



Development Management Delegated Report

Directorate of Regeneration,
Enterprise & Skills
The Woolwich Centre, 5th Floor
35 Wellington Street
London, SE18 6HQ

Case Ref No:	21/1734/F
Application Type:	Full Planning Permission
Location:	35 GREENVALE ROAD, ELTHAM, LONDON, SE9 1PB
Ward:	ELTHAM NORTH
Proposal:	Retrospective change of use of the application building from a dwelling house (Use Class C3) to a 5 Bedroom HMO (Sui Generis Use Class).

Recommendation	Refuse		
Expiry Date	13/07/2021	EOT	

Case Officer	Luke Sapiano	Date:	13 July 2021
Report Agreed By		Date:	
Authorising Officer's Signature		Date:	

Listed Building:	<u>No</u>	Flood Zone	Main Sewer
Conservation Area:	N/A		
CIL Liable	<u>No</u>	LDD	London Development Database

Site Notice	17/06/2021		
Press Notice	N/A		
Objections	8	Support	0
Comments		Comments	1

Description of Site Context

The application site is 35 Greenvale Road, Eltham, London, SE9 1PB. The application site comprises a two storey end of terrace dwelling, and is located on the northern side of Greenvale Road. The surrounding area is residential in character, with the surrounding properties having a generally similar appearance to the host building. Like the other properties in this area, the house was originally constructed to feature a stepped appearance, with a single storey rear extension element that exists as an original feature. The property is not in a conservation area and is not a listed or locally listed building. The application site has a Public Transport Accessibility Rating (PTAL) of 4, suggesting good access to public transport links. The development is within the Eltham Station Controlled Parking Zone.

Proposed Development

Retrospective planning permission is sought for the change of use of the application building from a single dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class Sui Generis).

Whilst officers note that the submitted design and access statement submits that the development is for a HMO housing a maximum of five (5) persons, based on the limitations of the Greenwich HMO Standards, the proposed development would have a maximum capacity of eight (8) persons and so has been consulted on and assessed as such. The proposed development would have the following layout:

- Ground Floor
 - Communal Hallway
 - Bedroom 1, 18sqm, maximum of 2 persons
 - Communal Dining/ Living Room, 13.85sqm
 - Kitchen, 10sqm
 - Utility Area, 3.85sqm
 - Shower Room, 2.20sqm
- First Floor
 - Bedroom 2, 8.35sqm, maximum of 1 persons
 - Bedroom 3, 14sqm, maximum of 2 persons
 - Bedroom 4, 12sqm, maximum of 2persons
 - Bedroom 5, 7.25sqm, maximum of 1 persons

The proposed development does not bring forward any external alterations.

Site Visit: Normally a site visit would have been undertaken as part of the assessment of the application. In this instance no site visit has been undertaken due to the current Covid-19 restrictions. Officers have used digital means of viewing the property remotely, so as to assess the impact of the development both in terms of its design and appearance and impact of the amenity of adjoining owner/occupiers. Due to the limited nature of the development, officers were satisfied in this instance that a full assessment of the application could be undertaken without a physical site visit taking place.

Relevant Planning History:

<i>App Number:</i>	21/1397/CP	<i>Decision:</i>	Withdrawn	<i>Decision Date:</i>	10/05/2021
<i>Address:</i>	35 Greenvale Road, Eltham, London, SE9 1PB				
<i>Description:</i>	Lawful Development Certificate (proposed) for change of use from C3 (dwellinghouses) to C4 (small houses in multiple occupation).				

Pre-Commencement & Planning Enforcement

Had works commenced on site (all or in part) in relation to that proposed on the date upon which the application was submitted?	NO
Is the development proposed the subject of a related enforcement case?	YES

Neighbour Notification

Nine (9) neighbouring properties and three (3) Ward Councillors were notified on the 29th of May 2021.

Councillor Charlie Davis called this application into committee and this application would have been considered by the relevant planning committee had this application been recommended for approval.

In addition, a site notice was erected on 17th of June 2021.

Eight (8) representations were received in objection to the proposal. A summary of the objections is provided below:

- Concern that the development would be unacceptable in principle

Officer Comment: This aspect of the proposal is assessed under the “quality of accommodation” section of the report below.

- Concern that the proposed development would result in the loss of a family home.

Officer Comment: This aspect of the proposed development is considered in the “principle of development” section of the report below.

- Concern that the proposed development would result in a poor quality of accommodation for prospective tenants.

Officer Comment: This aspect of the proposed development is assessed in the “quality of accommodation” section of the report below.

- Concern that the development would result in significantly detrimental impacts on neighbouring amenity.

Officer Comment: This aspect of the proposal is assessed in the “impact on neighbouring amenity” section of the report below.

- Concern that the current operation of the HMO has been poorly kept and there have been disagreements between the landlord and current tenants.

Officer Comment: This is not a planning consideration.

- Concern that the development would result in undesirable tenants, and that the current tenants of the property are undesirable.

Officer Comment: This is not a planning consideration.

- Concern that the landlord of the application building is not of good character.

Officer Comment: This is not a planning consideration.

- Concern that the proposed development would result in unacceptable transport/highways impacts.

Officer Comment: These aspects of the development are assessed in the “transport/highways” section of the report below.

- Concern that the proposed development would set an unacceptable precedent.

Officer Comment: This is not a planning consideration as all applications are assessed on their own merits.

- Concern that the proposed development would not be in keeping with the surrounding character of the area.

Officer Comment: This aspect of the proposed development is assessed in the “design” section of the report below. The development would be residential in character which is considered to be acceptable given the residential context of the locality.

- Concern that the proposed development should not be granted as it is retrospective.

Officer Comment: This is not a planning consideration, whether or not a proposal is retrospective does not impact its acceptability with respect to planning policy.

- Concern that the development could house more tenants than that which the proposed development is applied for.

Officer Comment: In accordance with recent appeal decisions, the application is assessed on its absolute maximum capacity with respect to the Councils HMO Standards, and the description of development was altered to ensure that full and holistic consultation was undertaken with respect to this matter.

- Concern that the increased number of bins required for such a development would be unsightly.

Officer Comment: The addition of two (2) bins over and above the amount required for a standard single dwellinghouse is not considered to result in a significantly detrimental impact on the character of the surrounding area.

- Concern that with the bins and cycle racks on the front forecourt, the development might only have space for one car, which would result in unacceptable transport/highways impacts.

Officer Comment: These aspects of the proposed development are assessed below in the “transport/ highways” section of the report.

- Concern that the development does not bring forward any proposed Section 106 contributions.

Officer Comment: The requirement for the developer to pay Section 106 contributions is not considered to be appropriate in this instance given its extremely small scale.

Internal and Statutory Consultation

Waste Services:	<i>“The 5 bedroom HMO should have 5x240L bins rather than just 3x240L.”</i>
Transport and Highways:	<p><i>“The site is considered to have good access to public transport having a PTAL index of 4.</i></p> <p><i>Located within a CPZ near to the train station there are suitable waiting restrictions in place along with commensurate levels of enforcement. Off street parking is however proposed.</i></p> <p><i>Policy IM(b) of the Core Strategy and Policies within the London Plan set out the consideration for walking and cycling in new development. To achieve this, London Policy requires decision makers take account of the quality of the pedestrian environment, taking account of Transport for London’s Pedestrian Design Guide. It is considered that there are good pedestrian and cycle opportunities available</i></p> <p><i>Policy T1 of the London Plan promotes a strategic approach to transport to support the Mayor’s strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport and create a shift from car use to more space-efficient travel. Policy T2 Healthy Streets also recognises that Development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling.</i></p> <p><i>Given the size of the proposal it is unlikely to generate significantly any more trips than the existing use if used as a large family house.</i></p> <p><i>It is recommended that adequate cycle provision is made in line with the London Plan standard.</i></p> <p><i>On balance, no highway objection is raised.”</i></p>
Environmental Health:	No response received.
HMO Licensing:	<i>“The HMO team has no objections in principle to the change of use/development. Any property intended for use as an HMO must comply with RGB HMO Standards and conditions. The HMO Team have not received an application for licence in relation to 21/1734/F.”</i>

Housing Occupational Therapy:	No response received.
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Development Plan Context:	
National Planning Policy Framework (Feb 2019)	Chapter 5 – Delivering a Sufficient Supply of Homes Chapter 9 – Promoting Sustainable Transport Chapter 12 – Achieving Well-Designed Places
The London Plan (2021).	Policy G4 – Delivering the homes Londoner’s need Policy D3 – Optimising site capacity through the design led approach Policy D6 – Housing Quality and Standards Policy D14 – Noise Policy H9 - Ensuring the best use of stock Policy SI7 - Reducing waste and supporting the circular economy Policy SI8 – Waste Capacity and Net Waste Self Sufficiency Policy T2 – Healthy Streets Policy T4 – Assessing and Mitigating Transport Impacts Policy T5 - Cycling Policy T6 - Car Parking Policy T6.1 – Residential Parking
Royal Greenwich Local Plan: Core Strategy with Detailed Policies “Core Strategy” (July 2014)	Policy H1 - New Housing Policy H2 – Housing Mix Policy H5 - Housing Design Policy DH1 - Design Policy DH(b) - Protection of Amenity for Adjacent Occupiers Policy IM4 - Sustainable Travel Policy IM(a) – Impact on the Road Network Policy IM(b) - Walking and Cycling Policy IM(c) - Parking Standards
Royal Borough of Greenwich Standards for Houses in Multiple Occupation (April 2017)	
New Developments: Guidance Notes for the Storage and Collection of Waste and Recycling Materials for the Royal Borough of Greenwich (May 2018)	
Residential Extensions, Basements and Conversions Guidance SPD (Dec 2018)	

Planning Assessment:

Considerations:

- Principle of development
- Achieving a high quality of urban design;
- Quality of living environment provided for future residents;
- Impact on neighbouring amenity;

- Transport/ Highways Impacts;
- Cycle Storage;
- Refuse/ Recycling Storage

Principle of Development

The overriding objective of the Royal Greenwich policy framework is to deliver high quality development which improves the quality and distinctive identity of places and contributes to their success and the area's popularity as somewhere to live, work and stay.

Policy H9 of the London Plan (2021) (LP) sets out that boroughs should take account of the role of houses in multiple occupation (HMOs) in meeting local and strategic housing needs. Policy H9 clearly states that where HMO's are of a reasonable standard they should generally be protected.

Policy H2 of the (2014) (CS) promotes a mix of housing types and sizes, varying according to the location of the development and the character of the surrounding area. Other relevant considerations include; the level of accessibility to public transport, schemes for special needs groups, or where there is a poor external environment.

It is important to note that the Council's CS does not include any policies which protect the loss of family sized accommodation in relation to the conversion of single family dwellinghouses into HMO accommodation. Further, the minor internal works related to the change of use would not prevent the residential accommodation being converted back into a single C3 dwelling in the future if desired. As such, the loss of the existing accommodation in order to convert the property is considered acceptable.

In respect of the suitability of the proposed HMO, the Council's SPD states:

"It is important that the Royal Borough supports a range of homes in terms of size and tenure in order to meet a variety of housing need. HMOs that are of a good standard form an important part of the provision of lower cost housing. However, the unmanaged conversion of family housing stock to HMOs can undermine the Royal Borough's objective to meet these varying needs and make it difficult to achieve mixed and balanced communities as set out in the Core Strategy."

It is therefore evident that HMOs have been identified as providing suitable residential accommodation, which will be supported by the Council subject to other material considerations including the quality of the internal living environment.

In relation to over concentration of HMO's, no applicable planning policy restricts the amount of HMO's within a specific area.

On the basis of the above, the proposal is considered acceptable in principle,

subject to the provision of an acceptable quality of accommodation for its occupants. This is discussed elsewhere within this report.

Design and appearance:

Policy D3 of the LP states that development proposals should be of high quality, enhancing local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Policy DH1 of the CS requires all developments to be of a high quality of design and demonstrate that they positively contribute to the improvement of both the built and natural environments.

The proposed development does not bring forward any external alterations to the existing building. The proposed development is therefore considered to be in accordance with Policy D3 of the London Plan (2021) as well as Policies DH1 and H5 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014).

Quality of accommodation and unit sizes:

The Royal Borough of Greenwich Residential Extensions, Basements, and Conversions Guidance SPD (2018) includes new guidance for Houses in Multiple Occupation (HMOs). The SPD seeks to secure a quality internal living environment for new HMOs. It states:

“The quality of accommodation provided by HMOs can be poor and can give rise to concern. To be considered good quality, proposals for the conversion to an HMO will need to:

- provide sufficient internal space*
- provide occupants with a reasonable standard of amenity*
- not give rise to significant adverse amenity impacts to the surrounding properties/residential neighbourhood”*

Policy H5 of the CS seeks that new residential development, redevelopment, refurbishment or conversions will be expected to achieve a high quality of housing design and an integrated environment.

This is supported by LP Policy D6 which states that housing developments should be of high-quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. The policy goes on to state that the design of development should maximise the provision of dual aspect dwellings and provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context.

The above Policies and Guidance are also further clarified in the Royal Borough of Greenwich HMO Standards (April 2017), which sets out the standards for prospective HMO's.

It is noted that the submitted supporting statement states that the property is only intended to be occupied by 5 individuals. However, as a number of the proposed bedrooms within the property meet the size standards for a double bedroom, it is considered that the proposed HMO has capacity for occupation by 8 persons.

This interpretation reflects the findings of the Inspector in the relevant similar Appeal Ref: APP/H2265/W/16/3165882 (decision date 24 May 2017) where paragraphs 5 and 6 state the following:

“The proposal includes 3 bedrooms that are shown on the plans as providing a double bed and would therefore be suitable for double occupancy, in addition to 4 bedrooms shown as providing single beds. However, I also note that all but one of the bedrooms showing single beds is comparable in size to those with a double and could be used as such. The appellant suggests that occupancy would be for between 7-10 persons but I share the Council’s concerns that this could be greater and for the above reasons there is potential for 10-13 occupants in 7 lettable rooms.”

The proposal in planning terms therefore is for the retrospective conversion of a dwellinghouse (Use Class C3) to a Large HMO (Use Class Sui Generis), with a maximum capacity of 8 persons arranged over 5 bedrooms, and the quality of accommodation assessment below is assessed on this established fact.

Bedroom Sizes

Bedroom sizes are assessed against Table 3 of the Royal Greenwich HMO Standards (2017) – “Minimum room sizes, where there are separate kitchen facilities and a lounge/dining room” within the Royal Borough of Greenwich Standards for HMOs.

Bedrooms				
Bedroom	Occupancy	Size (sqm)	Standard (sqm)	Complies?
1	2	18	10.22	Yes
2	1	8.35	6.51	Yes
3	2	14	10.22	Yes
4	2	12	10.22	Yes
5	1	7.25	6.51	Yes

All of the proposed bedrooms brought forward comply with the relevant floor space requirements. This aspect of the proposal is therefore considered to be acceptable.

Kitchen Facilities

The Standards for Houses in Multiple Occupation (2017) states:

“Where exclusive kitchen facilities cannot be provided, one set of kitchen facilities shall be provided for every 5 occupants. The kitchen size and layout must enable the practical, safe & hygienic use of the kitchen for storage, preparation and cooking of food.”

