
Appeal Decision

Site visit made on 14 March 2017

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 March 2017

Appeal Ref: APP/G5180/W/16/3165214

49 Southborough Road, Bickley, Bromley BR1 2EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dean Hancock against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02356/FULL1, dated 15 May 2016, was refused by notice dated 25 July 2016.
 - The development proposed is to change the use of the residential building into a house in multiple occupation (HMO).
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Decision

1. The appeal is dismissed.

Procedural matters

2. I note from the application form and my observations on site that the property is already occupied as an HMO. Therefore, the application is retrospective and I have determined this appeal on that basis.
3. I am also aware that there are three reasons for refusal with respect to this appeal. However, subject to attaching a suitably worded condition in the event of allowing this appeal, the Council is no longer contesting the third highways-related ground of refusal because the appellant has now demonstrated how sufficient on-site car parking may be provided.

Main Issues

4. The main issues are:
 - i. the effect on the character and appearance of the area; and
 - ii. whether the development provides satisfactory living conditions for occupants of the HMO with particular reference to internal amenities provided and the effect of the development on the living conditions of the occupiers of adjoining residential properties with particular reference to noise and disturbance.

Reasons

Character and appearance

5. The appeal site comprises a large two storey detached dwelling set within a substantial plot of land on Southborough Road. The surrounding area is mainly
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residential and suburban in character and includes large detached single dwellings in large plots of land with generous garden areas. However, there are other types of property near to the site including a small bungalow immediately adjacent to the site at No 47 Southborough Road, a dwelling converted to a hotel (Glendevon House) and modern purpose built nursing homes.

6. The change of use from a single dwelling to an HMO has significantly increased the intensity of use of the site arising from general activity and movements to and from the property. Given the potential for there to be up to seventeen occupants there is also significant potential for additional general noise and disturbance. This is exacerbated by the poor facilities provided within the HMO and the lack of communal space which is likely to lead to increased levels of external activity.
7. Furthermore, the increased intensity in the use of the site in comparison to occupation as a single family unit is also likely to lead to increased external paraphernalia associated with up to seventeen residents. The effect of this could potentially alter the overall character of the site to the detriment of the character and appearance of its immediate surroundings and the residential area, generally.
8. I understand the appellant's point that there are other types of residential accommodation along the street, including hotels and care homes. However, these uses are very different from an HMO use as they provide different accommodation and lack the intensity of use within the confines of a single building. The HMO with ten bedrooms and up to seventeen occupants represents a significantly different character and intensity than the other types of accommodation. Furthermore, the locality is mainly characterised by a suburban form of relatively low density large dwellings.
9. On this issue I conclude that the proposal would be harmful to the character and appearance of the area and therefore contrary to the provisions of Policies H11 and BE1 of the Unitary Development Plan July 2006 (the UDP) which among other things seeks to ensure that new development relates well to the character of its surroundings.

Living conditions

10. Only one small kitchen is provided on the ground floor of the HMO which, according to the Council's adopted Standards for Houses in Multiple Occupation would only be adequate to serve a maximum of five people occupying the ground floor only. According to the standards kitchens should be provided at a ratio of one for every five residents. Furthermore, kitchens should be located on the same floor as the accommodation or on the same floor as a dining facility. In this case no separate dining facility is provided. Therefore, for an HMO with the potential occupancy by seventeen people kitchen and cooking facilities are severely inadequate to meet the requirements of residents.
11. Only two small shower rooms are provided; one on the ground floor containing only one shower and the other at first floor level has two showers. According to the adopted standards bathrooms should be provided in the ratio of one for every five residents. The provision of two shower rooms in one room to serve their needs is unsuitable and inadequate. Even though bedrooms have sinks,

the level of bathroom or shower provision is sub-standard, providing inadequate living conditions for residents.

12. The appellant has provided room sizes for each of the bedrooms, including provision of 6.5 square metres per bedroom for communal living space and the kitchen. However, the appellant does not identify which standard their calculations are based on and, furthermore, other than the small kitchen no other communal spaces are shown on the submitted plans and I did not see any communal spaces at my site visit. The appellant may have included the large hallway and landing areas in their calculations, but such an approach is inappropriate because such spaces should not reasonably be included as they do not provide any private or quiet space without the potential for significant disturbance by other residents.
13. Measuring only 8.5 square metres, Bedroom 9 fall short of the Council's adopted standard. Given the bedroom's remoteness from facilities, including the kitchen, and the lack of communal space within the HMO it is unreasonable for such a small space to be provided for the day-to-day living and sleeping requirements of an occupant. The other bedrooms on the first floor also have poor access to the kitchen and shower facilities.
14. The HMO could potentially house up to seventeen people, given that seven of the rooms could be double. Therefore, the provision of facilities within the HMO is inadequate in terms of kitchen space and accessibility, bathroom and shower provision and a lack of communal space. Although the appellant seeks to demonstrate that standards are met, the method of calculation is unclear and seems to be inappropriate.
15. Furthermore, as a consequence of the increased levels of activity, noise and disturbance discussed above, there is also concern that the development is likely to result in harm to the living conditions of the occupiers of adjacent residential properties. Given the proximity of the property to other residential properties I consider there to be conflict between the proposal and other relatively low intensity residential uses in the immediate vicinity.
16. On this matter I conclude that the development fails to provide satisfactory living conditions for occupants with particular reference to internal amenities provided. Therefore, it is contrary to the provisions of Policy H11 of the UDP which requires residential conversions to provide a satisfactory living environment for the intended occupiers. I also conclude that the development is harmful to the living conditions of the occupiers of adjacent residential properties with particular reference to noise and disturbance, contrary to the provisions of Policy BE1 of the UDP which seeks to ensure that development respects the amenity of occupiers of neighbouring building with regard to noise and disturbance, among other things.

Conclusion

17. For the reasons given above and taking into account other matters I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR