

LONDON BOROUGH OF BROMLEY
TOWN PLANNING
RENEWAL AND RECREATION DEPARTMENT

DELEGATED DECISION

23/00963/PLUD **79 Coniston Road**
Joanna Wu **Bromley**
 BR1 4JA

Description of Development

Conversion of a single family dwelling house into HMO for 6 units.
LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)

Proposal

The application seeks a proposed change of use from a single dwelling house to a 6-unit HMO.

Officers carried out a site visit in February 2023 when it was noted that the dwelling has already been converted into 7 self-contained flats. A retrospective planning application (planning ref: 22/00347/FULL2) for the change of use from family house (C3 use) to 7 self-contained flats was refused in August 2022.

Subsequently, an existing LDC application (planning ref: 22/04552/ELUD) for a 6-unit HMO was refused last year based on insufficient evidence provided by the applicants.

In this current proposed LDC application, the submitted proposed layout plan for the change to HMO units is identical to the previously refused LDC application.

Site location and key constraints

The application site comprises of a three-storey detached dwellinghouse located on the north-east side of Coniston Road, Bromley. The property is not listed and does not lie within a conservation area.

Comments from local residents and groups

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

Objections

- o Loss of a family dwelling;
- o Lack of on-site parking and impact on traffic generation;
- o Over-development of the site and there are more than 10 people currently living in this HMO house;
- o Noise issues;
- o Out of character;
- o Less water pressure and drainage problems;
- o No consideration for the local residents;
- o Overcrowding;

- o Previous HMO applications were refused;
- o Concerns on rubbish generation;
- o Not suitable for families with children;
- o Loss of privacy and overlooking;
- o The proposal will harm the amenity of neighbours.

Policy Consideration

Town and Country Planning Act (1990)

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

National Planning Practice Guidance (NPPG)

Permitted development rights for householders Technical Guidance 2019

Bromley Council Article 4 Direction relating to Class L of the GPDO dated 1 September 2022

Consideration

Section 191(2) of the Act relates to Certificates of Lawfulness of proposed use or development. The scope of lawful development can be summarised:

- o development against which no enforcement action may be taken and where no enforcement notice is in force
- o development for which planning permission is not required

Planning history

18/00703/HHPA Single storey rear extension, extending beyond the rear wall of the house as existing by 6.0m (beyond the original rear wall by 6.0m), for which the maximum height would be 3.0m (maximum height of proposed and previous extensions 3.0m), and for which the height of the eaves would be 2.86m (maximum eaves height of proposed and previous extensions 2.86m) - (42 Day Notification for Householder Permitted Development Prior Approval) - (No neighbouring objections received) - 23.03.2018

18/00716/FULL6 - Demolition of existing garage and construction of two storey side extension - (Permitted) 09.04.2018

21/04048/FULL2 - Change of use from 6-bedroom dwelling and outbuilding to HMO for 9 to 16 person - (Refused) 14.12.2021

22/00347/FULL2 - Change of use from family house C3 TO 7 self-contained flats (Bedsit) (RETROSPECTIVE) - (Refused) 19.08.2022

22/01439/FULL6 - Retention of single storey outbuilding at rear - (Permitted) 24.08.2022

22/03662/FULL6 - Retention of loft conversion, three front rooflights and rear dormer (RETROSPECTIVE) - (Permitted) 10.11.2022

Planning Considerations

On 1st September 2022 a Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended came into effect (an "Article 4 direction").

The Direction means that the described development shall not be carried out on properties within "all Wards in the London Borough of Bromley, with the exception of the Wards of Biggin Hill and Darwin (based on the ward boundaries as of August 2021) unless planning permission is granted on an application made under Part III of the Town and Country Planning Act."

The impact of the Article 4 direction is that the permitted development right previously afforded under Class L of the Order no longer exists within the borough (with the Wards of Biggin Hill and Darwin likewise affected under a separate, immediate, direction). The use of a property as a Class L HMO will require planning permission, unless it can be established that this use commenced prior to 1st September 2022 - in which case the submission of an application for an existing Lawful Use/Development Certificate would be acceptable.

In view of the Article 4 Direction which is now in place, planning permission would be required for the use of the property as an HMO under Class C4 and therefore, this proposal requires planning permission.

Conclusion

With the assessment of the proposal and also the related Article 4 direction comes into effect on the 1st of September 2022, it is considered that the change of use from dwelling to an HMO is unlawful and also the current proposal would require planning permission. The Certificate of Lawfulness should therefore be refused.

Decision

Proposed Use/Development is Not Lawful

For conditions or grounds of refusal please refer to the Decision Notice