



Appeal Decision

Site visit made on 9 March 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 24 April 2020

Appeal Ref: APP/G5180/D/19/3243483

12 Murray Avenue, Bromley BR1 3DQ

- 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 Mrs Su-O Hou against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/03237/FULL6, dated 17 July 2019, was refused by notice dated 7 November 2019.
 - The development proposed is described as "the internal conversion of an outbuilding at the rear of a garden from a garage to an entertainment room. Outbuilding is incidental to the main dwelling house. Work done included floor/wall/ceiling insulation, floor laying, wall painting, installation of kitchen cupboard set which includes a washing basin but does not include any heating elements. Addition of a bathroom included works on the installation of a shower enclosure and relocation of a pre-existing toilet. Electrical wiring is done on the existing system. Sewage and water are connected to the main building's sewage system. No structural change, no change of access and no change to the facade has been done to the dwelling."
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Decision

1. The appeal is allowed, and planning permission granted for the conversion of the garage to a habitable room at 12 Murray Avenue, Bromley, BR1 3DQ in accordance with the terms of the application, and the plans submitted with it, ref DC/19/03237/FULL6, dated 17 July 2019 subject to the following conditions:
 - 1) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 12 Murray Avenue, Bromley, BR1 3DQ.

Application for costs

2. An application for costs was made by Mrs Su-O Hou against the Council of the London Borough of Bromley. This application is the subject of a separate Decision.

Appeal Procedure

3. 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.

Procedural Matter

4. The description of development set out in the Council's decision notice differs from that in the banner heading above. In the formal decision above I have used the shorter more concise description from the decision notice.
5. Permission is sought, in essence, for the change of use of an outbuilding at 12 Murray Avenue to form additional residential accommodation for use ancillary to that of the main dwelling. It has been suggested by the appellant that such a change of use does not require planning permission. However, whether or not this is the case is not a matter for me to determine in the context of a s78 appeal. Accordingly, I have dealt with the proposal on the basis on which it was submitted to and determined by the Council.
6. At the time of my site visit the development had been completed and the outbuilding was being used as residential accommodation. I have dealt with the appeal on that basis.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to whether the proposal relates to a separate unit of accommodation.

Reasons

8. 12 Murray Avenue is a mid-terraced property in an established residential area. To the rear of the property is a relatively long garden with an outbuilding and access to a shared track giving vehicular access to the rear of the row of houses. This layout is typical of the pattern of development in the immediate area.
9. The outbuilding, which I understand was granted planning permission some time ago, is a modestly proportioned brick built structure with a flat roof. It has a garage door and separate personnel doorway to the rear elevation giving access to the track, and a door and obscure glazed window to the elevation facing the garden. The side elevation of the structure abuts the footpath of the adjoining road and the building is thereby highly prominent in the street scene. However, given limited scale and modest appearance of the building, and the pattern of development locally, the building does not appear intrusive or unusual.
10. Externally the building has not been altered to facilitate the conversion. The garage door has been retained and in terms of its visual impact, the building still resembles a garage and is appropriate in the street scene. Indeed, the Council acknowledges that there is no harm to the character and appearance of the area in terms of the physical impact of the development.
11. Internally, the conversion has resulted in the creation of a single living room, with a small toilet/ shower room off it. I noted at my site visit that a limited number of kitchen units have been installed in the room, along with a sink and a fridge. The room, which is furnished, was clearly being used as a sitting room and for domestic storage. Access to the garden and host dwelling for other residential facilities remains available.

12. Policy 7 of the London Borough of Bromley Local Plan (2019) (the Local Plan) requires that extensions for additional family members will be expected to meet a number of criteria including that it cannot be severed from the main dwellinghouse and that access to it is provided and maintained through the original dwelling.
13. There is no evidence to suggest that the change of use is required to accommodate an additional family member. Nevertheless, I have taken into consideration the Council's concerns that if the unit were to be used as self-contained residential accommodation, it would substandard in terms of the provision of private outdoor space and parking space and moreover, would not respect the predominant pattern of development in the area where residential properties front the street. Be that as it may, from all I have read and seen, there is no reason to doubt that the room is being used as ancillary accommodation to the host dwelling. Whilst I acknowledge the presence of limited kitchen facilities, these, and the toilet/shower facility, are not disproportionate or unrelated to the use of the space. In addition, despite having been used in this way for some time there is no evidence from the Council or third parties that the building is being used as a separate dwelling. Moreover, there is no evidence before me that the intended use is one of a self-contained unit.
14. I note the Council's concern that the outbuilding can be accessed from the track to the rear of the site, as such affording independent access which would enable the building to be readily occupied as a separate dwelling. I also acknowledge that the facilities in the room could be altered to provide cooking facilities and sleeping accommodation. However, even if the internal layout of the building were altered, I am not persuaded that a condition to prevent the unit being occupied separately to the dwelling would be unenforceable even though I acknowledge that the matter would require monitoring. Accordingly, these matters do not persuade me that the appeal should fail.
15. For the reasons given above, I conclude that the development does not cause harm to the character and appearance of the local area. As such it is consistent with Policy 7.4 of the London Plan (2016) which amongst other things requires buildings to provide a high quality design and Policy 6 of the Local Plan which requires that the enlargement of residential properties respects the host dwelling and is compatible with development in the surrounding area.
16. The decision notice also refers to Policy 4 of the Local Plan. However, this policy relates to the design of new housing developments within the Borough. Given that the proposal does not relate to a new housing development, this policy is not determinative in this case.

Conditions

17. I have had regard to the Council's suggested conditions, in the event of the appeal being allowed, in the light of advice in the Planning Practice Guidance (PPG) and I have considered them against the six tests, as outlined within the National Planning Policy Framework (the Framework) and the PPG. As the application is retrospective and there are no changes to the external appearance of the garage, time limit, plans or materials condition are not necessary.

18. However, to ensure that the garage remains as ancillary accommodation in order to protect the character of the area, a condition restricting its use is necessary.

Conclusion and Recommendation

19. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

Susan Ashworth

INSPECTOR