



Appeal Decisions

Site visit made on 1 April 2025

by **S Harley BSc(Hons) M.Phil MRTPI ARICS**

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

Appeal A Ref: APP/G5180/W/24/3350430

134 Worsley Bridge Road, Bromley, Beckenham BR3 1RP

- 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 Architecture Consultancy and Building Design against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/01572/FULL1.
 - The development proposed is conversion of the existing dwelling for use as an 18 person HMO, this will be achieved with no alterations to the external appearance of the dwelling.
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Appeal B Ref: APP/G5180/W/24/3354728

134 Worsley Bridge Road, Bromley, Beckenham, BR3 1RP

- 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 Architecture Consultancy and Building Design against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/02999/FULL1.
 - The development proposed is conversion of the existing residential dwelling (Use Class C3), garage and outbuilding for use as an 17 person HMO (Sui Generis).
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Decision

1. Appeal B is dismissed.
2. Appeal A is dismissed.

Preliminary Matters

3. As set out in the banner heading above there are two appeals relating to the site. Both involve change of use to a House in Multiple Occupation (HMO) differing in that Appeal B would have one less bedroom and consequent differences in layout. To avoid repetition, where appropriate, I have dealt with the proposals together unless otherwise indicated. I have used the description of development from the Council's refusal notices as these more succinctly describe the proposals.
4. The appellant submitted amended plans for Appeal A at the outset of the appeal to address the Council's concerns. These plans include a reassessment of the bedroom and en-suite sizes; a revised layout for the shared kitchen and dining room; and additional refuse storage. The appeal process should not be used to evolve a scheme but in this case the proposed amendments do not involve a substantial or fundamental change to the proposal and there would be no unlawful procedural unfairness to anyone involved in the appeal. I have therefore accepted them as a substitute and disregarded the originally submitted plans.

Main Issues

5. A reason for refusal for Appeal B is that intensification would be harmful to the character of the area. However, it seems to me that this would also be an issue in relation to Appeal A. For both appeals intensification causing harm to neighbours by way of increased noise and general disturbance is a reason for refusal.
6. Taking this into account the main issues for both appeals are the effect of intensification on the character and appearance of the area and on the living conditions of occupiers of neighbouring properties; and whether or not satisfactory living conditions would be provided for future occupiers. In addition for Appeal A there is a further main issue of whether adequate provision would be made for refuse storage.

Reasons

7. The appeal site is in within the built up area of Beckenham. The local Public Transport Accessibility Score is 2 which indicates a moderate to low level of accessibility. The site is, however, located approximately 300m to the east of Lower Sydenham station; some 800m from Beckenham Hill station; and there are bus services along Worsley Bridge Road. In principle the location is suitable for residential development subject to other planning policies and material considerations being satisfied.

Intensification

8. The appeal site is in an area where a number of open spaces contribute to the London Green Chain. These are intermingled with sports facilities and residential properties. The character of the area is therefore mixed. The area is also designated as part of the Metropolitan Open Land (MOL). Policies 50 of the Bromley Local Plan 2019 (the LP) and G3 of the London Plan 2021 affords MOL the same status and level of protection as Green Belt so it should be protected from inappropriate development in accordance with the planning policy tests that apply to the Green Belt. The scheme would not involve any additional built form and the proposal would not amount to inappropriate development in the MOL.
9. Number 134 Worsley Road is a two storey house in a garden on the corner of the junction with Copers Cope Road. Residential development on the other side of this part of Worsley Bridge Road is predominantly two storey houses and maisonettes: some have rooms in the roof. There are some blocks of flats further along Copers Cope Road, at Hackington Crescent, and at Montana Gardens but these are generally quite modest in scale. Two boundaries adjoin open land mainly the playing fields of Kent County Cricket Ground so there are no residential properties directly adjoining the site. The nearest ones are on the other side of roads. Consequently there would be no loss of privacy, daylight or sunlight for occupiers of dwellings in the area.
10. It appears that No 134 contained two flats but the use reverted to a single dwelling. Under permitted development rights¹ extensions and conversion of the loft space with roof lights is underway. The change of use proposals alone would result in very little by way of external alterations as there have mainly been/will be

¹ Town and Country Planning (General Permitted Development Order) (England) Order 2015 as amended

completed as permitted development. The resultant building and on-site parking would remain of an appropriate design and appearance in the local area.

11. The proposed use is residential but there would be an intensification of the number of occupiers. There would be significantly more comings and goings of so many unrelated individuals living independently to one another, an associated increase in deliveries and visits from both a 17 person and an 18 person HMO, and it is more than likely that the pattern of activity would be different compared to those of a typical family living in a single large house or in two flats.
12. However, in this case, because of the distance to neighbouring dwellings, intervening busy roads and the activity associated with the sports facilities and open spaces, a more intensive and different pattern of activity would not cause a direct harmful effect on noise and disturbance for occupiers of any particular neighbouring property. Nor would the associated increase in passersby be so uncharacteristic on these roads as to justify withholding planning permission. Moreover a robust management plan should ensure that the property is kept in good repair and the behaviour of tenants appropriately managed.
13. There would be likely to be an increased amount of external paraphernalia at the property as a result of the increased number of occupiers. However, purpose designed facilities for cycle and refuse storage to the rear of the property would minimise the harm this might otherwise cause to the appearance of the area.
14. I conclude that the proposed intensification would not have such a harmful effect on the character and appearance of the area and on the living conditions of occupiers of neighbouring properties as to justify withholding permission. Accordingly neither proposal would conflict with Policies 9 and 37 of the LP in these respects.

Living conditions for future occupiers

15. Policy 9 of the LP allows for the conversion of a single dwelling into non-self-contained residential uses to ensure that older properties are efficiently used and to increase the choice and supply in the housing market for smaller households. This is subject to the requirement that the resultant property will provide a high quality living environment for the intended occupiers. Policies 4 and 37 of the LP also require all new housing development to achieve a high standard of design and layout. Policy D6 of the London Plan states that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. There are no specific space standards laid down for small to medium HMOs in the Nationally Described Space Standards (the NDSS), the London Plan or the LP but there are for larger purpose built shared living.
16. For both proposals the sizes and layout of the communal kitchen and dining facilities on the ground floor of the main house would be the same. A potential layout of furniture for the communal dining room has not been provided but 20 m² seems very little room to accommodate up to 18 individuals even if all the potential users did not use the space at the same time. The layout of the kitchen shows two of the sinks and three hobs concentrated in one corner between two doors with very little by way of worksurface in close proximity for setting down plates or cooking utensils. Occupiers of two of the bedrooms would have to cross the kitchen to access the communal dining space. Escape windows could be provided

to address fire risk but the only way occupiers of three bedrooms (Scheme A) and two bedrooms (Scheme B) of accessing their rooms would be by going through the communal dining space which is an unsatisfactory and less than comfortable arrangement. Such cramped and contrived accommodation is indicative of over-crowding that would not provide a high quality living environment.

17. For both proposals the second floor accommodation would be in the roof space. The roof is complex with a combination of hip, gable, and a small section of flat forms. As a result many of the ceilings in these bedrooms and en-suites would be sloping. There are relatively few measurements indicated on the plans to show how floor space has been calculated and which useable parts of the room would have sufficient ceiling height. The proposed room layouts show the beds and parts of the en-suite fixtures tucked beneath ceilings less than 1.5m high. This amounts to a cramped and contrived arrangement which would not be high quality living accommodation.
18. Light and outlook would be provided from a mix of window and rooflights for two of the bedrooms on the second floor which would be acceptable. The third bedroom would rely on two rooflights but these would be positioned to allow outlook at eye level. A rooflight would also be provided over the second floor landing and for the en-suites. Other rooms would also have acceptable windows and natural light.
19. I acknowledge that there may be other layouts possible for the furniture and fixtures and fittings for the rooms on the second floor and the kitchen. However, it is not easily apparent how the layouts could be re-arranged to provide sufficient circulation space and other furniture necessary for a high quality living environment for the intended occupiers of the second floor or how sufficient storage space and necessary items could be fitted into the kitchen in a different way.
20. There are two standalone building in the grounds of No 134: a garage and an outbuilding. Both proposals show two bedrooms with kitchen facilities in the standalone buildings. The appellant asserts that these would not amount to self-contained accommodation and that the occupiers of the standalone buildings would share the communal dining room.
21. However, it seems very unlikely in my judgement that the occupiers of the rooms in the standalone buildings would use the communal dining space, particularly those the rooms in the garage. This is because it would require negotiating a very narrow pathway by the side of the main house or walking around the corner on the footpath outside the property boundary and because the communal dining room is not very spacious. On this basis the rooms in the standalone buildings would probably not be used as HMOs. They would most likely be used as self-contained one-storey dwellings and the proposed rooms would fall well short of the 37m² required to meet the NDSS and Table 3.1 of the London Plan.
22. The Large-Scale Purpose-Built Shared Living LP Guidance 2024 provides specifically for larger shared communal spaces to offset private individual units that are smaller than the minimum internal space standards set out in table 3.1 of the London Plan² and does not directly apply to smaller proposals. However, I

² This guidance requires 4sqm per resident for up to 100 residents for internal communal amenity space provision including kitchen, dining and living room/lounge and would give a requirement of some 68m² for 17 residents including kitchen, dining and living room/lounge. Both of the proposals fall well short of this. Units should be a minimum of 18sqm to allow for a double bed, seating and dining area and kitchenette and should not have a separate external access.

have addressed the relevant parts as the appellant has stated they are a material consideration and demonstrate that the NDSS should not apply to the rooms in the standalone buildings. Both proposals would fail to provide the size of communal space required by this Guidance and many of the rooms would be below the minimum of 18m² so the proposals would fall well short of the Guidance. Also the rooms in the standalone buildings would have separate external access and include kitchen facilities so it is likely that it would be difficult to prevent use as self-contained occupation. In my judgement the proposed rooms in the standalone buildings would be overly cramped and would not provide high quality living space and this Guidance does not support the proposals.

23. For the above reasons I conclude that satisfactory living conditions would not be provided for future occupiers for either Appeal A or Appeal B. There would be conflict with Policies 9, 37 and 4 of the LP and Policy D6 of the London Plan in failing to provide high quality living space with comfortable and functional layouts for the intended occupiers.

Refuse storage – Appeal A

24. The original plans for the 18 person HMO showed storage space for one large and three smaller bins in the rear garden area. This was insufficient for the number of proposed occupiers. However, the amended plans show 3 larger and six smaller bins and the Council has confirmed this would be ample for occupiers of an 18 person HMO and therefore also for a 17 person HMO.
25. On this basis I conclude that satisfactory refuse storage would be available for future occupiers. There would be no conflict with Policies 37 and 113 in this respect.

Other considerations

26. The Council has the “Adopted Standards Houses in Multiple Occupation” which set a minimum for the purposes of environmental health licensing and housing legislation. Many of the proposed rooms would exceed these minimum standards, and there would be some outdoor amenity space for the purposes of this appeal.
27. However, it is not clear whether the rooms on the second floor have sufficient height to meet the requirements that half of the floor area would be a minimum of 2130mm. Nor, at 20.01m², would the proposed communal dining room provide sufficient space for the 17 or 18 occupiers of HMOs as applied for (11m² for up to 5 people plus 1m² each additional person which would amount to some 23m² for 17 persons and some 24 m² for 18 persons). The slightly larger rooms would not be capable of accommodating dining so do not compensate for the shortfall in the communal dining space. For these reasons I give the extent of compliance with these standards moderate weight in favour of the proposals.
28. Housing delivery is a key objective of the Framework. The Council cannot demonstrate the requisite five year supply of deliverable housing land. The published housing land supply for the period 2021/22 to 2025/26 is 3.99 years but the Council acknowledges a supply of 2.96 years for this appeal which is a significant undersupply. On this basis the presumption in favour of sustainable development as set out in Paragraph 11(d) is engaged.

29. HMOs are an important part of London's housing offer, reducing pressure on other elements of the housing stock. They provide choice at a more affordable level in the housing market and the proposals would make efficient use of a large, detached dwelling. The Affordability Analysis report demonstrates that in the current market very few people could afford to rent a one-bedroom property as a single occupant in the Beckenham area. So, for many, renting a shared property is the only option available, and there is a shortage of supply of rented accommodation. Whilst in practice the room rates would be less than for other sizes of homes, the proposal does not appear to fall into the categories of affordable housing as defined in the Glossary to the Framework.
30. Paragraph 4.1.9 of the London Plan states that non-self-contained communal accommodation should count towards meeting housing targets at a ratio of 1.8:1. On this basis the proposals would contribute an equivalent of about 10 dwellings an uplift of about 9. Paragraph 4.1.9 also states that the ratio for communal accommodation mirrors those in the Government's Housing Delivery Test Measurement.
31. This has been updated several times since the adoption of the London Plan. The guidance³ currently states that HMOs converted from a house cannot be counted as a net additional dwelling, as they would have been counted as such in a previous year although the change of use from a non-residential building can count as net additional accommodation. If the rooms in the standalone buildings were used as self-contained accommodation they would also not, in my judgement, count in a significant way as additional dwellings for the purposes of housing targets as they would be below the NDSS standards. This reduces the weight that can be ascribed to housing provision in the balance of Paragraph 11(d). In recognition of the choice in the housing market and the potential freeing up of other housing stock, the provision of rented HMO accommodation attracts moderate weight in favour of the proposal.
32. Landscaping, out-door amenity space, electric charging points, cycle parking and compliance with fire safety and ventilation requirements are to be expected of all developments and therefore add little weight in favour of the proposal.

Other Matters

33. Allowing the appeals could set an undesirable precedent which might make it difficult for the Council to resist the change of use of other small garages and outbuildings to poor quality living space. Although not determinative this would be likely to increase the prevalence of unsatisfactorily small living accommodation.
34. The appellant has expressed dissatisfaction with the way in which the Council handled the application. However, that is not a matter for me in considering the planning merits of the proposals.

Planning Balance

35. Policies can pull in different directions. Substantially increasing the supply of housing is a key policy of the Framework. However, good design is also a key policy and is a key aspect of sustainable development. I have found that the proposal would not provide the high quality design and comfortable living sought

³ Dwelling stock data: notes and definitions (includes HFR full guidance notes and returns form) July 2024

by the development plan. I give this very substantial weight in the context of conversion works which mean that the room sizes and shapes can be configured in a number of different ways.

36. The proposals would add choice in the housing stock at the more affordable end of the market in accommodation that meets the Council's environmental and health standards in a moderately accessible location. However, this would be at the expense of a detached modernised house. The overall effect on the calculated local housing supply would be moderately positive.
37. I conclude that the adverse impacts arising from the failure to provide high quality design and comfortable living significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Neither proposal would amount to sustainable development.

Conclusion

38. In failing to comply with local policies as set out above, neither proposal can be said to comply with the development plan taken as a whole. I have found insufficient material considerations, including the Framework, to justify Decisions other than in accordance with the development plan. Appeal A and Appeal B should be dismissed.

S Harley

INSPECTOR