As an HMO with a maximum capacity of eight (8) persons, the proposed development needs to provide space to allow for 2 sets of kitchen facilities that can be shared among tenants.

The kitchen size requirement for an 8 person HMO is 14.5sqm. The proposed development would provide a kitchen space of 10sqm, significantly below this requirement. The proposed development is therefore considered to be unacceptable in this regard.

Lounge Provision

The proposed development brings forward plans for a communal lounge/ dining room. The Royal Borough of Greenwich HMO Standards set out that a lounge/dining area for an HMO with a capacity of eight (8) persons as is the maximum capacity in this case should have a minimum floor area of 13sqm.

The proposed development brings forward a living/ dining space with a floor area of 13.85sqm. The proposed development is therefore considered to be acceptable in this regard.

Bathroom Provision

The RBG Standard for Houses in Multiple Occupation (2017) provide guidance as to the required bathroom provision for HMO's:

“Where exclusive bathroom/shower room and toilet facilities cannot be provided, [...] for 6-10 persons, two bathrooms or shower rooms and two toilets with a wash hand basin should be provided. One of the required WC and wash hand basins shall be provided in a room separate to the bath/ shower rooms”

The proposed development brings forward two (2) bathrooms and two toilets and wash hand basins, however the development does not provide one of the WC and wash hand basins in a room separate to the bath/ shower rooms. The proposed development is therefore considered to be unacceptable in this regard.

Floor to Ceiling Heights

The RBG HMO Standards (2019) state that it is expected that all rooms will have a minimum ceiling height of 2.1m over at least half the floor area.

The submitted section drawings show compliance with this requirement. The proposed development is therefore considered to be acceptable in this regard.

Outdoor Amenity Space

The proposed dwelling would reuse the existing rear back garden as amenity space. This external space provision is considered to be acceptable with relation to the proposed number of occupants.

Other internal amenity factors

The proposed HMO as a whole would be dual aspect. Habitable windows would serve every bedroom, with all of these spaces having a reasonable outlook and receiving adequate daylight and sunlight throughout the day.

Given the positioning of neighbouring habitable opening and amenity spaces, none of the proposed bedrooms brought forward in this application would be subject to any significant privacy or overlooking related impacts from neighbouring properties. These aspects of the proposal are therefore considered to be acceptable.

Conclusion

By reason of the undersized kitchen and limited bathroom provision, the proposed development is considered to provide an unacceptable quality of accommodation for prospective tenants. As such, the proposed development is considered to be contrary to Policy D6 of The London Plan (2021), Policy H5 of the Royal Greenwich Local Plan (2014), the Residential Extensions, Basements and Conversions SPD (December 2018), and the Royal Borough of Greenwich Standards for Houses in Multiple Occupation (April 2017).

Impact on neighbouring amenity:

Policy D14 of the LP sets out that development proposals should seek to proactively manage noise impacts in a variety of ways where possible. Proposals should use good design to mitigate and minimise existing and potential nuisances generated by uses and activities located in the area.

Policy DH(b) of the CS requires new development to demonstrate that there would be no significant loss of amenity to adjacent or nearby properties, by reducing the amount of daylight, sunlight, privacy or outlook they enjoy, by creating an unneighbourly sense of enclosure, or by unacceptably impacting the wind environment or microclimate.

Additionally, Policy E(a) of the CS states that proposals which have an adverse effect on the amenity of adjacent occupiers or uses, and especially where proposals would be likely to result in the unacceptable emission of light, vibrations, odours, fumes, dust, water and soil pollutants or grit, will be refused.

Given that the proposed development does not bring forward any external alterations, it is considered that the proposed development would not result in any unacceptable impact in terms of impact on daylight/ sunlight, loss of outlook, creation of an unneighbourly sense of enclosure or loss of privacy to neighbouring properties beyond the existing lawful situation.

Considering the only minimal increase in the number of occupants beyond the previously existing lawful situation of a large single dwellinghouse, it is considered that any noise increase by way of associated comings and goings would not result in detrimental amenity impacts to any of the immediately neighbouring properties unacceptably beyond that of the previously existing lawful C3 use at the application property.

Overall, it is considered that the proposed development is therefore in accordance with Policy D14 of the London Plan (2021), Policies DH(b) and E(a) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014) and the Council's Residential Extensions, Basements and Conversions Guidance SPD (December 2018).

Transport and Highways:

Policy T2 of the LP states that development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. Policy T2 also states that development proposals should reduce the dominance of vehicles on London's streets whether stationary or moving.

Policy T6 of the LP states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking.

Policy T6.1 further sets out that maximum parking provision for residential development should be in accordance with Table 10.3. The site has a PTAL of 4, which indicates an above average level of public transport accessibility. The site is within the Eltham Station Controlled Parking Zone. For a residential development of this size and location, the London Plan sets out that the development should be car free.

The proposed development brings forward plans to retain its existing provision of two off-street parking spaces. Whilst officers note that this provision is beyond that which is recommended in the London Plan, given that the development would not bring forward any new parking spaces beyond the previously existing lawful

situation, this provision is considered to be acceptable in this instance.

With reference to the only minimal increase in the number of occupants beyond that of the previously existing lawful C3 on site, it is considered that the proposed development would not result in any significantly detrimental traffic impacts.

Overall, the proposal is therefore not considered to result in a significant impact on the road and pedestrian network and is therefore consistent with Policies T2, T4, T6 and T6.1 of the London Plan (2021) and Policies IM4, IM(a), IM(b) and IM(c) of the Core Strategy (CS).

Cycle Storage:

Policy T5 of the LP states that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. The policy is clear that proposals should do this by meeting providing cycle parking at least in accordance with the minimum standards set out in Table 10.2 and Figure 10.3. The cycle parking should be fit for purpose, secure and well-located.

Policy T5 of the London Plan does not prescribe a specific number of cycle parking spaces for Sui Generis HMO's, but instead sets out that Sui Generis uses should provide cycle parking as per the most relevant other standard. For Sui Generis HMO's it is considered that the most relevant other standard is that for a C4 HMO. As such, the London Plan prescribes that the proposed development should bring forward 2 cycle parking spaces at minimum in line with Table 10.2.

This is supported by Policy IM(b) and IM(c) of the Core Strategy.

The submitted supporting statement sets out that the proposed development would bring forward the provision of five (5) cycle parking within the rear garden. Whilst this location is unideal, given the constraints of the site and the proposed retained off street parking provision, this location is considered to be acceptable in this instance. No details are provided with respect to the appearance, materiality, provision or locking mechanism to be utilised as part of the proposal. These details would have been sought via a condition attached to the decision notice had this application been recommended for approval.

Waste and Recycling Storage:

Policy H5 of the CS identifies that development needs to minimise the production of waste, to promote the reuse and recycling of waste materials and to ensure that waste disposal is environmentally responsible. As such residential schemes should incorporate measures for community recycling that minimises waste disposal and should provide refuse bins and recycling boxes. This is supported by London Plan Policies SI7 and SI8.

No details have been provided regarding the proposed waste provision beyond that three (3) bins of an unspecified size would be available in the front forecourt of the application site. This location is acceptable, however the “New Developments: Guidance Notes for the Storage and Collection of Waste and Recycling Materials for the Royal Borough of Greenwich (May 2018)” requires HMO’s of this size to provide space for five (5) 240L bins for a unit of this size. Despite the provision of two off-street car parking spaces, it is considered that there would be adequate front forecourt space for the required bin provision.

Had this application been recommended for approval, these details would have been sought via a condition attached to the decision notice.

Other Material Considerations:

None.

Conclusions:

The proposal is considered to be unacceptable and is therefore recommended to the delegated officer for **refusal** for the reasons set out in the decision notice.