



Appeal Decision

Site visit made on 14 March 2025

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2025

Appeal Ref: APP/D5120/W/24/3353667

120 Northumberland Avenue, Welling DA16 2PZ

- 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 D Rugless against the decision of the Council of the London Borough of Bexley.
 - The application reference is 24/02123/FUL.
 - The development proposed is the erection of a part one- and part two-storey front, side and rear extension, and a change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr D Rugless against the Council of the London Borough of Bexley. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The housing mix and choice in the area, including whether it would lead to an unacceptable proliferation of Houses in Multiple Occupation (“HMOs”) or loss of housing;
 - The character and appearance of the area; and
 - Highway safety, and parking and servicing in the area.

Reasons

Housing mix and choice

4. The appeal relates to a two-storey semi-detached dwelling, currently a three-bedroom family dwellinghouse within Use Class C3, in a predominantly residential area. The whole of Bexley is covered by an Article 4 direction removing permitted development rights for a change of use from a dwellinghouse within Use Class C3 to a “smaller” HMO within Use Class C4. The appellant is seeking planning permission to use the appeal property as a six-bedroom HMO, and for associated extensions and alterations to facilitate that change of use.
5. The Council’s evidence is that at present there are 18 known HMOs within the DA16 postcode area, which includes the appeal property. The nearest existing HMO is the neighbouring property at No 118 Northumberland Avenue, where

planning permission was granted in 2022 for a change of use to a four-bedroom HMO¹. The appeal proposal would therefore result in there being two adjacent properties in use as HMOs; on a very localised scale (for example, as observed by an occupier of one of the dwellinghouses on either side of the pair or on the other side of the street) this would be likely to be perceived as a proliferation of HMOs.

6. However, I have not been directed to any planning policy or relevant guidance which sets out what might be an acceptable concentration of HMOs, whether in terms of proximity and grouping or clustering in a single street or block, or overall density across an area. The evidence before me is that there are no other known HMOs among the 287 properties on Northumberland Avenue. By the Council's own data, after No 118 the next nearest HMO to the appeal site is at No 24 Darwin Road which is the best part of 1km away, and the 18 existing HMOs within the DA16 postcode are spread over an area of around 6.57m². In these circumstances, the creation of another C4 HMO, even adjacent to an existing one, would not seem to me to represent an unacceptable proliferation of such accommodation in the area. The proposed change of use would not lead to a loss of existing housing as the appeal property would remain in a residential use, albeit one within the C4 Use Class rather than C3.
7. I conclude that the proposed development would not have an unacceptable effect on the housing mix and choice in the area. There would therefore be no conflict in this respect with Policy SP1 of the 2023 Bexley Local Plan ("the BLP"), which seeks to achieve sustainable development. There would also be no conflict with Policy DP6 of the BLP which seeks to prevent the loss of existing housing.
8. Policy DP5 of the BLP sets out the requirements for HMOs, and states that such development proposals will be supported subject to it being demonstrated that they will not have an adverse impact on the local area, and that the accommodation being proposed would be of an appropriate quality. My conclusion in respect of Policy DP5 is therefore dependent on my assessment of the other main issues, which address those matters.

Character and appearance

9. The Council's concerns in respect of effects on character and appearance relate to the provision of storage areas for cycles and refuse/recycling bins which would be needed to support the change of use to an HMO. My consideration of this main issue also therefore focuses on those aspects of the scheme.
10. Northumberland Avenue is a residential street, more than 1km long, predominantly characterised by relatively modestly-sized two-storey dwellings either in semi-detached pairs or short terraces (usually of four properties). I saw that many of what would have almost certainly originally been front gardens with soft landscaping had been opened up and given over to hard surfacing, presumably to provide private car parking space for occupiers. I also saw that front forecourts are often used for the storage of refuse and recycling bins, especially where there is no external access route round the side of the dwelling which might make it easier to store bins in a more discreet location. For the most part though, there were no more than three or four bins per property. A small number of properties had what I took to be cycle storage sheds in their front garden or forecourt; a smaller number still had what appeared to be purpose-built enclosures or screens for their bins.

¹ LPA Ref: 21/02129/FUL

11. Generally, although the apparent loss of soft landscaping has given some parts of the street a rather hard or harsh appearance, frontages are not dominated by storage units (whether for bins or bicycles), or by large numbers of bins left out in the open. Overall, notwithstanding that it has inevitably changed over time, the appearance of the street largely reflects its reasonably small-scale domestic roots, and it generally retains a pleasant and orderly character.
12. The submitted drawings show that on the front forecourt of the appeal property would be three cycle storage units (each securely accommodating two bicycles), six large bins (three 240 litre bins for recycling glass, plastics, cartons and cans²; two 180 litre bins for recycling paper and cardboard; and two 180 litre bins for non-recyclable waste), and four 23 litre boxes for food waste. These would be arranged along both the side borders of the property, either side of the single car parking space towards the centre of the forecourt. While it is not uncommon to see refuse and recycling bins stored at the front of properties along Northumberland Avenue, as I have described, the cycle storage units and bins proposed here would visually dominate the front of the appeal property, harming its appearance. The sheer number of storage units and bins would also emphasise the intensification of use of the appeal property arising from the change of use, setting it apart from the prevailing character of the street.
13. The appellant suggests that the harm to the character and appearance of the area which the Council have identified has already taken place on Northumberland Avenue, and that its argument that “the placement of bins or other residential paraphernalia is out of character is therefore flawed”. I acknowledge that the changes which have taken place over the years – notably the growth of private car ownership, and the need to accommodate large and separate waste and recycling bins – have undoubtedly led to some harshening of the areas character and appearance, as I have already described. However, the scale of provision of the cycle and waste/recycling storage necessary to support the use of the appeal property as a six bedroom HMO would go way beyond that seen elsewhere in the street, as I have explained in the preceding paragraph. This would cause a degree of harm which could not be adequately mitigated by the use of conditions (as suggested by the appellant) requiring further details of storage enclosures or screens to be submitted for the Council’s approval.
14. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area. It would therefore conflict with Policies SP5 and DP11 of the BLP, and with Policies D1, D3 and D4 of the London Plan 2021. Together, and among other things, those policies seek to ensure that development in the borough is of high-quality design (including in respect of landscape design), and that it contributes positively to the local environment.

