

LONDON BOROUGH OF BROMLEY
TOWN PLANNING
RENEWAL AND RECREATION DEPARTMENT

DELEGATED DECISION

21/04048/FULL2 **79 Coniston Road**
Joanna Wu **Bromley**
 BR1 4JA

Description of Development

Change of use from 6-bedroom dwelling and outbuilding to HMO for 9 to 16 person

Proposal

Planning permission is sought for the change of use and conversion of an existing 6-bedroom residential house and its outbuilding (Use Class C3) to a 9 bedroom HMO (Use Class Sui Generis). A shared rear garden, car parking, a 14 cycle space store and bin storage are also proposed.

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

The Design and Access Statement states that "There is no change of the footprint of the house or the outbuilding...The accommodation capacity of the full house would be from 8 to 14 ppl. Also the outbuilding could suit 1-2 ppl."

The application is supported by the following documents:

- o Design and Access Statement

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 the rear dormer and the outbuilding do 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. Also, the submitted drawing shows that the outbuilding has a total height more than 2.5m.

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 Not the right place for a HMO;
- o Exceeds a permitted C4 HMO development.
- o Loss of family dwelling;

- o Lack of on-site parking, impact on traffic generation;
- o Overdevelopment of the site;
- o Noise issue from 16 people living in one house;
- o Living behind the property where the outbuilding was erected, no care was taken to adjacent land.
- o The application property has several instances of loud music/ shouting and disturbance in recent times;
- o No consideration for the local residents;
- o The outbuilding appears to be an unauthorised development;
- o Impact on environmental and noise pollution;
- o Overcrowding, possible insect and vermin infestation.
- o Out of place - insensitive and inappropriate proposal;
- o Concerns on rubbish generation;
- o The outbuilding at the bottom of the garden will not be safely assessed;
- o Not suitable for family with children;
- o The proposal appear to be inadequate facilities for that number of people, could also cause other issues in terms of waste disposal, pressure on drainage systems and ASB to name a few;
- o The proposal would add at least a minimum 8-10 cars;
- o The proposal will harm the amenity of neighbours;
- o Will affect the house values in the area;
- o The proposal will feel threatening and unsafe;
- o The proposed multiple rooms for HMO appears not to meet minimum standards due to the small size of rooms, lack of privacy, lack of shared common facilities;
- o No precedent of HMO dwelling on the road;
- o It will turn into block of flats;
- o The street/ area would be more prone to rodents;
- o Water pressure is low in this street so it's difficult to provide water for extra bathrooms/ shower rooms and kitchen appliance needs
- o A kitchen on the top floor will increase the fire risk to this part of the building which would require further measures/fire exits.
- o Loss of privacy and overlooking;
- o Work has already commenced;
- o Out of keeping with the family-orientate residential road;
- o No space for any soft landscaping at the pavement edge to screen the parking lot.
- o TPO trees were removed in 2018;
- o Potential to give rise to anti-social behaviour.

Support

- o Good walking distance to Ravensbourne Station and near Central Bromley;
- o Well-run HMO should result in no loss of amenity but increase the diversity of the local area;
- o Provide housing for low-income workers

Comments from Consultees

LB Leisham: No objections

Environmental Health Housing Officer: The property is only suitable for up to 15 persons or less.

In accordance with this local authority's adopted standards for HMOs the minimum floor area of a shared kitchen in an HMO is 7m². With regards to the loft space, it appears

that the floor space on the second floor (roof space) kitchen is below the shared kitchen standard.

The location of the cooking facilities, worktops and sink within the proposed kitchen at the second floor level are not desirable where the ceiling height is 1.53m or less.

Highways: There are few car parking spaces within the site curtilage and no car parking restrictions on the road so no objection has been raised to the application.

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

- 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
- 20 Community facilities
- 30 Parking
- 31 Relieving congestion
- 32 Road safety
- 33 Access for all
- 37 General design of development
- 77 Landscape quality and character
- 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

- Supplementary Planning Guidance 1: General Design Principles
- Supplementary Planning Guidance 2: Residential Design Guidance
- Housing: Supplementary Planning Guidance. (March 2016)
- National Design Guide - (September 2019)
- Standards for Houses in Multiple Occupation (HMO)

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
PER 09.04.2018

Considerations

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

- o Principle
- o Design
- o Standard of HMO residential accommodation
- o Highways
- o Neighbouring amenity

Principle

The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 2 Nov 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 (paragraph 11 (d) of the NPPF 2021).

In terms of decision-making, the NPPF 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.

This application includes the provision of 8 HMO rooms within the host dwelling and a self-contained unit in the outbuilding.

The addition of the 8 HMOs and a self-contained unit 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 conclusions of this report, having regard to the presumption in favour of sustainable development.

The intensity of the residential use of the site would be greater than that at present, with a likely increase in activity associated with the use. Whilst it is noted that the building is detached, the use of the property as an 8 bedroom HMO and the outbuilding would be materially different to the existing use as a single family dwelling, it is considered that the use would have a significantly adverse impact on neighbouring residential amenity so as to warrant the refusal of planning permission.

From a Housing policy perspective, it is noted that the total area of the proposed kitchen area on the second floor would be less than the Council's HMO standard. Also, the proposed outbuilding layout would be potentially capable of occupation as a self-contained unit. On the basis of the unsatisfactory layout of the second floor kitchen

area, it is not considered that the proposal would provide accommodation of a satisfactory standard to serve the needs of occupants.

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.

Paragraph 127 of the NPPF (2021) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

It further requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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.

With regards to the impact of the proposal on the visual amenities of the area, the proposed elevational alterations would not be significant and would not substantially alter the appearance of the host building. Therefore, the proposal is considered to have an acceptable 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 HMO 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 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 Government's National Technical Housing Standards.

The Council's Housing Officer has reviewed the application and advised of shortfalls in the facilities provided as detailed above for future occupants that do not comply with the Council's adopted guidelines for HMO's.

Therefore, the facilities in the proposed building are not considered compliant. On this basis the layout and facilities are not considered to be acceptable.

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. 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. It is considered that the proposal would result in a significant increase in the noise and disturbance to neighbouring dwellings and would harm the enjoyment of neighbouring gardens. Also, the self-contained unit in the existing outbuilding would have a separate entrance and it is considered that the proposed conversion would intensify the use of the site over and above the existing situation.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is not acceptable in that it would result in a significant loss of amenity to local residents. It is considered that the adverse impacts of the proposal would have detrimental amenity impacts on the neighbours. Also, the proposals do not meet the space requirements for HMOs as set out in the Council's Guidance. Therefore, it is recommended that planning permission be refused.

Background papers referred to during the 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