



Appeal Decision

Site visit made on 11 June 2025

by S Burch BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2025

Appeal Ref: APP/G5180/W/25/3359868

17 Langdon Road, Bromley, BR2 9JS

- 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 Steve Doran of Live Daily Property Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref is 24/02901/FULL.
 - The development proposed is for the change of use of existing building to 5 person House in Multiple Occupation (HMO) and addition of ground floor flank window.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Mr Steve Doran of Live Daily Property Ltd against the Council. This application is the subject of a separate decision.

Preliminary Matter

3. I have amended the description of development provided in the application form for reasons of clarity. The description of development provided in the heading above matches that listed on the decision notice and the appeal form.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character of the area; and
 - the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance.

Reasons

Character

5. The appeal site comprises a three-storey end of terrace dwelling. The site is situated on a corner plot at the junction of Langdon Road and Oakwood Avenue. The property is unusual in that it adjoins another property at the rear. Surrounding development mainly comprises two storey dwellings of a differing sizes and styles.
6. The proposed development would involve the change of use of the existing single-family dwelling into a 5 person HMO. In planning terms, the character of an area goes beyond the physical appearance of an area. It also encompasses how a development contributes towards local identity.

7. Whilst there are some different uses in the surrounding area including another HMO, some flats, a motor shop, scout shop and a nursery, these are in the minority. It is my view, based on the evidence before me and what I could see on my site visit, that the area is predominately characterised by single family dwellings. Kentish Way forms a visual separation between the appeal site and the nearby Waitrose and residential tower block. For this reason, I do not consider that these buildings form part of the character of the area surrounding the appeal site.
8. Whilst no substantial external alterations are proposed, the additional comings and goings of five unrelated individuals at different times of the day and night and the associated increase in deliveries would all indicate the absence of a settled family. The comings and goings would be readily discernible due to the short, narrow and tight-knit residential street. This would contrast with and be harmful to the prevailing character of the area.
9. The lack of complaints or awareness regarding the presence of another HMO in the area does not outweigh the harm that I have identified.
10. The Council have not raised any concerns regarding the effect of the ground floor flank window on the character of the area. I do not consider the development to be problematic in this regard.
11. For the reasons outlined above, the proposed development would be contrary to Policy 9 of the Bromley Local Plan (2019) (BLP). This policy, amongst other things, seeks to ensure that residential conversions do not adversely affect the character of an area.

Noise and Disturbance

12. The proposal would result in one additional bedroom, in comparison to the existing dwelling. As mentioned, it has the potential to house five unrelated individuals. The use of the property as an HMO would most likely generate more activity, and thus noise and disturbance, than its use as a conventional single-family dwelling as people would be living independently. The occupants would most likely have differing independent lives and living, working and social patterns, with comings and goings at different times of the day and night as well as an increased frequency of home deliveries.
13. The site is located within a predominately residential area characterised by single family dwellings and forms part of a terrace of dwellings. The frequency and nature of the activities associated with use as an HMO would most likely result in undue noise and disturbance which would be detrimental to the living conditions of neighbouring residents. Any noise and disturbance would be particularly evident to neighbouring occupants given the property's proximity to other properties.
14. I do not agree that the scheme would allow the Council to limit the occupancy to five people. Whilst the bedrooms may be single occupancy, occupants may move partners in. I am not satisfied that a planning condition to limit occupancy would meet the tests set out in the National Planning Policy Framework.
15. The appellant argues that the Council's assessment does not include evidence such as a survey and is instead speculative and based on assumptions. However, for the reasons outlined above, these are reasonable assumptions to make.

16. The installation of sound monitors to enable the management company to track noise levels would be difficult to enforce and in any case, I am not satisfied that this would overcome the harm identified. Whilst the applicant may be an accredited landlord with several years of experience and it is outlined that the other HMO's which they manage typically cater for professionals, this would however not overcome the harm identified.
17. For the reasons outlined above, the proposal would adversely affect the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. This would be contrary to Policies 9 and 37 of the BLP. Amongst other things, these policies seek to ensure development respects the amenity of neighbouring residents.

Other Matters

18. The appellant outlines the scheme's compliance with a number of other BLP and London Plan Policies. Compliance with these policies however does not outweigh or justify the scheme's noncompliance with Policies 9 and 37 of the BLP. The lack of objection from the Council's Environmental Health (Housing) and highway officers does not outweigh the harm that I have identified above.
19. The site is not at risk of flooding and is not listed or within a Conservation Area. The scheme would not adversely affect neighbouring living conditions by way of impact on natural light or loss of privacy and would ensure fire safety. These are however considered to be neutral factors and do not weigh in favour of, nor against, the appeal.
20. The evidence before me indicates that the existing dwelling was marketed for rent as a single dwelling for a number of months, however it did not generate any offers. I am however not satisfied that due to this, an HMO is therefore the only way to residentially occupy the property. The appellant also outlines how the current property does not provide a high quality of living due to the absence of any private amenity space, its singular aspect and privacy concerns associated with the French doors. However, these considerations do not outweigh the harm that I have identified.
21. I acknowledge a previous appeal submitted by the appellant in support of the case (APP/G5180/W/24/3348534, dated 10th January 2025), in relation to both main issues. In this decision, the Inspector was not satisfied that the character and appearance of the area would be harmed. However, this appeal site is a relatively significant distance away from the appeal scheme before me. I am therefore unable to make any direct comparisons between the two schemes in this regard. The decision also outlines how the site lies well away from properties fronting Croydon Road, before discussing its impact on one other property. Whilst I do not have any plans relating to this appeal before me, it appears to differ from the appeal scheme before me in this way, given the appeal scheme sits close to several other properties and therefore any additional noise and disturbance would be readily discernible. In any case, each appeal decision is determined on its own merits. I have assessed the appeal accordingly.
22. My attention has also been drawn by the appellant to a number of other appeal decisions. In these decisions the Inspectors generally concluded that there would not be harm to neighbouring residents as a result of additional noise and disturbance. One outlined how a single family of six could generate a similar level

of activity as a six person HMO. But I have not been provided with information that satisfies me that the considerations in those appeals were the same as those in the appeal before me. Additionally, the Council have provided a number of appeal decisions which support my reasoning. One of these decisions (APP/N5090/W/24/3341712, dated 26th September 2024) outlines how the comings and goings of four unrelated individuals living independently to one another, and the associated increase in deliveries would all indicate the absence of a settled family. Notwithstanding this, in any case, each appeal decision is based on its own merits. Reference to these decisions has not altered my view on the above issues.

Planning Balance

23. Bringing together my conclusions on the main issues, I have found that the proposed HMO use of the property would harm the character of the area and the living conditions of neighbouring occupiers with particular regard to noise and disturbance. This would be contrary to the BLP and the aims and objectives of the Framework.
24. However, these issues must be balanced with other factors. The scheme would contribute to the mix of housing within the area and may provide a high-quality living environment for future occupiers. It would provide a dedicated area for waste storage; this would help address concerns regarding waste disposal raised by local residents. The scheme may also help reduce parking stress and vehicle movements as future residents would (subject to a legal agreement) not be allowed to apply for on street parking permits. It may relieve pressure on other properties that are more suited to family occupation and the appellant has invested money into the property's improvement. It would also make effective use of land in an area with good access to services and facilities, at a time when the Council cannot demonstrate a sufficient supply of new housing.
25. The adverse impact on the character of the area, and the living conditions of neighbouring occupiers with regards to noise and disturbance 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.

Conclusion

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

S Burch

INSPECTOR