Highways and parking

15. The Council stated that “the application is supported by insufficient information relating to highways and parking [so] an assessment cannot be made on the impact of the development”. The appellant’s response to this during the appeal was that the proposed single on-site parking space would comply with the maximum requirement of the London Plan 2021, that there was therefore “no need to question whether additional parking provision on-street would be required”, and that

² The explanatory text on the drawing says that there would be two of these bins, but the plan shows three.

the Council “had all the information they needed to confirm compliance with the parking maximums of the London Plan”.

16. Policy T6 of the London Plan 2021 states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. The appeal site has a Public Transport Accessibility Levels (“PTAL”) of 2, which the Council describes as representing poor accessibility; Policy T6.1 prescribes a maximum on-site parking provision in such circumstances³ of up to one space per dwelling. I therefore acknowledge that the provision of a single on-site parking space would be in line with the maximum requirement set out in Policy T6.1. However the reason for which planning permission was refused, and the Council’s concern as set out in its other evidence before me, is about a lack of information which clearly goes further than simply considering whether the amount of on-site parking which would be provided would be appropriate.
17. The appeal scheme would involve realigning and widening an existing vehicle crossover. The Council noted that this would “negatively affect a highway tree”; based on my observations during my site visit I translate this as meaning that the tree currently growing on the footway in front of the appeal property would need to be removed. There is therefore some doubt as to whether the site access and on-site parking space could be provided as proposed. Furthermore, six adult residents living independently (or semi-independently) of one another in an HMO are, given the poor public transport connectivity in the area, likely to make more private car journeys than a single family, who in my experience would be more likely to seek to make collective travel arrangements if possible.
18. Any demand for car parking which could not be accommodated in the single on-site space (assuming that the space could be provided as planned) would necessarily be met on-street on Northumberland Avenue and the other roads leading off it. Both ends of Northumberland Avenue are within controlled parking zones though the appeal site is not⁴, so any overspill parking – which might amount to several additional vehicles – would need to be accommodated in the relatively short unrestricted section of the middle part of the street. In the circumstances, it is not at all unreasonable to request that the appellant submit a parking stress survey – that would allow an informed assessment to take place as to whether the development would have significant negative effects on the safety of any users of the highway, or on safe and efficient access for deliveries, servicing and emergency access.
19. In the absence of such evidence, I cannot be satisfied that the development would not have an unacceptable effect on highway safety or parking in the area. The proposal would therefore conflict with Policy DP24 of the BLP, which seeks to ensure that development does not have a significant negative effect on the safety of any users of the transport network or the operation and efficiency of the local road network, and with Policy T6 of the London Plan 2021 which seeks to ensure that adequate provision is made for efficient deliveries and servicing and emergency access.

³ Outer London PTAL 2—3, for a dwelling with three or more bedspaces.

⁴ The appeal property itself is not within either CPZ, contrary to the appellant’s final comments; the boundary sign for the western CPZ lies a few metres west of the appeal site.

Other Matter

20. My attention has been drawn to a recent appeal relating to a site at Mangold Way, Erith (also within Bexley), which the Inspector allowed having concluded that the change of use of a single dwellinghouse in Use Class C3 to a five-person HMO within Use Class C4. As I have set out above, I have found that the proposed development would not cause unacceptable harm to the housing mix or balance of the area, and to this extent therefore the two appeals are alike. However, there are other relevant matters here, notably the effects on the character and appearance of the area, and the lack of information in respect of highways and transport, which were not at issue in the Mangold Way case. These are significant differences, which entirely justify my reaching a different conclusion to that of my colleague in the Mangold Way decision.

Planning Balance and Conclusion

21. I have found that the proposed development would not cause unacceptable harm to the housing mix or balance of the area. However, the proposed cycle and refuse/recycling storage arrangements would cause significant harm to the character and appearance of the area. It has also not been demonstrated that the development would not have an unacceptable effect on highway safety or parking in the area. As a result of these other harms, there would be conflict with Policy DP5 of the BLP which sets out the requirements for HMOs, as well as the other policies cited in the relevant sections above.
22. The proposal conflicts with the development plan taken as a whole. There are no material considerations, including those of the National Planning Policy Framework, that indicate the proposal should be determined other than in accordance with the development plan.
23. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector