



Appeal Decision

Site visit made on 10 November 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/G5180/W/19/3243680

218 & 218A Court Farm Road, Mottingham, London SE9 4JZ

- 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 Simmonds against the decision of the Council of the London Borough of Bromley.
 - The application Ref: DC/19/03757/FULL1, dated 29 August 2019, was refused by notice dated 28 November 2019.
 - The development proposed was originally described as 'the conversion and existing (*sic*) of existing detached building to provide 5 one bedroom and 1 two bedroom apartment.'
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of an existing building used as a HMO (Use Class C4) and a derelict doctors surgery consultation room (Use Class D1) to residential (Use Class C3) and part one/two storey side and rear extensions and roof extension to provide 5 x 1 bed units and 1 x 2 bed unit at 218 & 218A Court Farm Road, Mottingham, London SE9 4JZ in accordance with the terms of the application, Ref: DC/19/03757/FULL1, dated 29 August 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. The Council's decision notice contains a different description, namely a "*Change of use of existing building used as HMO (Use Class C4) and derelict doctors surgery consultation room (Use Class D1) to residential (Use Class C3) and part one/two storey side and rear extensions and roof extension to provide 5 x 1 bed units and 1 x two bed unit (Nos. 218-218A)*". The same description is repeated on the appeal form. It more accurately describes the proposal than what was set out on the application form.
3. The Council's description also refers to the Use Classes as it was prior to changes that took place on 1 September 2020¹. Under the Regulations, an application that was made prior to this date is also to be determined with reference to the uses or use classes that were in place prior to that date.
4. Accordingly, I have considered the appeal on this basis. This is also reflected in the description in my decision paragraph.

¹ Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

Main Issues

5. The main issues are the effect of the proposal on the living conditions of the occupiers of the neighbouring residential properties by way of (i) visual impact, in particular 220 and 216 Court Farm Road (Nos 220 and 216); and (ii) noise and disturbance.

Reasons

6. The appeal property is in use as a House in Multiple Occupation (HMO). The accommodation extends over 3 storeys, including the use of the roofspace. This contains a large rear dormer. The adjoining parapet roof area is used as an outside terrace. Off-street parking is found to the front, along with bin storage. Attached to the rear of the building is a dilapidated single storey structure that was formerly used as a doctor's surgery. An overgrown garden-like area forms much of the remainder of the rear of the site, including occasional trees. This backs onto the rear gardens of a number of neighbouring properties.
7. The appeal property is untypical compared to its surroundings. This is due to its larger size, detached form and overall appearance. Most of the buildings in its vicinity are smaller 2 storey terraced or semi-detached properties that are set out in a planned layout. The size of the rear garden area of the appeal property is also considerably greater than that of the gardens of the neighbouring properties.

Visual Impact

8. The rear elevation of the appeal property is already set further back than No 220. The nearest part of this neighbouring residential property to where the proposed extensions would be sited is its rear garden. The 2 storey part of the extension proposed on this side would project back a fairly modest distance and the gap up to the shared boundary would be maintained.
9. Where the proposed rear extension would project considerably further back at ground and first floor levels, it would be sited a not insignificant distance from the boundary with No 220. As this element of the proposal would not be in close proximity to this neighbouring property and its garden, it would also have a limited effect in this regard by way of visual impact.
10. The proposed rear dormer extension, whilst it would be larger than the existing dormer, would also be sited in from this boundary. The proposed roof terrace and the associated screens would also have a limited presence as a largely open structure.
11. On the side of No 216 and its rear garden, the proposal would be sited to respect the existing footprint of the former doctor's surgery. The proposed replacement extension would be mainly single storey and so would have a limited visual impact, when the boundary treatment is also considered. The proposed 2 storey part of the extension and the dormer extension would be well set in from this boundary.
12. Taking these considerations together, the height, scale, rearward projection and the proximity of the proposal would not be unacceptable with regard to both Nos 220 and 216. Hence, it would not result in an over-dominant and

intrusive visual impact. Other neighbouring properties are more distant from the proposal and so would not be adversely affected in this respect.

13. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of the neighbouring residential properties by way of visual impact, in particular Nos 220 and 216. As such, it would comply with Policy 37 of the London Borough of Bromley, Local Development Framework Local Plan (2019) (Local Plan) where it states that, amongst other considerations, development will be expected to respect the amenity of the occupiers of neighbouring buildings.
14. It would also comply with Policy 9 of the Local Plan as far as it is concerned with visual impact and permitting residential conversions where the amenities of neighbouring occupiers would not be harmed.

