

Appeal Decision

Site visit made on 19 December 2024

by **David Murray** BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/G5180/W/24/3348534

1A South Walk, Bromley, BR4 9JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Y P Fortune Ltd. against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/01549/FULL3.
 - The development proposed is a change of use from residential (class C3) to 6-person HMO (class C4).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government issued a revised National Planning Policy Framework (the Framework) in December 2024. However the changes made are not material to this appeal and therefore the parties were not asked to make any additional representations.

Main Issues

3. The main issues are:
 - Whether the scale and nature of the use would provide a high standard of amenity for the future occupiers;
 - The effect on the character of the area; and
 - The effect on living conditions of occupiers of neighbouring properties;

Reasons

Background

4. The appeal site comprises a single storey bungalow, the narrow gable end of which faces South Walk, and then the property occupies most of the plot in an elongated L shape. The surrounding area is mainly residential in character with mainly two-storey semi-detached houses to the south and the rear gardens of houses fronting Croydon Road to the north.

5. It is proposed to use the property as a six person HMO with six bedrooms grouped either side of a central corridor together with a communal kitchen/dining area. Three of the bedrooms would have an en-suite bathroom while the occupiers of the other three bedrooms would share a communal bathroom. There is a small open forecourt to the front of the site which could probably accommodate two cars.
6. The Council acknowledges that it cannot demonstrate a five-year supply of land for new housing development at the moment therefore paragraph 11(d) of the Framework is engaged in this case.

Whether high standard of amenity for occupiers

7. Part 12 of the Framework seeks to achieve well designed places and paragraph 135 (f) indicates that planning decisions over development proposals should promote health and well-being and ensure a high standard of amenity for future users.
8. In this case the Council confirms that the individual rooms sizes of the HMO bedrooms would meet the size standards set out in the Council's HMO requirements. However I have concerns about the quality of the bedroom space as a living environment. Because of the elongated form of the building and its close proximity to the side boundaries of the site, three of the bedrooms on the north-facing elevation would have windows which would look directly out onto a 1.8m high boundary fence located about one metre away. This would severely constrain the outlook from and the natural light into the three windows. I recognise that these rooms may have been used as bedrooms when the property was in a C3 use, however there is a difference in the function of the rooms in an HMO where the occupants are likely to spend more time there in their individual space.
9. Local Plan Policy 9 concerns residential conversions and generally permits such conversions provided specified criteria are met. The relevant one here is (b) which requires the resulting accommodation to provide a high-quality living environment for the intended occupiers. However, the physical limitations of three of the bedrooms in relation to the confines of the site demonstrates that this would not be the case and the proposal conflicts with this policy as well as the guidance in the Framework.

Effect on local character

10. In design terms the existing bungalow is at odds with the prevailing local form of two storey mainly semi-detached properties, nevertheless as a dwelling house it has existed for many years. The Council, and many of the people who wrote in objecting at the application stage, consider that its use as an HMO would go against this prevailing general character involving family housing. While the HMO proposed would involve a greater intensity of use, it would still be residential in nature and there are no clear reasons why this use, in principle, should harm the residential character of the area.
11. The Council says that there are no other HMOs in South Walk and the proposal would go against the established pattern of development. However there would be little difference to the appearance of the site and the way it functions in the

public realm. Moreover, Policy 9 indicates that proposals for residential conversion should be permitted provided the stated criteria are met and it has not been demonstrated that the use as an HMO with individual bedrooms and some shared facilities would materially harm the character of the area. The Council does not suggest that there is an oversupply of such uses in the wider area and I did not see other local examples of HMO uses around South Walk.

12. Overall on this issue I find that the proposed use has not been shown to harm the character and appearance of the area and there is no clear conflict with the relevant development plan policy.

Effect on the living conditions of neighbours

13. This issue is concerned with the direct effect of the proposed use on the living conditions of the occupiers of neighbouring properties rather than the general character of the area.
14. The appeal site lies amidst residential gardens and a large pond to the east. The Council suggests that the proposal would result in significantly greater levels of activity creating noise and disturbance both inside and outside of the property. However the site lies well away from the properties fronting Croydon Road at the end of long rear gardens. In relation to the neighbouring property of No. 1 South Walk, which lies adjoining the southern boundary of the site, the occupiers here could be more at risk from noise stemming from the proposed kitchen/dining area and the double doors leading out onto the communal patio area. Nevertheless this outdoor space lies alongside outbuildings at No.1 which are extensive and grouped along the party boundary. In the absence of any survey information to the contrary, this physical barrier is likely to contain noise and disturbance originating from the use of the indoor and outdoor communal area.
15. I am therefore satisfied on the particular circumstances of this case that the proposal would not be likely to harm the living conditions or residential amenity of the occupiers of adjoining properties and does not conflict with Local Plan Policies 4, 37 and part (a) of Policy 9 or Policies D3 and D6 of the London Plan.

Other Matters

16. Other objections to the proposal were made by local people at application stage. In terms of the effect on the provision of essential services there is no clear evidence that the net increase in people using the HMO compared to an 'ordinary' dwellinghouse would place an unreasonable strain on local facilities. In relation to parking provision and pressure, the site can make provision for two spaces and I note that the highway authority did not object to the application. Finally, concern is expressed about the proposal setting some precedent for further similar uses. However, the development plan does not rule out the principle of HMO development in a residential area and each proposal must be considered on its individual site-specific merits. For these reasons I am not able to place much weight on the other objections to the proposal.

Planning balance

17. Bringing together my conclusions on the main issues, I have found that the proposed 6 bedroom HMO use of the property would result in some of the bedrooms having a very restricted outlook and lack of natural light into the rooms because of the close proximity to the existing party boundary fence. This effect means that overall the use would not provide a high standard of living environment contrary to the stated policy in the Framework and the Local Plan. Nevertheless, on the circumstances of the case and the individual site, the proposal has not been shown to be likely to harm the character of the area or the living conditions of neighbours.
18. The poor residential environment for some of the occupiers has to be balanced with other factors. The proposal would add a small net number of new additional residential units at a time when the Council cannot demonstrate a sufficient supply of new housing and the more intensive use would in principle make more effective use of the land.
19. However, the poor residential environment for many of the occupiers would be a permanent adverse impact which would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. I find that the conflict with the relevant part of the development plan, which is consistent with the Framework, is not outweighed by other factors and therefore the appeal should not be allowed.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR