



Appeal Decision

Site visit made on 2 April 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Appeal Ref: APP/G5180/W/24/3352192

54 Haywood Road, Bromley BR2 9RQ

- 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 Mr D Rugless against the decision of the Council of the London Borough of Bromley.
 - The application ref is 24/02317/FULL1.
 - The development proposed is conversion of 6 bedroom mid terrace house (C3) to class C4 small HMO.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr D Rugless against the Council of the London Borough of Bromley. This is the subject of a separate decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect on the living conditions of neighbouring occupiers, having regard to noise and disturbance;
 - whether the development would provide its occupants with acceptable living conditions, with regard to cycle storage.

Reasons

Character and appearance

4. The appeal relates to a two storey, mid-terraced house within a street of similar terraced and semi-detached properties. Whilst the street is predominantly residential in nature, the wider area includes commercial uses. The plans show that as existing, the dwelling has five bedrooms, one of which is in the loft space served by a roof dormer. The dwelling is set back from the pavement with a small forecourt area bound by a low brick wall. Generally, building lines along the street are consistent giving a similar set back from the pavement to built form, however, in some cases the forecourt area is used for parking served by dropped kerbs.
5. The area is covered by an Article 4 Direction which removes permitted development rights for the conversion of Class C3 dwellinghouses to a use falling

within Class C4, houses in multiple occupation (HMO). The removal of permitted development rights does not suggest that all HMOs are inappropriate, only that proposals should be assessed against the development plan and other material considerations.

6. The proposal seeks to change the use of the property from a Class C3 dwellinghouse to an HMO with five bedrooms. Four of the bedrooms would be single occupancy, with the fifth bedroom in the loft space being a double bedroom, giving a maximum occupancy of six people. Kitchen areas would be provided at both ground and first floor with an area of communal space proposed at the front of the property at ground floor. No external alterations are proposed.
7. Policy 9 of the Bromley Local Plan (BLP) (2019) states that proposals for the conversion of single dwellings into non-self-contained residential accommodation will be permitted provided, amongst other matters, that the character and appearance of the area is not adversely affected. Character in this context is beyond the physical characteristics of the development and includes how it functions as part of the immediate locality.
8. The residential character of the area is defined by the semi-detached and terraced properties which appear to function as modest family homes. There is nothing to indicate a deviance from this established character and indeed the Council has confirmed that there are no HMO conversions on Haywood Road. I therefore agree with the Council that the proposed development would run contrary to the prevailing character of single-family occupancy dwellings in the locality. It would undermine how the area functions, particularly in terms of the associated comings and goings of six potentially unrelated individuals (albeit noting that if the double bedroom were to be occupied by two individuals, they would likely be known to one another).
9. The paraphernalia which would be associated with an HMO use, namely additional bin provision and cycle storage, would logically have to be positioned in front of the property in the existing forecourt area. This, irrespective of the level of associated movements and lack of proposed external alterations, would be materially harmful to the appearance of the area through the introduction of additional visual clutter which would draw further attention to the HMO use.
10. Based on the above, I conclude that the proposal would cause material harm to the character and appearance of the area. It would therefore be contrary to Policies 4, 9 and 37 of the BLP, which collectively seek amongst other matters, for proposals to respect local character as well as positively contributing to the existing street scene.

Living conditions of neighbouring occupiers

11. The appellant states that the dwelling could already accommodate six people through a Class C3(b) or C3(c) use. Whilst this may be the case, the key distinction is that both of these classes still relate to residents living together as a single household. I therefore disagree that the number of occupants proposed within the HMO is not a material consideration.
12. The form of HMO proposed would not be a single household. The proposal would therefore lead to the occupation of up to six unrelated adults with separate routines and movements. The level of activity associated with the site would be further

increased by any associated visitors or deliveries, again unlikely to be related or combined between the occupiers. I do not consider that this could be appropriately mitigated against through management practices. Whilst I have noted the Council's Adopted Standards for HMOs, these regulate matters such as safety and space standards more than the conduct and activities of tenants.

13. The proposed floor plans demonstrate that the proposal would be served by two kitchen areas, one at ground floor and one at first floor. I understand from the evidence before me that the first floor kitchen would be directly adjacent to a bedroom in the neighbouring property. The kitchen is likely to be in more frequent use than it would be in a single household, again noting the likelihood of occupiers having separate routines. This would compound the level of noise and disturbance to the attached neighbour specifically.
14. The intensified use of the site would lead to material harm to the living conditions of neighbouring occupiers, in respect to noise and disturbance. It would therefore be in direct conflict with Policy 9 of the BLP, which seeks, as well as other points, for residential conversions to not harm the living conditions of neighbouring occupiers through increased noise and disturbance.

Living conditions of prospective occupiers

15. It is not disputed between the parties that levels of internal and external space would be acceptable against local and national standards. Nevertheless, the appeal site is within a controlled parking zone with a public transport accessibility level of 0 (the lowest level). The Council has confirmed that its Highways Officer recommends that future occupiers of the proposed development would not be eligible for a residents' parking permit, with the exception of any disabled occupiers. The implication is that residents are likely to be more reliant on the use of bicycles.
16. Policy T5 of the London Plan (LP) (2021) seeks for developments to provide cycle parking in line with minimum standards. One of the criteria within Policy 9 of the BLP is that development should provide a high quality living environment for the intended occupiers. Policies 37 of the BLP and D4 and D6 of the LP are also referred to in the second reason for refusal, but these relate more generally to good design and housing quality, including in the context of suitable accesses, but not specifically in relation to cycle parking.
17. The Council identifies harm to the living conditions of prospective occupiers through a lack of cycle parking. However, I agree with the appellant that cycle provision could be secured by condition. Although it is likely to need to be positioned in front of the dwelling which would have associated character harm (as already discussed in the first main issue), I am satisfied that the proposal would be capable of delivering the required cycle parking provision within the space provided.
18. The proposal could, subject to condition if it were to be otherwise acceptable, provide its occupants with acceptable living conditions, with regard to cycle storage. I have therefore identified no conflict against Policies D4, D6 or T5 of the LP, or Policies 9 or 37 of the BLP in respect specifically to this main issue. Nevertheless, a lack of harm in relation to this main issue does not outweigh the harm identified in respect to the character and appearance of the area, and the harmful impacts to neighbouring occupiers.

Other Matters

19. The appellant's statement refers to government reports relating to HMOs, stating that perception of harm is much worse than the reality of the situation, and that decisions should be based on evidence. Whilst I do not disagree with these points, the very fact that HMOs have a separate use class demonstrates that they are materially different from a single dwellinghouse. The acceptability of HMO accommodation is dependent on the context of the site. In these site specific circumstances, the change of use proposed is considered materially harmful as outlined above. Moreover, full detail and contents of the reports cited have not been provided and therefore I have given their discussion limited weight in my decision.
20. Interested parties have offered support for the proposal. This includes in the context of the location of the site with access to Bromley town centre, and a desirability to occupy one of the rooms upon completion. One party has also referred to personal experience of a similar renting option and an associated lack of issues with refuse or parking. However, I am not aware of the context of the road referred to and therefore am unable to find any direct comparisons to the appeal proposal before me. I therefore give this statement very little weight in my decision.
21. The proposal would offer an alternative type of housing with some access to local services which represents minor social and economic benefits to the scheme. However, the proposal would not lead to a net increase in the number of dwellinghouses. In the absence of any robust evidence to suggest that HMOs are specifically needed in this locality, I have attached the social and economic benefits of the proposal limited weight.

Conclusion

22. Although I have found that the proposal would provide acceptable living conditions for prospective occupiers, it would be harmful to the character and appearance of the area, and the living conditions of neighbouring residents in relation to increased noise and disturbance. This brings the scheme into conflict with the development plan and material considerations do not indicate a decision otherwise than in accordance with it. I therefore conclude the appeal should be dismissed.

L Gardner

INSPECTOR