address this issue. Paragraph 56 of the National Planning Policy Framework (the Framework) notes that unacceptable development could be made acceptable through the use of conditions. The Council in their statement of case have provided a list of suggested conditions which it wanted to be considered in the event the appeal was allowed.
13. These suggested conditions include the submission of a waste management plan and the details for the storage of refuse. Subject to a suitably worded condition, the management of waste could be agreed prior to the commencement of the development or prior to its occupation. I shall explore the use of such a condition later in my decision.
14. Therefore, the proposal as initially submitted would conflict with the requirements of Policy SP12 and DP26 of the LP and Policy D6 of the London Plan 2021. However, the use of an appropriately worded planning condition would allow for the submission of waste management information to alleviate and manage the effects of waste.

Conditions

15. As noted, the Council did indicate which conditions it wanted to be considered if the appeal was allowed. In my assessment of these conditions, I have undertaken minor changes to meet the six tests against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision. Both parties were consulted on the changes to these conditions.
16. In addition to the statutory time condition [1], I have attached a condition which specifies the approved plans [2], which is necessary in the interests of certainty. A condition which requires the submission of a Waste Management Plan [3] is necessary to ensure that waste is appropriately managed and its effects mitigated. This condition has combined two of the suggested conditions on this matter by the Council. In following Paragraph 56 of the Framework, the development was unacceptable prior to the consideration of this condition. As such, the development has been made acceptable through the provision of this condition on the matter of waste management. The wording of the condition restricts the commencement of development until this plan is deemed suitable by the local planning authority.
17. A Secure by Design accreditation [4] is necessary to ensure that the development shall provide a safe living environment for its residents. The provision of details of secure cycle storage [5] is necessary to provide adequate storage facilities to assist in the reduction of a reliance on private motor vehicles. In addition, the provision of details of the vehicle parking [6] and the provision of visibility splays [7] is necessary to ensure that there is no compromise on highway safety and that adequate on-site car parking provision is always provided.

Conclusion

18. For the reasons given above and in taking all material considerations into account, the appeal should be allowed.

J Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the drawing numbers:
 - N.A/72PR/209: Location Plan
 - N.A/72PR/201 REV A: Existing and Proposed Plans (ground floor)
 - N.A/72PR/202 REV A: Existing and Proposed Plans (loft floor)
 - N.A/72PR/203 REV A: Existing and Proposed Roof Plan
 - N.A/72PR/204 REV A: Existing and Proposed Elevations (front & rear)
 - N.A/72PR/205 REV A: Existing and Proposed Elevations (sides)
 - N.A/72PR/206 REV A: Existing and Proposed Sections
 - N.A/72PR/207 REV A: Existing Site Plan
 - N.A/72PR/208 REV A: Proposed Site Plan
- 3) Prior to the commencement of development, a Waste Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include:
 - details for the storage, collection and separation of general waste and recyclables;
 - measures to control noise, odour and pests;
 - the details for the means of enclosure of waste and recycling bins; and,
 - the details of instructions to the future occupants of the development with regard to the day and time at which bins must be placed and removed from the kerb and stored back in their allocated space; and,
 - the management measures which shall be employed to ensure that this is undertaken by the future occupants of the development.

The development shall be carried out in accordance with the approved Waste Management Plan details and retained for the lifetime of the development.

- 4) Prior to the first occupation of the development, the development shall achieve a Secure by Design accreditation. The details which demonstrate compliance with the principles of Secure by Design, including an accreditation, shall be submitted to and approved in writing by the local planning authority.
- 5) Prior to the first occupation of the development, details of secure cycle storage, including details of cycle racks and any of their security measures, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the development is occupied and retained for the lifetime of the development.

- 6) Prior to the occupation of the development, details of the area allocated for vehicle parking shall be submitted to and approved by the local planning authority. The details shall include:
- the surfacing material;
 - the drainage of the parking area;
 - the dimensions of each space and how they shall be marked out for each user; and,
 - the details of a scheme for the allocation and management of the parking area.

The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

- 7) The access to the car parking areas shall be provided with a 2.4m x 2.4m visibility splay in both directions. These visibility splays shall be maintained free of all obstacles to the visibility above 0.6m.

End of Schedule