Noise and Disturbance

15. The proposed use of the site to the rear would change in so far as the former doctor's surgery use would be replaced by a residential use. The proposed rear extensions would also consist of further residential accommodation. The rear garden would be sub-divided to provide a communal area and a private garden for the flat that would replace the doctor's surgery.
16. With the comings and goings that would have been associated with the doctor's surgery, the increase in residential use at the rear of the site would not cause untoward levels of noise. Even if the doctor's surgery only operated during working hours, any noise and disturbance caused by the proposal outside of these hours would be of a residential nature. This would not be uncommon in an area where residential uses predominate.
17. Increased levels of occupancy associated with the proposal need to be considered against the nature of the current HMO use. This contains communal areas that allow the occupiers to congregate in carrying out their separate day to day activities. No doubt there would be noise generated by this interaction, as well as from the activities themselves. The roof terrace also permits communal use. In contrast, the proposal would create self-contained units with more limited communal areas. In all likelihood, there would not be an unduly greater level of noise generated.
18. The 3 proposed ground floor flats would have their own gardens. The upper floor flats would have their own balcony areas. The use of the communal garden would, therefore, be unlikely to generate activities that would cause significant noise as the occupiers would not be wholly reliant on it for outdoor space. Moreover, as it would abut the rear garden areas of neighbouring properties, its use would not be substantially different and it would not unduly harm the enjoyment of those gardens.
19. Hence, the use of the rear of the site arising from the proposal would not be intensified to the extent that it would cause an unacceptable increase in noise and general disturbance. That the residential use would be less contained in the sense that it would extend further back into the site does not change my view because the proposal would be not unsatisfactory in this respect.
20. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of the neighbouring residential properties by way of noise and disturbance. Therefore, it would comply with Policies 37 and

9 of the Local Plan where they seek to ensure that the occupiers of neighbouring buildings and dwellings will not be harmed by noise and disturbance.

Other Matters

21. Interested parties have raised a number of concerns related to the existing management, maintenance and occupancy of the appeal property. Whilst I am sympathetic to these concerns, the proposal represents an opportunity for these matters to be addressed because self-contained residential units would be created. It would also clearly improve the general state of the site to the rear, which is to the benefit of the occupiers of the neighbouring properties.
22. In relation to protecting privacy levels, the sides of the balconies that face over the neighbouring properties at Nos 220 and 216 would be constructed of frosted glass. The side elevation windows at first floor level would be as existing and so it would not be reasonable to impose further controls. As the proposed rear extensions would be set away from the boundaries with Nos 220 and 216, the effect on the light levels which those properties receive would not be unacceptable, including to the rear gardens.
23. In terms of the effect on the character and appearance of the area, views of the proposed rear extensions from the streetscene would be limited to either down the sides of the appeal property or indirect visibility across neighbouring gardens from the nearest side roads. The proposal would also not result in the appeal property or the site being appreciably more untypical than is already the case.

Conditions

24. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans for the purposes of certainty. I have also imposed a condition by way of matching external materials to the existing building. This is in order to protect the character and appearance of the area.
25. A condition is also imposed concerning details of cycle parking, in order to encourage the use of modes of transport other than the car, as full details of the associated storage facilities have not been provided by way of cover and security. Conditions are also imposed regarding the implementation of the proposed off-street car parking and the required visibility splays at the access, in the interests of highway safety and the free flow of traffic.
26. A condition is imposed that requires the implementation of the submitted refuse storage details. This is in the interests of protecting both living conditions and the character and appearance of the area. A condition is also imposed concerning the implementation of the submitted tree protection plan details, in the interests of the amenity value of the trees.
27. A condition is also imposed by way of the implementation of the frosted glass screens on the balconies to a standard to protect the privacy levels of the occupiers of the closest neighbouring properties.
28. The Council requested a wheel cleaning and preventing mud on the highway during construction type condition. This would not be reasonable and necessary with the size of the development and the likely construction duration. Where I have altered the wording of the remainder of the conditions

put forward by the Council, I have done so in the interests of precision and without changing their overall meaning.

Conclusion

29. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AML 180-001-A, AML 180 101-B, AML 180-102-B, AML 180-103-D, AML 180 104-A
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The development hereby permitted shall not be occupied until space has been laid out within the site for bicycles to be parked in accordance with details that have been previously submitted to and agreed in writing by the Local Planning Authority. Thereafter that space shall be kept available for the parking of bicycles.
- 5) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. AML 180-102-B for 5 cars to be parked and that space shall thereafter be kept available at all times for this purpose.
- 6) The development hereby permitted shall not be occupied until the access with the public highway has been provided with 3.3m x 2.4m x 3.3m visibility splays and which shall be retained thereafter. There shall be no obstruction to visibility in excess of 1m in height within the site.
- 7) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. AML 180 104-A for refuse storage and that space shall thereafter be kept available for this purpose.
- 8) The development hereby permitted shall not commence until tree protection measures have been carried out in accordance with Tree Protection Plan ref: CFR/TPP/1553-03-A. Such measures shall not be moved or removed, but shall be retained in situ until completion of the construction of the development and all materials and machinery have been removed from the site.
- 9) The development hereby permitted shall not be occupied until the frosted glass screens as shown on drawing nos. AML 180-102-B and AML 180-103-D have been fitted with obscured glazing to a Pilkington Level 3 or equivalent. Once installed the obscured glazing shall be retained thereafter.