



Appeal Decision

Site visit made on 1 July 2019 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2019

Appeal Ref: APP/C5690/W/19/3226647

113 Bramdean Crescent, London SE12 0UJ

- 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 Ms Gertie Owen against the decision of London Borough of Lewisham.
 - The application Ref DC/18/108965, dated 17 September 2018, was refused by notice dated 16 November 2018.
 - The development is retrospective planning permission for the change of use of a 6-bedroom House in Multiple occupation (Class C4) to a 7-bedroom House of Multiple occupancy (Sui Generis) for a maximum of 7 professional occupiers.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The application was submitted retrospectively and during the site visit I observed that the works have been carried out. Accordingly, I have considered the proposal on this basis.

Main Issues

4. The main issues are:
 - The effect of the proposal on the Borough's stock of larger housing suitable for family occupation; and
 - The accessibility of the development to public transport.

Reasons for the Recommendation

Loss of larger family housing

5. DM Policy 6 of the Lewisham Borough Council's Development Management Local Plan 2014 (the 'local plan') aims to provide controls for HMO's which would fall within Sui Generis Class. More specifically, part 1(c) of the policy
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states that the Council will only consider new HMOs where they do not result in the loss of existing larger housing suitable for family accommodation.

6. The appeal property comprises a two-storey end-of-terrace dwelling situated within an established residential area, classified as an area of stability and managed change according to Spatial Policy 5 of the Lewisham Core Strategy. It is located on a quiet road with few passing vehicles, it is internally spacious, and has an appropriate amount of garden space. I find the property is adequately suited for use as a large family home.
7. The appellant states the appeal property has been used as a 7-bedroom HMO since June 2015 and as a 6-bedroom HMO since January 2015, and therefore the loss of an existing larger house suitable for family occupation can be seen to have already occurred. However, this does not prevent me from considering the development as the provision of a new large HMO.
8. The appellant also contends that if this appeal is dismissed, the property will still function as a 6-bedroom HMO in Class C4 and will thus still not constitute a large family dwelling. Whilst the property could function as a Class C4 6-bedroom HMO and may well do so, this can be changed to a Class C3 use under the property's permitted development rights, giving a significant degree of flexibility as to its future use. This flexibility would be restricted if the property remained as a Sui Generis HMO. Moreover, there is no evidence to suggest the property could not be readily converted to a house suitable for family accommodation.
9. In addition, there is little substantive evidence before me to demonstrate that there is a shortage of large HMOs in the area. Indeed, the Council's evidence suggests that it is family dwellings that are in the minority of new properties being built.
10. Therefore, I find the development conflicts with DM Policy 6 of the local plan in respect of the loss of larger housing suitable for family accommodation.

Accessibility to public transport

11. The site is located in an area with public transport accessibility level (PTAL) of 2 according to Transport for London. However, I note that the property is located close to a PTAL 3 area and has access to many public transport options including two bus stops on Baring Road within a 1-minute walk. Lee train station is also in close proximity with regular rush hour services to central London. As such, I do not find that the property has unreasonable levels of accessibility to public transport.
12. Therefore, although the development would conflict with part 1(a) of DM Policy 6, which seeks to ensure large HMOs are located in an area with a PTAL of 3 or higher, I give limited weight to this conflict as I consider the site is not unreasonably located in respect of public transport.

Other Matters

13. I note the appellant's comments with regards to suitable levels of accommodation with regards to space, provision of daylight, outlook and general living conditions of existing and neighbouring occupiers. These aspects were considered to be acceptable by the Council, and I give them neutral

weight. The franchise details, adherence to health and safety standards, and the vetting of tenants are not planning matters to which I give weight.

14. Furthermore, I note the comments relating to the provision of cycle parking and the location of the refuse storage area. However, as I am dismissing this appeal, I need not consider these matters.
15. Whilst it is regrettable that one of the tenants would have to leave the property, this does not affect my view that the development is unacceptable.

Recommendation

16. Overall, I conclude the development reduces the Borough's stock of larger housing suitable for family occupation. Although I find the property has reasonable levels of accessibility to public transport, this does not outweigh the loss of larger family housing.
17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR