
Appeal Decision

Site visit made on 31 March 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 May 2025

Appeal Ref: APP/D5120/W/24/3351970

13 Kingsmead Close, Sidcup, Bexley DA15 7LA

- 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 C Overton against the decision of the Council of the London Borough of Bexley.
 - The application ref is 24/00285/FUL.
 - The development proposed is described as “use as a House of Multiple Occupation (HMO) (Use Class C4) for a maximum of 5 people.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the appeal proposal differs between the application form and the decision notice. Given that the appellant has adopted the wording from the decision notice in their appeal documentation, in the interests of clarity, I have therefore used the wording from the decision notice to describe the proposed development in the banner heading.
3. The building was already in use as an HMO at the time of my visit. However, retention of the development, as referred to in the description of development on the decision notice, does not constitute an act of development. As such, I have removed this wording from the description in the banner heading.
4. The Council’s decision notice did not specify which bedroom on the second floor the refusal related to, and I note that the floor plans submitted with the application do not individually number the bedrooms. However, it has been subsequently clarified by the Council that the refusal related to the “back left bedroom on the second floor”. I am satisfied that this is sufficiently clear for myself to determine the appeal.

Main Issue

5. The main issue is whether the ground floor bedroom and relevant second floor bedroom would provide suitable living conditions for occupiers of the development, with specific regard to their size.

Reasons

6. The appeal site is situated within Kingsmead Close, a residential suburban area comprising short terraces of three storey properties. The appeal site is a middle of terrace, three-storey property, with a front driveway and private rear garden.

7. The plans submitted with the application show the relevant bedroom on the second floor measures 6.7m², whilst no measurement has been given by either party for the ground floor bedroom.
8. The appellant asserts within their statement of case that the bedrooms subject to this appeal would be used solely to provide sleeping accommodation for a single person. However, whilst the appeal property contains a communal lounge and kitchen, residents of an HMO generally live independently of each other and this inevitably means that occupiers are likely to spend time in their private rooms during the day, rather than solely using them for sleeping.
9. Furthermore, I note that the communal lounge does not have any windows. Whilst the Council has not raised specific concern regarding the standard of accommodation of the lounge, I am mindful that the lack of windows will further increase the likelihood of residents spending time in their own bedrooms during the daytime to benefit from natural light.
10. As such, at the appeal property it appears highly unlikely occupiers of the two bedrooms subject to this appeal would solely use them for sleeping and I have little convincing evidence before me to suggest otherwise.
11. I observed on my visit that, with all the paraphernalia associated with residents living within the two bedrooms, they felt cramped and cluttered. Periods of time spent in the rooms outside of sleeping would feel confined for residents and there are limited appropriate alternative places a resident could go within the property. I find that there is inadequate space to achieve an appropriate standard of accommodation for residents of these rooms, and therefore the appeal proposal would result in harm to the living conditions of the occupiers of the two bedrooms.
12. I note that in refusing the application, the Council has relied upon guidance contained within Bexley's HMO Living and Minimum Space Standards and Rent it Right Scheme. This document contains advice and minimum space specifications in relation to HMOs. Whilst it appears to have been produced for licencing purposes, I note that the subtext of Policy DP5 of the Bexley Local Plan (2023) (BLP) states that this document will be considered when assessing the impact of an HMO.
13. The appellant and the Council are in dispute over which minimum space standard contained within the licensing documents applies to the appeal scheme. However, whilst this licensing documents is a useful material consideration for this planning appeal, it is not determinative over the acceptability of the quality of internal accommodation provided by the appeal scheme. Even if I was to find in favour of the appellant that the lower guideline of 6.51m² applied in this case, it would not alter my findings outlined above which are based on the specific circumstances of the appeal site. I have not been presented with compelling evidence which demonstrates the appeal scheme would not be harmful to the living conditions of the occupiers of the two bedrooms subject to this appeal.
14. For the reasons that I have given, the appeal proposal would conflict with Policy DP5 of the BLP. This policy seeks to ensure that an appropriate quality of accommodation is provided for occupiers of developments.

Conclusion

15. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons that I have given, I therefore conclude that the appeal should be dismissed.

C Housden

INSPECTOR