

<b>Committee Date</b>	22.12.2022	
<b>Address</b>	105 Ridgeway Drive Bromley BR1 5DB	
<b>Application Number</b>	22/02458/PLUD	<b>Officer</b> - Jacqueline Downey
<b>Ward</b>	Plaistow	
<b>Proposal</b>	Change of use from single family dwelling house (Use Class C3) to small six person House of Multiple Occupation (Use Class C4) LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)	
<b>Applicant</b>	<b>Agent</b>	
S Curtis	C Smith	
c/o agent . BR1 5DB .	52 Cumberland Mills London E14 3BJ	
<b>Reason for referral to committee</b>	Call-In	<b>Councillor call in</b>  Yes

<b>RECOMMENDATION</b>	
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<p>KEY DESIGNATIONS</p> <p>Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Renewal Area Smoke Control SCA 7</p>
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<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	C3 Dwelling	163.4
Proposed	C4 Houses in Multiple Occupation	163.4

<b>Vehicle parking</b>	Existing number of spaces	Total proposed spaces including retained	Difference in spaces (+ or -)
Standard car spaces	2	2	0
Disabled car spaces	0	0	0
Cycle	0	0	0

<b>Electric car charging points</b>	Percentage or number out of total spaces 0
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<b>Representation summary</b>	Letters to neighbours were sent out on the 21.06.2022
Total number of responses	46
Number in support	0
Number of objections	46

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

1.1. The proposed development would have fallen within the scope of Class L, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1.2. Lawfulness is only assessed as of the date of the application which predates the Article 4 Direction removing permitted development rights for a change of use under Class L - small HMOs to dwellinghouses and vice versa. As such the property continued to benefit from permitted development right under Class L on the date the application was submitted and the certificate can only be assessed on this basis.

## 2. LOCATION

- 2.1. The application site hosts a semi-detached two storey dwelling on the east side of Ridgeway Drive, Bromley. The property is a 5 bedroom property with a single storey side extension recently erected.
- 2.2. The land level of the site is inclined and descends in height from road level towards the rear of the site. The site abuts a railway line and TPO to the rear boundary.
- 2.3. On the 1st September 2022, an article 4 direction came into effect removing permitted development rights under Class L Development consisting of a change of use of a building falling within Class C3 (dwellinghouses) of the Schedule of the Use Class Oder to a use falling within Class C4 (houses in multiple occupation) and vice versa. Planning permission would therefore be required for this change of use from the 1st September 2022.

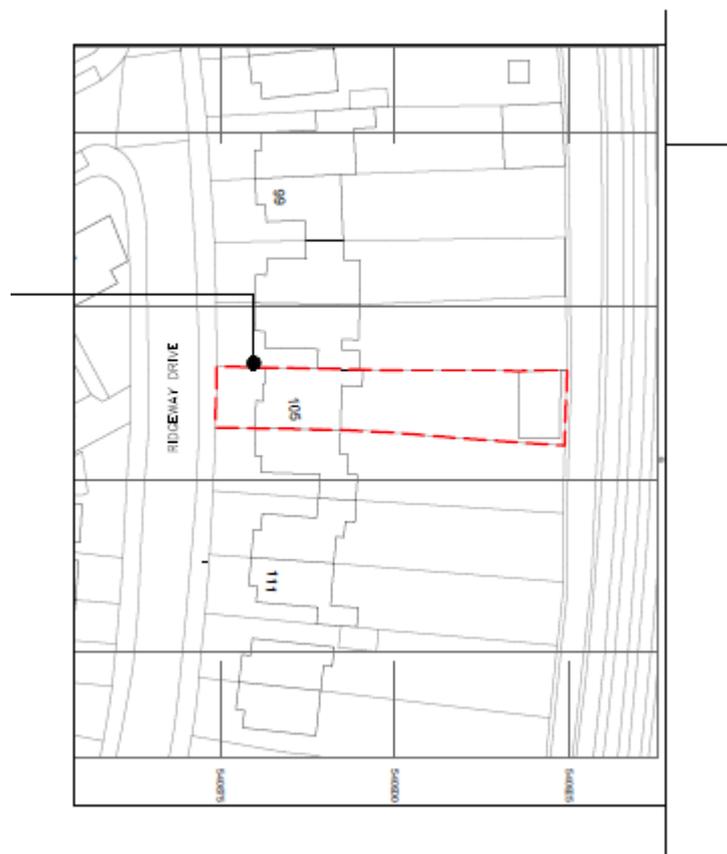


Figure 1 – site location plan

## 3. PROPOSAL

- 3.1. The proposal seeks formal confirmation from the Council that on the date the application was submitted 20/06/2022 the proposed conversion of a single 5-bedroom C3 single dwelling into a small C4 HMO of 6 rooms for up to 6 people in total would be lawful.



**Figure 2 – proposed floor plans**

#### **4. RELEVANT PLANNING HISTORY**

4.1. 21/05862/PLUD - Single storey side extension – Granted

4.2. 22/03853/PLUD - Change of use from small HMO to large HMO – Pending decision

#### **5. CONSULTATION SUMMARY**

##### **A) Statutory**

5.1. There is no requirement to consult any statutory consultees due to the nature of this application. Comments have however been sought which can be summarised as follows:

**5.2. Environmental Health Housing: No objections** - We have now received a complete HMO licence application and new plan for the above.

- The plan shows 7 bedsits – see attached.
- The application was for a 6 person 6 household (bedsits) HMO. It can be changed to a 7 to 10 person 7 household (bedsit) HMO.
- According to the plan the HMO is suitable for 10 persons in 7 households (bedsits – 3 doubles and 4 singles).
- If the application becomes 7 or more persons it will require a change in use class from C4 (small HMO) to sui generis (large HMO).

**5.3. Designing Out Crime Officer: No objections** - As the development is less than ten residential units, the MPS Designing Out Crime Group, will not be seeking to have planning conditions relating to crime and criminality and Secured by Design on this application.

However, whilst I will not formally be seeking to have planning conditions for this development, I see no reason why this project cannot achieve the physical security requirements of Secured by Design. By incorporating the use of tested and accredited products this development will be safer and more secure. As a minimum I would encourage the following measures:

Each bedroom is fitted with an FD60 fire door with incorporated mortice dead lock with internal thumb turn at the middle part of the door. The door should also have a rim lock situated on the top third of the door. The door should also have a restrictor chain. Not only would this keep the occupant physically safe from other occupants but also help to keep their belongings less likely to be stolen in the event of a burglary.

I would also suggest individual post boxes as theft of post can be a significant issue in a multi-occupancy dwelling.

## **B) Adjoining Occupiers**

### **Loss of a dwelling**

- loss of a family dwelling house
- When this development started we were led to believe it was being prepared for a family
- 6 people living with what looks like a shared kitchen and bathroom is not a home
- It should be kept as a house. Not six separate dwellings

### **Design**

- the updates to the structure will be an eyesore

### **Out of context with the area and precedence**

- lack of consideration to the surrounding context.
- The HMO is not in keeping with the neighbourly context
- houses in this road are not meant for multiple occupancy

- There are no properties like this in our street, and to approve it would be a slippery slope
- not the street we moved into
- not wish to set a precedent of nice, family homes being converted into HMO's in a residential area.
- The building which has already commenced is totally out of keeping with the existing buildings in the road.
- This house has already been extended that is enough
- no better than student accommodation or even a hostel
- residential area predominantly occupied by families it will negatively affect the local character of the road.
- a balance to be struck between providing affordable and suitable accommodation for renters without negatively impacting existing neighbourhoods.
- development is unsuitable for the area
- poorly planned
- idea of changing half of a semi-detached house into a small block of 6 bedroom flats is in itself ridiculous
- If this HMO is agreed by the Council, it will set a precedent for others to follow
- properties around them and the road in general, being devalued because of it.
- extension is visually intrusive
- major changes to the way in which the property is accessed moving the front door to the front when all other properties on the road are chalet houses with access to the side
- They aren't even trying to keep it like all the other houses which makes this road look so attractive and a unique selling point
- This will make the property a block of flats and will bring all the associated problems
- It is well noted that HMO arrangements tend to attract students or those requiring temporary accommodation (not the young professional that Mr Curtis assures us will be living there)

### **Seventh bedroom**

- Developer is on record as stating that the property will house seven people.
- A very large side extension is being built (36 sq. metres). There is every possibility that this will be used to create further bedrooms
- In showcasing the property in a YouTube video, there is reference to a communal area where parties could take place
- on the building control application, there is reference to the 'single story extension and internal alterations to an existing two storey dwelling to create a 7 bed HMO which I understand would require planning permission
- another room referred to as a 'storeroom' which don't have their own ensuite 'bathroom', but there is a shared bathroom between the two rooms
- looking to create a 7th bedroom under radar but avoid the need for permission to a 7 bed HMO by calling the additional room a storeroom for the time being.

