

**LONDON BOROUGH OF BROMLEY**  
**TOWN PLANNING**  
**RENEWAL AND RECREATION DEPARTMENT**

**DELEGATED DECISION**

**22/00347/FULL2**     **79 Coniston Road**  
**Joanna Wu**         **Bromley**  
                                 **BR1 4JA**

**Description of Development**

Change of use from family house C3 TO 7 self-contained flats (Bedsit)  
(RETROSPECTIVE)

**Proposal**

This is a retrospective application for the change of use and conversion of an existing residential house to 7 self-contained units.

The details of the self-contained units are summarised as follows:

Ground floor

1. Unit 1 - Two bedroom flat (59.7m<sup>2</sup>)
2. Unit 2 - One bedroom flat (23.7m<sup>2</sup>)
3. Unit 3 - Studio (23.7m<sup>2</sup>)

First floor

4. Unit 4 - Studio (16m<sup>2</sup>)
5. Unit 5 - Studio (20.3m<sup>2</sup>)
6. Unit 7 - Studio (16.6m<sup>2</sup>)

Second floor

7. Unit 6 - Two bedroom flat (50.9m<sup>2</sup>)

There are no changes to the external elevations of the building and no extensions are proposed in this application.

The application is supported by the following documents:

- o Design and Access Statement

The Design and Access Statement states that "There is no change to the footprint of the house or the outbuilding... 10 new cycle spaces will be added to the side of the property and would be accessed from the side entrance."

A recent retrospective planning application for the outbuilding (planning ref: 22/01439/FULL6) is currently under consideration.

**Location and Key Constraints**

The application site comprises of a two 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.

It appears that part of the loft extension and the rear dormer does not have any planning permissions. Building control records show that the loft conversion was built together with the planning permission (planning ref: 18/00716/FULL6) for the demolition of the existing garage and construction of the two storey side extension in 2018.

#### Comments from Local Residents and Groups

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

#### Objections

- o Loss of family dwelling;
- o Lack of on-site parking, impact on traffic generation;
- o Overdevelopment of the site and has 14 to 16 persons living at the property;
- o Noise issue;
- o Out of character
- o Less water pressure and drainage problems.
- o No consideration for the local residents;
- o Overcrowding,
- o Previous HMO application was refused;
- o The property has already been converted and has 8 individual people residing in the property,
- o Concerns on rubbish generation;
- o Not suitable for family with children;
- o Loft conversion does not appear on the original plans and does not appear to have had planning permission.
- o The office area appears to be another self-contained unit;
- o The outbuilding has already been constructed and it has no foundations as it is already leaning backwards towards the rear fence;
- o The submitted plan is out-dated
- o TPO trees in the front garden would be affected;
- o Loss of privacy and overlooking;
- o The proposal will harm the amenity of neighbours;

#### Support

- o Not enough dwellings in Bromley

#### Comments from Consultees

Environmental Health Housing Officer: Objection. The proposed units would be considered potentially uninhabitable by the Housing Enforcement Team which may lead to enforcement action being taken.

Highways: No objection but cycle parking should be provided.

LB Lewisham: Consulted but did not comment. No objections to the previous planning proposal (planning ref: 21/04048/FULL2)

#### Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published in 2021.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (2021). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

#### London Plan

- D1 London's form and characteristics
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of change
- D14 Noise
- H1 Increasing housing supply
- H2 Small sites
- H5 Threshold approach to application
- H8 Loss of existing housing and estate redevelopment
- H9 Ensuring the best use of stock
- H10 Housing size mix
- S4 Play and informal recreation
- HC7 Protecting public house
- HC1 Heritage conservation and growth
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI1 Improving air quality
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI12 Flood risk management
- SI13 Sustainable drainage
- T2 Healthy streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling

- T6 Car parking
- T6.1 Residential parking
- T7 Deliveries, servicing and construction

## Bromley Local Plan

- 1 Housing supply
- 4 Housing design
- 9 Residential conversions
- 30 Parking
- 32 Road safety
- 33 Access for all
- 37 General design of development
- 112 Planning for sustainable waste management
- 113 Waste management in new development
- 115 Reducing flood risk
- 116 Sustainable Urban Drainage Systems (SUDS)
- 117 Water and wastewater infrastructure capacity
- 119 Noise pollution
- 120 Air quality
- 122 Light pollution
- 124 Carbon dioxide reduction, decentralised energy networks and renewable energy

## Supplementary Planning Guidance

- Housing: Supplementary Planning Guidance. (March 2016)
- Technical housing standards - Nationally Described Space Standard (March 2015)
- SPG1 General Design Principles
- SPG2 Residential Design Guidance
- National Design Guide - (September 2019)

## Planning History

The relevant planning history relating to the application site is summarised as follows:

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 neighbour objections) 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

22/01439/FULL6 - Retention of single storey outbuilding at rear - Pending under consideration

## Considerations

The main issues to be considered in respect of this application are:

- o Principle of development
- o Design
- o Standard of residential accommodation
- o Highways
- o Neighbouring amenity
- o Other matter

#### Principle of development

- o Housing Supply

The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 2nd November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.

The NPPF (2021) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.

According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.

Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.

This application includes the provision of 7 additional residential units and would represent a minor contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

## o Optimising Sites:

Policy H1 Increasing Housing Supply of the London Plan states that to ensure housing targets are achieved boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. Policy 1 of the Local Plan and Policy H1 of the London Plan set the context in the use of sustainable brownfield sites for new housing delivery.

Policy H2 Small Sites of the London Plan states that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to significantly increase the contribution of small sites to meeting London's housing needs.

The London Plan does not include a prescriptive density matrix and promotes a design-led approach in Policy D3 to optimise the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity. Policies D2 and D4 are also relevant to any assessment of development proposals, including whether the necessary infrastructure is in place to accommodate development at the density proposed.

Local Plan Policies 4 and 37 accord with paragraph 130 of the National Planning Policy Framework, which requires development to be sympathetic to local character whilst optimising the potential of sites.

It is considered this location would be suitable for properties to be converted into flats provided that this is done in a way that complements the character of surrounding developments, the design and layout provide suitable residential accommodation, and sufficient garden and amenity space is also provided. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed.

## Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

London Plan (2021) Policy D4 requires developments to have regard to the form, function, and structure of an area. Policy 37 of the Bromley Local Plan states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Policy 6 of the Bromley Local Plan requires that the design and layout of proposals for the alteration or enlargement of residential properties will be required to comply with the following: (i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area and (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area.

The proposal would not have any extensions or elevational alterations. Therefore, the proposal is considered to have a limited impact on visual amenity and the character of the area.

Having regard to the form, scale, siting and proposed materials it is considered that the proposal would complement the host property and would not appear out of character with surrounding development or the area generally.

#### Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Policy D6 of the London Plan relates to 'Housing quality and standards' states that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. The policy also prescribes internal space within new dwellings and external spaces standards that are in line with the National Technical Housing Standards.

Policy D7 of the London Plan - Accessible Housing, states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and; all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

Part M compliance has been stated within the submitted application form. A compliance condition is recommended with any permission in this regard.

Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.

The proposed gross internal floor space areas for the flats are:

- o Unit 1 - Two bedroom flat (59.7m<sup>2</sup>)
- o Unit 2 - One bedroom flat (23.7m<sup>2</sup>)
- o Unit 3 - Studio (23.7m<sup>2</sup>)
- o Unit 4 - Studio (16m<sup>2</sup>)
- o Unit 5 - Studio (20.3m<sup>2</sup>)

- o Unit 6 - Two bedroom flat (50.9m<sup>2</sup>)
- o Unit 7 - Studio (16.6m<sup>2</sup>)

The nationally described space standards require various GIA in relation to the number of persons and bedrooms provided in each unit. There is no specific GIA guidance for studios. The minimum gross internal floor area for a four-person two bedrooms (one storey) is 70m<sup>2</sup> and a one bedroom flat with a shower room is 37m<sup>2</sup>. It appears that all the flats do not meet the minimum GIA requirements and they are all considered to be under-provision. Also, Unit 6 is located on the second floor and the submitted plans do not specify whether 75% of the gross internal area of this flat meets the minimum 2.3m floor to ceiling height standard.

With regards to the layout of the flats, the bedrooms in Unit 6 does not have any windows. It is considered that the layout of Unit 6 provides a poor outlook for occupants and the flat fails to ensure a reasonable level of residential amenity and quality of life.

### Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.

Highways officers have been consulted. 10 cycle parking spaces would be provided. No technical objections are raised from a highways perspective regarding the proposal in terms of its impact on the on-street parking situation and/or road safety matters.

### Neighbouring amenity

Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The neighbouring objections are noted. There are no existing Tree Preservation Orders on site. However, the proposal could result in a significant increase in the noise and disturbance to neighbouring dwellings and it is considered that the proposed conversion has intensified the use of the site. Therefore, the development has significant detrimental impact on neighbouring amenity.

### Conclusion



Taking into account the issues discussed above, the flat conversions fail to meet the housing density standard and do not provide a satisfactory layout and high standard of good quality accommodation for future occupiers. Also, the proposed type and number of flats are harmful to the character and appearance of the surrounding area by introducing an over-intensive development.

In respect of the Council's 5 year housing land supply and the current position outlined within the 'principle' section above, paragraph 11d (ii) of the Framework would be applicable. In this case, in the planning balance, when weighing up the benefits of the development and the current undersupply of housing, it is considered that the identified harm arising from the proposal would significantly and demonstrably outweigh the benefits of the development.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

## **Decision**

Application Refused

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