
Appeal Decision

Site visit made on 24 October 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 27 October 2017

Appeal Ref: APP/X5990/W/17/3179709

Flat 1-5, 228 Edgware Road, London W2 1DW

- 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 Ahmed Hussain Mohammed Abdulla against the decision of City of Westminster Council.
 - The application Ref 17/03345/FULL, dated 18 April 2017, was refused by notice dated 21 June 2017.
 - The development proposed is use for short term letting accommodation (Flat 1 - Flat 5).
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Decision

1. The appeal is dismissed.

Preliminary matter

2. At my site visit I gained access to four of the five flats. All the flats I saw were occupied and I was informed that the flat I didn't see was also occupied. At least one of the flats appeared to be occupied on a short term basis as evidenced by two large suitcases and the lack of personal items around the flat. As such it appears that the development has commenced, and I have considered the appeal on that basis.

Main Issues

3. The main issues are the effect of the development on the supply of permanent residential accommodation, and the effect on the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance.

Reasons

Permanent residential accommodation

4. The site is within a vibrant commercial area and the ground floors of all the nearby buildings on Edgware Road are in use for various forms of retail. However this does not necessarily mean that this area is more suitable as a location for short term accommodation than for permanent housing, as the good accessibility to shops, facilities and public transport services make it an attractive location for permanent residents.
5. Furthermore, despite the appellant's suggestion that this is a tourist area, I could see no tourist attractions nearby that would justify the provision of tourist accommodation in this location specifically, and in particular Paddington Station is not especially close to the site. Indeed I have no evidence before me

to suggest there is a high demand for short term tourist accommodation in this area.

6. I accept that the development may support the city's tourist industry and the local economy. Nonetheless the support provided by just five units of short term accommodation, above that which could be provided were the flats occupied on a permanent basis, is limited.
7. In summary I consider the loss of permanent housing and the use of the flats for short term accommodation instead, has a harmful effect on the city's supply of permanent residential units. As such the development is contrary to Policy H2 of the Unitary Development Plan (UDP), which specifically resists the use of housing for temporary sleeping accommodation, and Policy S14 of the Westminster City Plan (WCP) which aims to achieve the Council's housing target by protecting existing residential units.

Living conditions

8. The five flats are accessed through a shared door. Immediately adjacent to this is a similar door serving the upper floors of No 230. There are five door buzzers for the upper floors at No 230. Likewise there are three door buzzers at the door serving the upper floors of the other adjoining property at No 226. There was no evidence at my site visit that the upper floors of either of these adjacent properties were in commercial use, and it is likely that these rooms are in residential use.
9. There are two food outlets at ground floor level at No 228 and the wider area is replete with many restaurants and shops that open late into the evening. As such, in this context, I do not consider the comings and goings from the site's entrance are likely to generate noise or disturbance that is disturbing to any neighbouring residents. Similarly due to the visibility of the entrance in the street scene and the passive surveillance provided by the high footfall in the street, I consider it unlikely that neighbouring residents would feel unsafe as a result of the development.
10. However, away from the street, noise generated from within the flats could be disturbing to adjoining properties as occupiers of the development, if only staying for a temporary period, could feel able to make excessive noise without being concerned by complaints in the long term.
11. As such I consider use of the property for short term letting could lead to noise that would be disturbing to the occupiers of neighbouring dwellings. Accordingly, the development is contrary to Policies S29 of the WCP and ENV 13 of the UDP which aim to protect the residential amenity of surrounding properties, and Policies S32 of the WCP and ENV 6 of the UDP which specifically aim to minimise noise pollution.

Conclusion

12. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR