

**Decision Maker:** Plans Sub Committee 2

**Date:** 24 May 2012

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** 15 Lewes Road, Bromley.

**Contact Officer:** Tim Bloomfield, DC Manager  
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**Chief Officer:** Chief Planner

**Ward:** Bickley

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1. Reason for report

Complaint has been received alleging that a single dwelling house is being occupied as two self contained flats.

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2. **RECOMMENDATION**

Enforcement action be authorised to cease the use of the premises as 2 residential units.

### **3. COMMENTARY**

- 3.1 The site comprises a two storey dwelling house. A two storey side extension was allowed on appeal in 2006. The property was purchased in 2009 for occupation by a three generation family consisting of two grandparents, their daughter and her husband and their young child and one other granddaughter.
- 3.2 In 2009, application was made to convert the property into two separate dwellings in order to provide independent accommodation on the ground floor for the infirm grandparents. This was refused on the grounds of limited parking (DC/09/02131).
- 3.3 In 2010 a loft conversion was added and was subsequently granted a Certificate of Lawful Development (DC/10/00359).
- 3.4 In October 2010, an appeal against the 2009 refusal was dismissed, solely on parking grounds. The Inspector noted that none of the houses in the road have on-site parking and concluded that if the property was sold as two units there could arise the possibility of greater competition for limited on-street parking space which the use has generated.
- 3.5 Following a recent complaint from a local resident, the site has been inspected in the presence of Mr Davis, the grandfather. The ground floor consists of a lounge, kitchen, two bedrooms and a bathroom. This is occupied by the grandparents and their 17 year old granddaughter (both of whose parents are deceased). Mr Davis has health problems and is confined to living on the ground floor. The first and second floors are occupied by Mr Davis' daughter and family.
- 3.6 Access to the first floor is via a lockable door at the top of the stairs. There is only one entrance to the house with the main staircase providing access to the first floor. The first floor accommodation consists of a lounge/dining room, kitchen and a bedroom. A second staircase was installed at the time that the loft conversion was carried out in 2010 which provides an additional bedroom, a walk-in wardrobe and a shower room/toilet.
- 3.7 There is one set of services for the whole property. Mr Davis said he pays separate council tax for the ground floor as part of the arrangement with his daughter to give him some degree of independence. He is aware that the property cannot be sold as anything other than a single dwelling house.
- 3.8 Mr Davis also said that although there are two kitchens, the extended family normally have meals together on the first floor.
- 3.9 It is concluded that the occupation of the dwelling involves a material change of use from a single dwelling to 2 units. This is clear from the fact that the 2 units pay separate Council Tax bills, have independent facilities and have changed the use from a single dwelling. Despite the similarity with the use of a single dwelling by an extended family, should the present use continue for a period of more than 4 years without action being taken it is likely that the lawful use would be contrary to the Council's intention in refusing planning permission in 2009 (ref. 09/02131), a decision supported on appeal in 2010.

ENF/DM/10/00754