



Appeal Decision

Site visit made on 19 August 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2025

Appeal Ref: APP/D5120/W/25/3363935

120 Northumberland Avenue, Welling, Bexley DA16 2PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr D Rugless against the Council of the London Borough of Bexley.
 - The application Ref is 24/02744/FUL.
 - The development proposed is change of use from dwellinghouse (Class C3) to a flexible use of dwellinghouse (Class C3) and House of Multiple Occupation (Class C4) for a maximum of six people involving the erection of part 1/part 2 storey front, side and rear extension and conversion of roof space involving alterations to existing roofline, including a rear dormer extension and two rooflights to front roofslope.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from dwellinghouse (Class C3) to a flexible use of dwellinghouse (Class C3) and House of Multiple Occupation (Class C4) for a maximum of six people involving the erection of part 1/part 2 storey front, side and rear extension and conversion of roof space involving alterations to existing roofline, including a rear dormer extension and two rooflights to front roofslope at 120 Northumberland Avenue, Welling, Bexley, DA16 2PZ in accordance with the terms of the application, Ref 24/02744/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was submitted by the appellant. This is the subject of a separate decision.

Preliminary Matters

3. A previous appeal on this site (APP/D5120/W/24/3353667) for a broadly similar scheme was dismissed, with the Inspector finding unacceptable harm from the scale and prominence of refuse and cycle storage.

Main Issue

4. The appeal relates to a planning application that was not determined by the Council within the prescribed period. I note that the Council would have refused planning permission should it have made a decision on the application. I have had regard to the parties' submissions in establishing the main issues which I have set out below.
5. In its appeal statement, the Council accepted that the parking survey evidence submitted by the appellant addressed the highway and parking impacts and that

HMO concentration thresholds were not exceeded. Notwithstanding this, the Council considered that the proposed refuse and cycle storage within the front forecourt would have an adverse effect on the character and appearance of the appeal dwelling and streetscene.

6. On this basis, the main issue is the effect of the proposal on the character and appearance of the appeal dwelling and surrounding area, having particular regard to the proposed refuse and cycle storage.

Reasons

7. Northumberland Avenue is a residential street of two-storey dwellings with open or modestly enclosed front gardens and forecourts, some of which accommodate refuse bins or small cycle stores. Such facilities are typically limited in scale and do not dominate the frontage.
8. In the previous appeal, the Inspector found that the combined refuse and cycle storage then proposed - six bicycle spaces and around six to seven separate bins - would visually dominate the frontage and highlight the intensification of use, causing unacceptable harm that could not be mitigated by conditions. That earlier number of bins would seem somewhat excessive for an HMO of this size, given typical local requirements.
9. The current proposal differs in that it provides four cycle parking spaces and four refuse bins, compared with the earlier six spaces and six–seven bins. London Plan Policy T5 (Table 10.2) requires a minimum of two long-stay cycle spaces for a single C4 HMO dwelling of this size, with no short-stay provision required given the development comprises less than five dwellings. The proposed four spaces therefore exceed the London Plan minimum. In terms of refuse, the provision of four to five wheelie bins for refuse and recycling should be adequate for a six-person HMO, and is reduced compared with the earlier scheme.
10. This reduction materially lessens the bulk and visual impact of the storage. The facilities are consolidated within a smaller footprint, reducing their spread across the forecourt. While they would remain visible from the street, they would not dominate the frontage to the same degree as before. The amount of storage would not be incongruous in the surrounding context.
11. The highways consultee has commented that the proposed HMO use would likely require more than the four 240 litre bins shown on the plans. However, they also confirm that there is adequate space within the frontage to accommodate any additional provision. Any such adjustment could be secured through a condition requiring the submission and approval of a final refuse and recycling storage scheme prior to first occupation as an HMO. On this basis, I am satisfied that refuse provision can meet operational needs without resulting in an arrangement that would unacceptably harm the character and appearance of the appeal site and street scene.
12. Given the reduced scale of the proposed storage, and with a condition to secure appropriate design and screening measures, the scheme would no longer result in a frontage dominated by refuse and cycle storage. The impact on the street scene would be appreciably diminished compared with the earlier proposal.

13. I therefore conclude that the proposal would not cause unacceptable harm to the character and appearance of the appeal dwelling and surrounding area. It would accord with Policies SP5 and DP11 of the Bexley Local Plan 2023 and Policies D1, D3 and D4 of the London Plan 2021 insofar as they seek to ensure development is of high-quality and respects and positively contributes to local character.

Other Matters

14. The Council raised matters relating to the potential overconcentration of HMOs and the loss of a family dwelling, as well as the effect of the proposal on parking stress and highway safety. In its appeal statement, the Council confirmed that it did not wish to pursue these matters, having accepted that HMO concentration thresholds would not be exceeded, that the property could revert to C3 use if required, and that the appellant's parking survey demonstrated adequate on-street capacity without adverse highway impacts. On the evidence before me, I have no substantive reason to reach a different conclusion on these points.

Conditions

15. I have considered the conditions suggested by the Council and amended them where necessary for precision and enforceability. For the avoidance of doubt and in the interests of certainty I have imposed the standard commencement condition and a condition requiring compliance with the submitted plans.
16. Condition 3 is necessary to ensure adequate and suitably designed provision for refuse, recycling and cycle storage, in the interests of the appearance of the site, the character of the area, and the living conditions of occupiers. In the interest of highway safety, Condition 4 will ensure appropriate visibility splays are implemented. Condition 5 is also necessary to ensure adequate on-site car parking is provided.
17. I do not find it necessary to impose a condition limiting the occupancy of the HMO to six individuals as this is specified in the description of development.

Conclusion

18. For the reasons given above the appeal should be allowed and planning permission is granted.

Thomas Courtney

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the Site Location Plan and drawing nos 2452/TP/02, 2452/TP/03, 2452/TP/04, 2452/TP/05, 2452/TP/06, 2452/TP/07, 25-011-01 and 25-011-02.
- 3) Prior to the first occupation of the building as a house in multiple occupation (Use Class C4), details of the facilities for the storage of refuse, recyclable materials and cycles shall be submitted to and approved in writing by the local planning authority. The details shall include the number, type and capacity of containers to be provided, their location within the site, and any associated screening or enclosure. The approved facilities shall be provided prior to the first occupation of the development as a HMO and shall be retained thereafter for the lifetime of the development for the storage of refuse, recyclable materials and cycles.
- 4) The access/egress to the car parking area shall incorporate pedestrian visibility splays measuring 2.4m x 2.4m in both directions. The visibility splays shall be free of any obstruction exceeding 0.6m/2.0m in height and shall be retained as such thereafter.
- 5) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 25-011-01 for 1 car to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.

End of Schedule