



Appeal Decision

Site visit made on 8 September 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 SEPTEMBER 2025

Appeal Ref: APP/G5180/W/25/3360678

45 Beckenham Road, Beckenham BR3 4PR

- 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 Gajan Pathmanathan against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/01655/FULL.
 - The development proposed is Raising the ground floor joists to provide 5 additional single units in Sui Generis HMO and increase in bicycle storage and creation of lightwells to the front of the property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the appeal scheme on the living conditions of the occupiers of neighbouring properties in respect of noise and disturbance;
 - whether there would be acceptable living conditions for the future occupiers of the proposed accommodation; and
 - flood risk, and specifically whether a sequential test is required.

Reasons

Living Conditions

3. The proposal would result in an additional 5 units of accommodation in the house of multiple occupation (HMO), albeit with only one additional person, bringing the total number of occupiers to 17. Although the Council has suggested that it would be difficult to enforce against the use of the bedrooms as double occupancy, I must assess the scheme on the basis of the occupancy that has been applied for.
4. Day-to-day domestic noise is unlikely to result in increased levels of noise and disturbance to the occupiers of neighbouring properties. Similarly, the difference between 16 and 17 people's daily movements is unlikely to be discernible, and the appellant's evidence confirms that there would be no change to parking or refuse arrangements as a result of the increase in the number of people living in the building.

5. Rather, I consider that it is the change in the number of units of accommodation that is the key consideration because activity related to deliveries, visitors and so on is more like to take place on a per-unit rather than a per capita basis.
6. Although it is unlikely that any such activity would all take place around the same time or even on the same day, there would still be a noticeable intensification of activity as a consequence of the increase in the number of units.
7. Whilst the appeal site might be in a bustling, vibrant location, it is also located in close proximity to other residential uses. There are no control mechanisms before me to restrict comings and goings, whether in terms of deliveries, visitors or any other activities, to certain hours of the day or to avoid quieter night-time hours or, indeed, to prevent visitors and any vehicles that they may use from making noise.
8. I consider that the appeal scheme would result in an unacceptable intensification of the site which would have a harmful effect on the living conditions of the occupiers of neighbouring properties by way of noise and disturbance and, therefore, the appeal scheme would conflict with Policy 37 of the Bromley Local Plan (2019) (BLP) which relates to the design of development and the need to respect the living conditions of occupiers of neighbouring buildings.

Living conditions of the future occupiers of the proposed accommodation

9. Whilst the Council does not have any planning standards in relation to HMOs, the appellant has drawn my attention to the Council's 'Adopted Standards Houses in Multiple Occupation' (undated) which sets out minimum bedroom sizes, numbers and sizes of kitchens and bathrooms, maximum occupation, and several other standards. In terms of floor areas, the appellant's submission indicates that the proposed accommodation would meet the aforementioned standards.
10. In terms of floor-to-ceiling heights, the Council has referred to Policy D6 of the London Plan (2021) (LP) which sets out standards for self-contained dwellings and which says that the minimum must be 2.5m for at least 75 per cent of the gross internal area of each dwelling. The appellant has referred to the nationally described space standard which says that the minimum floor to ceiling height should be 2.3m for at least 75% of the gross internal area of the dwelling.
11. Most of the rooms (as shown by Section A on drawing P05) would have a floor-to-ceiling height of approximately 2.5m. However, one of the rooms at ground floor level would have a floor-to-ceiling height of 2.1m which does not comply with even the lower of the two aforementioned standards. Furthermore, although drawing E02 also illustrates the line of a Section B, no sectional drawing for Section B has been submitted and therefore I am unable to check whether other rooms in the HMO would have acceptable floor-to-ceiling heights.
12. Therefore, it has not been demonstrated that the appeal scheme would provide acceptable living conditions in terms of space standards for the future occupiers of the proposed accommodation and, accordingly, the appeal scheme conflicts with LP Policies D4 and D6 and BLP Policy 37 which are aimed at ensuring that acceptable living conditions would be created.

Flood Risk

13. The appeal site is in Flood Zone 2 and, according to the EA's standing advice, a sequential test is required for any vulnerable element for major and non-major

development. With reference to the National Planning Policy Framework (the Framework), the appellant has argued that some minor development and changes of use, including the appeal scheme, should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments. However, the Council concluded that the proposal seeks to create basement living / sleeping accommodation which is therefore a 'domestic purpose' and is a 'more vulnerable' use in Flood Zone 2 and that the domestic nature of the use would not render it exempt from the sequential test.

14. The Planning Practice Guidance clarifies the approach that should be taken. It states¹ that a change in use may involve an increase in flood risk if the vulnerability of the development is changed. It also notes that a change of use within the same vulnerability classification can increase the vulnerability of a development, and it uses the example of the sub-division of a home into a series of flats which may introduce more people or confine dwellings to the ground floor. However, it states that as changes of use are not normally subject to the sequential or exception tests when formulating policy, the local planning authority will need to consider what changes of use will be acceptable.
15. BLP Policy 115, which relates to flood risk, says that in flood risk areas the sequential test and exception test as set out in the Framework and associated technical guidance should be applied. It does not require a different approach in relation to changes of use. Similarly, LP Policy SI 12 does not require a different approach, and the Council has not suggested that there is any other bespoke policy which suggests that a different approach from that set out in the Framework should be taken in relation to changes of use. Thus, I consider that there was no requirement for the appellant to undertake a sequential test.
16. Neighbours have said that in addition to ground water flooding, which is a regular and common occurrence, there is a surface water flood risk which could lead to flooding of basements and cellars in the area and that this precludes the new use of cellars converted to basements for residential bedrooms, because of the risk to life if flooding were to occur. However, guidance does not preclude the use of basements and cellars as sleeping accommodation; rather, the EA's standing advice states that details of emergency access and escape plans need to be provided if any part of a development is below the estimated flood level, and this is a matter that is capable of being controlled by planning condition.
17. Neighbours have also referred to the water table being relatively close to the base of their cellars, that sump pumps need to be used to discharge accumulated water, and that there is a history of flooding. However, no evidence has been provided to suggest that sump pumps could not address such issues at the appeal site.
18. Overall, I conclude that the appellant's flood risk assessment is acceptable and therefore that the appeal scheme complies with LP Policy SI 12 and BLP Policy 115 which seek to manage and reduce flood risk.

¹ Paragraph: 014 Reference ID: 7-014-20220825 <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

Other Matters

Application Drawings

19. The application drawings show that the ground floor of the existing HMO would be raised to increase the floor-to-ceiling height in the basement. However, apart from the creation of a bathroom, no changes are indicated on the proposed ground floor plan, for example to show how the level change between the front door or the internal staircase and the raised ground floor would be dealt with. This issue was raised by an interested party, but the appellant has not provided a satisfactory response and therefore I am not satisfied that the plans before me fully illustrate the extent of works that would be undertaken.

Conservation Area

20. Given that the appeal site is in a conservation area (CA), I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The external changes to the appeal site, including the introduction of large windows with associated lightwells, could have an impact on the CA. However, given that I consider the appeal scheme to be unacceptable for reasons that are not related to the proposed external changes, I have not considered them.

Planning Balance

21. The appellant has noted that the Framework promotes the efficient use of land and says that small- and medium-sized sites can make an important contribution to meeting the housing requirement of an area. It has also noted that the Council cannot demonstrate a 5-year supply of deliverable housing sites and that housing delivery in the borough is below 75% of its target, both of which are criteria which can engage paragraph 11 d) of the Framework. In such circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
22. However, I consider that the harm to the living conditions of the occupiers of neighbouring properties in respect of noise and disturbance and the unsatisfactory living conditions for the future occupiers of the proposed accommodation would significantly and demonstrably outweigh the benefit of the additional HMO accommodation when assessed against the policies in the Framework taken as a whole.

Conclusion

23. For the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR