



Appeal Decision

Site visit made on 15 April 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025

Appeal Ref: APP/G5180/W/24/3353517

19 Ullswater Close, Bromley BR1 4JF

- 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 Griffin against the decision of the Council of the London Borough of Bromley.
 - The application ref is DC/24/00771/FULL3.
 - The development proposed is described as “demolition of existing conservatory, construction of a rear extension within the same footprint as the conservatory, & conversion of the existing 3 bedroom house (C3) into a 4 bedroom, 6 person HMO (C4)”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant was asked to provide further comments regarding the future occupiers access to the rear garden space. I have taken these comments into account in the determination of the appeal.

Main Issue

3. The main issues relevant to the appeal are the effect of the proposal on:
 - the living conditions of future occupiers, with specific reference to external amenity space; and
 - the character and appearance of the area and on the living conditions of nearby neighbours with specific reference to noise and disturbance.

Reasons

Living conditions of future occupiers

4. Policy 4 of the Bromley Local Plan (2019) (BLP) requires development to provide sufficient external private amenity space that is accessible and practical.
5. The rear garden could only be accessed through bedroom 2. The appellant has set out that access to the garden area would be a benefit for the occupiers of bedroom 2 and it would be at their discretion to allow other occupiers of the HMO to access this area. As such, access to the garden for future occupants of the HMO could not be guaranteed at all times. Therefore, the external private amenity space would be inaccessible and impractical for the other occupiers of the proposed HMO.
6. This would be harmful as occupiers of the other bedrooms could not readily undertake the usual activities associated with a private garden, such as hanging out

washing or sitting outside. As such, I find that the proposed HMO would provide an inadequate form of residential accommodation which would be harmful to its occupiers living conditions.

7. For this reason, the appeal proposal would conflict with Policies 4, 9 and 37 of the BLP. These policies seek to ensure development is of a high standard of design and layout, including providing sufficient private external amenity space.

Character and living conditions of neighbours

8. Ullswater Close is a cul-de-sac comprising three storey terraced properties with consistent architectural styles and features. Properties are organised in an identifiable pattern, following mostly linear building lines with properties set in fairly narrow plots with a vertical emphasis. The area has a residential suburban character.
9. The appeal property, 19 Ullswater Close (No 19), is a middle of terrace three storey property with an existing single storey rear extension. The plans show No 19 is a three bedroom dwelling, with one bedroom clearly being a double bedroom. It is therefore reasonable to assume that it could be occupied by a single household with up to four people. Furthermore, if the household was occupied by older teenage or adult children, they could be living independent lives from their parents, coming and going at different times of the day.
10. The proposed HMO is shown as having two double bedrooms and two single bedrooms. As a result, it would provide accommodation for up to six individuals. It is likely the occupants of the appeal proposal would have their own individual routines, resulting in people entering and leaving the property at different times of the day. However, given the occupancy of the proposed HMO would be limited to six individuals, the movements associated with the development would be at a level and intensity in keeping with, and not readily discernible from, the surrounding residential properties within the area and how they could be occupied. I do not have any convincing evidence before me to the contrary.
11. Furthermore, there would be no external amendments to the front façade of the dwelling, and given the limited extent of the front driveway, there would be limited opportunities to introduce further domestic paraphernalia which would be readily perceptible in the wider streetscene. As such, I conclude that the appeal proposal would be in keeping with the character and appearance of the area.
12. The associated movements, would generate a level of noise and activity similar to that of the existing property and those within Ullswater Close given the appeal proposal is limited to six individuals. I do not have any convincing evidence before me demonstrating that any noise or disturbance generated by the appeal proposal would result in an intensification in the use of the site that would give rise to adverse impacts to the living conditions of any specific neighbours. Therefore, for this reason I conclude that the appeal proposal would preserve the living conditions of nearby neighbours.
13. For the reasons that I have given, the appeal proposal would accord with Policies 4, 9 and 37 of the BLP. These policies, amongst other matters, seek to ensure that the development proposals are of a high standard that ensures the character and appearance of the area is not adversely affected, whilst also ensuring that living

conditions of the occupiers of neighbouring properties would not be harmed by development.

Planning Balance

14. The proposal is not in accordance with the aforementioned policies of the development plan, by virtue of the inaccessible and impractical private external amenity space resulting in harm to the living conditions of future occupiers. For this reason, the development conflicts with the development plan as a whole.
15. However, the Council cannot demonstrate a five-year housing land supply, with the Council's officer report setting out a position of 2.96 years. The provisions of paragraph 11(d) of the National Planning Policy Framework ('the Framework') are engaged. Footnote 8 confirms in these circumstances the policies which are most important for determining the application are considered out-of-date.
16. Paragraph 232 of the Framework confirms due weight should be given to policies, according to their consistency with the Framework.
17. The importance of achieving well-designed development is a key aspect of sustainable development, as set out in section 12 of the Framework, where it is clear at paragraph 139 that development which is not well designed should be refused. Paragraph 135(f) promotes health and well-being in developments and achieving a high standard of amenity for future occupiers. Whilst paragraph 124 of the Framework seeks to make effective use of land, this is to be achieved while also ensuring safe and healthy living conditions.
18. Therefore, based on the consistency with the Framework, the conflict between the appeal proposal and Policies 4, 9 and 37 of the BLP carries significant weight against the scheme.
19. The Government's objective is to significantly boost the supply of housing, including through small and medium schemes. The proposal would allow a greater number of people to live in the house than if it was occupied by a single household, although it would not increase the number of dwellings within the Borough.
20. Given the small scale of the proposal, at most this therefore attracts only moderate weight in favour of the proposal.
21. As such, the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Therefore, in this case, the presumption in favour of sustainable development, as set out in the Framework, would not apply.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

C Housden

INSPECTOR