



Appeal Decision

Site visit made on 22 July 2019 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2019

Appeal Ref: APP/G5180/W/19/3227513

43 Selby Road, Penge, London SE20 8ST

- 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 Anh Tuan Hoang against the decision of London Borough of Bromley Council.
 - The application Ref DC/17/04576/FULL1, dated 25 August 2017, was refused by notice dated 4 January 2019.
 - The development is described as 'conversion of a single residential dwelling to HMO use of 7 individual residents using a communal kitchen and ground and 1st floor bathrooms'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The evidence in front of me indicates that the development has already been converted to a House of Multiple Occupancy (HMO) with seven bedrooms, and the appeal has therefore been considered on this retrospective basis.
4. Since the issuing of the Council's Decision Notice, the Local Plan (January 2019) has been adopted. Two Policies in the draft version of this plan referred to within the Council's decision (Policy 9 and 32), are now adopted. Policies H11 and T18 of the Unitary Development Plan, which were also referred to in the decision notice, are now superseded. Both parties have had the opportunity to comment on the adopted policies as part of the appeal process. The appeal has therefore been considered against the adopted Local Plan policies.

Main Issues

5. The main issues in the appeal are:
 - The effect of the HMO on the living conditions of residents of Selby Road with respect to noise and disturbance; and
 - The effect of the HMO on highway safety on Selby Road.

Reasons for the Recommendation

Living Conditions

6. The HMO contains seven bedrooms arranged over two floors, with a shared communal living space in the kitchen/dining/living room. I agree with the Council who suggest that five of the bedrooms could accommodate up to two people in each room with the remaining two bedrooms providing accommodation for one person in each room. The HMO therefore has the potential to accommodate between seven and twelve people.
7. The appeal property is a terrace property which results in a sensitive relationship with the immediate neighbouring properties. The surrounding area is mainly residential and suburban in character. No evidence has been provided to suggest other properties nearby are occupied as HMOs, but I understand that some properties on Selby Road have been subdivided into a small number of flats. The HMO with seven bedrooms and between seven and twelve occupants therefore represents a different character and intensity than all other types of accommodation on Selby Road.
8. The activity generated by between seven and twelve people each living independent lives in the HMO is likely to be high with the comings and goings leading to a level of general noise and disturbance that can be disruptive to the occupiers of the neighbouring properties. The provision of only one communal space in the HMO also likely leads to a higher than average use of the garden as a communal space which could also adversely affect the living conditions of the occupiers of neighbouring properties and the quiet enjoyment of their gardens. It is noted that the appellant has stated that there have been no complaints from neighbours regarding noise, but it is evident from the comments received from nearby residents to the planning application that noise and disturbance is a concern for some.
9. I have had regard to the fact that the external appearance of the property and front garden were tidy and adequate storage for refuse and recycling appeared to be available for occupants.
10. Nonetheless, it is considered that the development has an adverse effect on the living conditions of adjoining residents on Selby Road with regard to noise and disturbance. The HMO is therefore contrary to Policy 9 of the Local Plan (January 2019) which states, amongst other things, that non-self contained accommodation will be permitted provided that the amenities of occupiers of neighbouring dwellings will not be harmed by noise and disturbance so the character of the area is not adversely affected.

Highway Safety

11. Although on-street parking in Selby Road is not subject to parking controls, comments from local residents suggest that demand for parking on the road is high. However, the appellant has submitted a Parking Report which the Council Highways Officer is satisfied shows adequate parking spaces were available close by and within 200m of the appeal property. I also observed at the time of my site visit, parking spaces were available on Selby Road and surrounding roads, and some properties (including the appeal property) have their own off-street parking space.

12. Notwithstanding the comments from residents, there is no substantive evidence to suggest that the development has an adverse impact on highway safety.
13. In light of the above, it is not considered that the development is contrary to Policy 32 of the Local Plan which seeks to ensure road safety is not significantly adversely affected by development.

Conclusion and Recommendation

14. The absence of harm to highway safety, is outweighed by the harm that has been found in relation to the effect of the HMO on the living conditions of residents of Selby Road. Therefore for the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR