
Appeal Decision

Site visit made on 9 October 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 October 2017

Appeal Ref: APP/A5840/W/17/3179048

Flat 3, 129 St George's Road, London SE1 6HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Alastair Lowe against the decision of the Council of the London Borough of Southwark.
 - The application Ref 17/AP/1467, dated 6 April 2017, was refused by notice dated 15 June 2017.
 - The development proposed is the change of use from class C3 dwelling house to include residential short term letting for no more than 180 days in any one calendar year.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from class C3 dwelling house to include residential short term letting for no more than 180 days in any one calendar year at Flat 3, 129 St George's Road, London SE1 6HY in accordance with the terms of the application, Ref 17/AP/1467, dated 6 April 2017, and the plans submitted with it, subject to the following condition:
 - 1) The property shall be used for residential short term letting for no more than 180 days in any calendar year. An up-to-date register of the names and main home addresses of all short term occupiers for each calendar year shall be retained and made available for inspection by the local planning authority upon written request.

Main Issue

2. This is the effect of the change of use on housing supply.

Reasons

3. The appeal concerns a first and second floor flat in the 4-storey, Grade II listed Laurie Terrace, in the West Square Conservation Area (CA). It seeks, in addition to the C3 use, for the flat to be used for temporary sleeping accommodation, for no more than 180 days in a year.
 4. The Council describes an acute need for housing in Southwark and refers to London Plan 2016 policy 3.14 which resists the loss of housing including for short term provision, as well as saved policy 4.6 of the Southwark Plan 2007 (SP) which does not permit development, subject to exceptions, which would result in the loss of residential floor space. While the Council acknowledges that the use of the flat for temporary sleeping accommodation not exceeding 90
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nights in a calendar year does not constitute a change of use, it considers that the proposal would result in the loss of permanent residential accommodation.

5. I recognise the significant need for housing and the policy objectives to protect existing stock and to resist the loss of housing. However, the short term letting would be limited to less than 6 months in any year, and would not therefore result in the loss of residential floor space.
6. The appellant indicates that the lettings would occur while he is travelling abroad, when the flat would otherwise be unoccupied, and that for the remainder of the year it would be used as a dwelling. While I appreciate that consent runs with the land, this illustrates that the effect of the change of use would not result in the loss of housing.
7. Moreover, while I saw hotels in the area, in providing an alternative form of visitor accommodation, the proposal would contribute to local job opportunities and prosperity as well as promoting Southwark as a tourist destination. It would accord with SP policy 1.12 which encourages visitor accommodation in areas with high public transport accessibility, subject to there being no loss of residential accommodation, or a dominance of visitor accommodation.
8. I conclude that the proposal would not result in the loss of housing. There would be no conflict with London Plan policy 3.14 and SP policy 4.6, nor with the core planning principle of the National Planning Policy Framework which encourages multiple benefits from the use of land in urban areas (paragraph 17).

Other Matters

9. I acknowledge the appeal decision¹ referred to by the Council. However, it concerns a different London borough and a proposal described as bed and breakfast accommodation, use class C1. Significantly, unlike the proposal in this case, it did not restrict the length of time of the short term use.
10. While the flat is part of a terrace, the living room has a balcony, and the street entrance appears to be shared, it is well contained. The number of occupiers would be limited by the number of bedrooms which would be on the uppermost level, two floors above the ground floor flat. The number of comings and goings may be greater than when the flat is unoccupied. However, there is no substantive evidence that given the containment, the risk of issues of noise, waste, or security breaches would be increased to the degree where the living conditions of surrounding occupiers would be harmed.
11. The Council does not object to the proposal in terms of its impact on the Listed Building or the CA. I have had full regard to my statutory duties pursuant to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. There would be no change to the appearance of the building or the CA. The area of short term occupation proposed would be limited in regard to the terrace and the CA, and its period of use restricted. The building, the terrace, the setting of surrounding Listed Buildings, and the CA would be unaffected and therefore preserved.

¹ Appeal Ref: APP/H5390/W/17/3169779

Conditions

12. The Council has had sight of the appellant's suggested condition. Given the need to prevent the loss of residential floor space, a condition limiting the use of the property for short term lets to no more than 180 days in a calendar year is reasonable and necessary.

Conclusion

13. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

INSPECTOR