### **Development not needed**

- not needed as there are new 'pods' being built by the new Lidl.

### **Commencement of work prior to permission**

- unthoughtful construction which I might add is already in the process of being built without permission.

### **Extent of changes should require planning permission**

- astounding that such a big change to the external and internal structure of the building does not need PP
- extension height is significantly higher than was originally indicated to me

### **Overdevelopment**

- an over-development of the site and should not be granted permission.
- Links Estate was conceived to be a leafy, residential area for families who wish to commute in to Central London
- not designed to cram as many people in to the area as humanly possible
- Increasing residential numbers in this way will have a widespread impact on the look, feel and ambience of the area
- over crowding on people that already live

### **Standards of accommodation**

- The layout of the house does not lend itself to a 6 person occupancy - each bedroom with additional ensuite shower rooms leads to minimal space standards for living and under regulatory to National and local planning policy.
- There are no space areas stated on the plans.
- The proposed bedrooms are likely to fail daylighting requirements associated with building regulations - there is no submission on the planning portal of additional windows
- investment by the owner geared at financial return with an exit strategy once the return has been met as opposed to providing pleasant and well proportioned accommodation.
- unlikely that this would provide the required standard living environment for non-self-contained accommodation as required by HMO policies
- new tenants will be living in cramped and unsuitable accommodation.
- plans that have been submitted show only toilets and washbasins in each of the ensuite/shared bathroom
- may be an oversight in drawing up the plans or it may be to hide how cramped and unusable these spaces would be.
- unlikely to attract the young professionals that this is apparently aimed at.
- whether adequate soundproofing is being put in place
- plans make no indication regarding the size of the rooms being built
- whether all the rooms will have access to light

### **Impact on residential amenity**

- additional density of occupancy will have detrimental effects on the neighbouring residential amenity.
- Primarily due to an increase in noise and on street waste alongside an insufficient parking provision for the number of occupants, which in turn will cause undue stress on the neighbouring residential properties.
- extra noise with so many residents

- young tenants, possibly students, making noise all hours of the day and night
- It will stop light from the neighbouring property
- Resident living next door will look out of his front door to a large expanse of the blank wall of a landlord property
- visual impact
- loss of privacy
- constant changing of residents
- huge inconvenience for neighbours and other residents.
- detrimental effect on the health and well being of residents in neighbouring properties
- six foot wall has been erected between the adjoining property being number 103 restricting access to both the house, garage and the drive way making it impossible to open the door of a vehicle and get out.
- Six HMO units, which is probably equal to at least 12 unmanaged units, who from experience will bring friends, partners etc. unofficially and staying for long periods with each of 6 original tenants, without the owner's permission.
- extension will make it difficult for them to use their driveway and restrict their light.
- When you consider all of the above and factor in the new development at Pike close, this simply cannot be allowed to happen.
- It will bring loads of unwanted crowd and noise
- anti social behaviour

#### **No notification of the development**

- no received consultation for the development

#### **Parking and Traffic**

- increase of vehicles parked in Ridgeway Drive partly due to multiple occupancy and partly due to residents with adult children,(with cars) still remaining at home due to the difficulty of getting a mortgage and it is becoming increasingly more difficult to park.
- The potential occupancy of 6 new residents with vehicles would be inconceivable.
- If there are any couples that could mean even more.
- The road is full up with cars now and residents have trouble parking
- increasing homes from 3 bedrooms to a 6 bedrooms will simply exacerbate an already problematic situation
- There is not room at present to park one extra car let alone 6+ cars.
- The property will not have enough front room parking for these cars.
- no provision for e-charging at the property
- Plenty of example on the street where the drives are collapsing, even breaking the drains
- road already used as informal parking for commuters using Grove Park Station
- cause more pollution
- tenants may be disruptive & noisy as the road is quiet & full of elderly residents who would struggle with the extra noise & having nowhere to park their vehicles near their homes. It would be much harder for them to walk after finding a parking space away from the street.
- Much of Ridgeway Drive is restricted parking
- cars will all back up down the road causing more difficulty parking for everyone else
- making it incredibly dangerous to drive or cross over is visibility

- Essential services, such as Ambulances, Fire Appliances would have trouble parking without blocking the road
- Once or twice a month I have to attend hospital appointments in an ambulance, this can cause problems because the ambulance has to stop to pick me up in the middle of the road
- often have to park up to 200m away from my home.
- Ridgeway Drive is used as a short cut to avoid traffic congestion approaching Grove Park and on these occasions traffic cannot even move down to the parking situation.
- without proper walls and boundaries, fully expect that this will mean continued encroachment onto my property should there be parking required for multiple individuals.
- 105 have converted their garage into room and have left very little space in front meaning all the cars will be parked on road.

### **Maintenance of the property and garden**

- past experience of multiple occupancy houses is that the occupants have little regard for the area or the property and gardens are not maintained and the property becomes run down.
- allowing the property to run down, inside and out
- There will be an increase in waste disposal for the increased occupancy of the house
- no information in the application of where the waste is to be stored and managed.
- There will not be a management company on site so this could lead to overflowing bins and litter
- has always been a beautifully kept road filled with family homes and friendly neighbours
- Even if this was properly managed there is clearly no adequate space for several wheelie bins x 7 and recycle bins x 7 on the property
- there is now no access to the garden through a garage, side storage or otherwise

### **Drainage**

- increased environmental impact on a road where there are existing problems with drainage and waste
- Thames Water have dug up the road many times due to problems with pipes and services infrastructure created in the 1930's.
- This property will have five bathrooms with all the attendant waste
- Thames Water should be consulted on this proposal.
- proposal includes six ensuite/shared bathrooms as well as a kitchen, presumably with more than one sink
- Excessive waste entering the sewage system from one house will cause blockages affecting many houses in the area.
- additional pressure on a victorian sewage system which is already problematic

### **Subsidence**

- There has been a number of subsidence incidents in close proximity to us, 113 and 115, and we have both been underpinned. 111 and 109 have been monitored in the past, but we do not know the outcome. We were told by structural engineers that this style of house was built on three concrete ramps which are liable to shift in extreme conditions

### **Disturbance from construction and quality**

- development has dragged on much longer than a few months, plus the builders are noisy, messy and inconsiderate, working every day of the week.
- building work has been carried out with a total lack of sympathy to the neighbours
- has extension got full building regs
- Noise - heavy drilling as early as 7.20 am during the week, Saturdays, Sundays and Bank Holiday so a complete lack of consideration
- mess on front garden
- workmen are digging to accommodate a basement area
- Can they guarantee the neighbouring houses won't be affected, especially when there is already a railway line right there.
- have to get around in a wheelchair, this makes it impossible
- worry that with the very shallow foundations of these properties that the attached property will be adversely effected.
- not structurally sound
- needs to be addressed as unsafe building site
- workmen have also damaged my garage as to render it unusable whilst continuing to store builders materials on what remains of the roof without my permission.
- builders have also been using my driveway for parking and taking receipt of deliveries without my permission
- requests to have my garage repaired have been ignored
- single storey extension will require scaffolding for the roof to be put on - this of course will require my permission as the scaffolding will encroach onto my property. This is totally unacceptable
- builders waste has built up and food rubbish strewn over the front and back garden, some of which has found its way onto our own property
- unclear where this new extension will finish
- foxes have been seen rummaging around at night despite our requests to have this cleared up
- mess and height of the builders debris led to our internet cable being severed by mistake meaning my partner could not work for 4 days
- a portable toilet positioned near our front window and despite repeated requests to have this repositioned which have been largely ignored
- lack of privacy this affords means we have to keep our shutters closed on the front of our property and the smell some days have been very unpleasant.
- In the back garden, we have had to erect a partition fence at our own expense as workmen could see into our kitchen
- building work have also damaged the neighbours back fence
- developer has also damaged the public footpath which was a hazard
- front wall have now been completely removed which I believe to be another hazard as there is a significant drop from the pavement down to the front garden
- I have had no right to reply on any of these matters with all concerns to the owner repeatedly ignored.

### **Detrimental to sense of community**

- Links estate is a close knit neighbourhood with a sense of community where everyone knows each other.

- A house with multiple occupancy would lend to the individuals isolating themselves
- has led to my family's move here and our choice to bring up our small child. We would not want to be made to feel like we need to move because it will change
- links estate has a ethos and in my opinion should be protected as it is unique within Bromley and should be protected from developments of any kind

### **Safety**

- increased risk of fire.
- there was a reported burglary at the house due to lack of security

### **Strain on local resources**

- Additional strain on local resources (Doctors, Dentist & schools)
- already inadequate services

### **Article 4 direction**

- take note of the policy review for HMOs impending for September 2022

## **6. POLICIES AND GUIDANCE**

### **Housing Act (2004)**

### **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**

- 6.1. This proposal seeks a proposed lawful development certificate for the change of Use of the existing Class C3 flat (dwellinghouse) to a Class C4 (small houses in multiple occupation) and is therefore assessed against Class L, Part 3 of Schedule 2 of the General Permitted Development Order 2015 (as amended), specifically whether it conflicts with any of the limitation/conditions therein.

## **7. ASSESSMENT**

### **7.1. Procedural Matters**

- 7.1.1. Lawfulness is only assessed as of the date of the application submission, which predates the Article 4 Direction removing permitted development rights for a change of use under Class L - small HMOs to dwellinghouses and vice versa. It is a matter of fact that the property continued to benefit from permitted development right under Class L on the date the application was submitted and the certificate must be assessed on this basis.

- 7.1.2. However, Section 192(4) of the Town and Country Planning Act applies, which states: "The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the

use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.” Since the date of the application the Permitted Development right has been removed. Accordingly if the change of use occurred now, it would not be lawful. The certificate would not protect against enforcement action, because the Article 4 direction is a material change in circumstances. It is therefore recommended that an informative be included in the decision notice to inform the applicant that the change of use would no longer be lawful because the PD right has since been removed.

7.1.3. Representations received on this application are noted, however as this is a Lawful Development Certificate matters relating to the planning merits of the proposal cannot be taken into consideration and do not affect the lawfulness of the proposal. Furthermore, some of the comments relate to rights of access over private land, car parking, disturbance from construction and refuse storage etc. on that land, and those matters are private civil matters to be addressed and managed by the parties concerned and are not for consideration by the Council and/or under this Lawful Development Certificate. Furthermore, those matters would appear to be capable of being controlled or managed by the private landowner or by other consents required such as building control, environmental health and HMO licence.

## **7.2. Class L - small HMOs to dwellinghouses and vice versa**

7.2.1. Class L Part 3 of Schedule 2 of the GPDO relates to the change of use of small HMOs to dwellinghouses and vice versa and states as follows:

7.2.2. L. Development consisting of a change of use of a building-

(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;

(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

7.2.3. According to the Council's records, submitted details and site observations the dwelling would have fallen within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order at the time the application was submitted. The development consists of a change of use of the existing dwelling (C3 dwellinghouse) to use falling within Class C4 (small houses in multiple occupation) as permitted by Class L paragraph L(b).

7.2.4. L.1 Development is not permitted by Class L if it would result in the use—

(a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

- 7.2.5. According to the submitted details the development would not result in the use as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) and as such it does not conflict with Class L paragraph L.1(b).
- 7.2.6. According to the Interpretation of the Order: "dwellinghouse", except in Part 3 of Schedule 2 to this Order (changes of use), does not include a building containing one or more flats, or a flat contained within such a building.
- 7.2.7. According to The Town and Country Planning (Use Classes) Order 1987 (as amended): "C4 Houses in multiple occupation" comprise small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.
- 7.2.8. In this case the proposal shows six separate bedrooms, 5 with their own private ensuite shower-rooms and one shared bathroom, a shared kitchen and living room for occupation by up to 6 persons in total which would comply with the description of a C4 Houses in multiple occupation under the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 7.2.9. Comments have been received from local residents regarding the potential of a seventh bedroom. It is noted that one of the first floor rooms is listed as a store. However, the proposal as detailed in the application is for a 6 bedroom 6 person HMO and therefore the certificate would only confirm a 6 bedroom 6 person HMO would have been lawful if carried out at the time the application was submitted. Should the property be used for a seven bedroom HMO in the future, planning permission may be required.

## **8. Conclusion**

- 8.1. According to the submitted details the proposal would have comprised lawful development under Class L, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) at the time the application was submitted and it is recommended that an existing lawful development certificate is granted.
- 8.2. 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.

**RECOMMENDATION:** Proposed Use/Development is Lawful

**The proposal as submitted would constitute permitted development by virtue of Class L of Part 1 of Schedule 2, Part 3 (Changes of Use) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).**

**Subject to the following informative**

The applicant is advised that lawfulness is only assessed as of the date of the application and the change of use would no longer be lawful because the PD right has since been removed through an Article 4 Direction which came into effect on the 1st September 2022, removing permitted development rights under Class L Development consisting of a change of use of a building falling within Class C3 (dwellinghouses) of the Schedule of the Use Class Oder to a use falling within Class C4 (houses in multiple occupation) and vice versa. Planning permission would still therefore be required for this change of use from the 1st September 2022.