
Appeal Decision

Site visit made on 18 November 2024

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 05 December 2024

Appeal Ref: APP/G5180/W/24/3349587

32A Clarendon Way, Chislehurst, Bromley BR7 6RF

- 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 Ms Kehinde Adenola, Bithoms Support Services Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/23/03825/FULL2, dated 6 October 2023, was refused by notice dated 29 April 2024.
 - The development proposed is the change of use of a single dwelling house (C3a) to residential care home (C2).
-

Decision

1. The appeal is allowed and permission is granted for the change of use of a single dwelling house (C3a) to residential care home (C2) at 32A Clarendon Way, Chislehurst, Bromley BR7 6RF, in accordance with the terms of the application, Ref DC/23/03825/FULL2, dated 6 October 2023, subject to the attached schedule of conditions.

Main Issues

2. The main issues are:
 - the suitability of the property and location to accommodate the proposed use; and
 - the effect of the proposal on the residential character and amenity of the area.

Reasons

3. The proposal is to change the use of No 32A Clarendon Road, a two-storey detached house, to a residential care home for three children aged between 8 and 16¹. No changes are proposed to the external appearance of the building.

Suitability

4. The property occupies a central position in a large residential enclave bounded by Leasons Hill to the north, the A208 to the west and a railway line to the south. The site has poor accessibility by public transport – reflected by a low (1b) PTAL rating – although bus and rail services are available from St Mary Cray, a reasonable 15 minutes walk away, where there is also a parade of local

¹ Age range confirmed in the appellant's final comments.

shops. The nearest primary school – Leeson – is a similar walking distance. Whilst No 32A is somewhat distant from some services and facilities the situation is exactly the same whether the property is used as a residential care home for three children or as a conventional family home with potentially three children. The advantages and disadvantages of the location for children growing up would be the same in both cases.

5. With a small number of staff on site and shift changeovers traffic generation is likely to be marginally higher than a family home of the same size but this would not be significant. There is currently on-site parking for two vehicles but the appellant has submitted a plan indicating four spaces could be provided. In any event Clarendon Way is wide with ample kerbside parking opportunities.
6. The Council state that the floor layout of the property and modest rear garden mean that the 'living arrangements would be confined'. This is mere assertion with no standards quoted in support of the argument. The property as now would have four bedrooms, kitchen, living/dining room, shower/wc and separate wc, providing good sized accommodation for a family with three children. With the proposal including the conversion of the garage to an office, store and toilet for staff, it is not clear why a residential care home for three children would need more space.
7. Given the above there are no planning reasons why the property or location is unsuitable for the proposed use. There is no conflict with Policy H12 of the London Plan 2021 which encourages the delivery of supported and specialist housing where conveniently located for a range of shops, services and public transport appropriate to the mobility of the residents. Policy 11 of the Bromley Local Plan 2019 requires the assessment of transport impacts which has been undertaken in this case.
8. The suitability of the property and location for the proposed use would also be a matter for the registration and inspection authority, OFSTED, the Office for Standards in Education, Children's Services and Skills. In relation to individual children, the suitability of the property and location would be a matter for the authority placing the child in the home.

Residential character and amenity

9. The property lies within the Marlings Park Estate which has been designated as an Area of Special Residential Character (ASRC) to reflect its distinct character of individually designed two-storey detached properties set in good-sized plots. Since no changes are proposed to the appearance of the property, other than perhaps the creation of additional car parking spaces to the front, an innocuous change, this visual character would be unaffected.
10. The Council argue that the proposal would be an 'over-intensive' use of the site leading to increased noise and disturbance to nearby residents. However, the intensity of the use would be similar to occupation by a family with three children. There is no evidence that there would be any significant change in noise and disturbance from that which arises from general family use.
11. The proposal would therefore have no discernible effect on the residential character or amenity of the area and would not conflict with Policies 37 or 44 of the Bromley Local Plan. These require development to respect the amenity of

neighbouring occupiers in relation to noise and disturbance and in an ASRC to respect, enhance and strengthen their special and distinctive qualities.

Other matters

12. The proposal has generated a number of objections from nearby residents. In addition to the planning issues dealt with above these include several other matters including a potential restrictive covenant, previous activity associated with the site, the possible effect on property values and the track record of the applicant. These are private legal matters, concerns unrelated to the current proposal going forward, not directly relevant to a planning application or the subject of other legislative and regulatory controls and the duties of relevant bodies including OFSTED and the authorities placing children in the home.

Conclusion

13. The proposal would help address the need for children's care home places in the borough and provide several jobs. There are no planning reasons why the property or location is unsuitable for the proposed use and there would be no discernible effect on the residential character or amenity of the area. The proposal accords with the development plan and there are no significant material considerations that indicate permission should be refused.
14. The Council suggested five conditions should the appeal be allowed which are agreed by the appellant and have been assessed against the relevant tests. Minor wording changes have been made for clarity. In addition to the standard time limit for implementation the approved plans should be defined in the interests of certainty. Further conditions are necessary to define the number and age range of the children to be accommodated and to restrict the use to a children's care home to maintain control over the use of the property should changes be sought in future.
15. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out strictly in accordance with the following approved plans:
Existing & Proposed Ground Floor Plans PLN 02/05 & PLN 04/05
Existing & Proposed First Floor Plans PLN 03/05 & PLN 05/05
Existing & Proposed Front, Rear & Side Elevations PLN 06/08, PLN 07/08 & PLN 08/08
- 3) The development hereby permitted shall accommodate no more than three cared-for children at any one time.

/continued

- 4) The development hereby permitted shall accommodate children between the ages of 8 - 16 only.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) the buildings shall only be used for purposes within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as a Residential Children's Care Home and for no other purpose.