



Appeal Decision

Site visit made on 5 August 2019

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: APP/A5840/D/19/3229722

24 Bywater Place, London SE16 5ND

- 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 Robert Kieran against the decision of the London Borough of Southwark.
 - The application Ref 19/AP/0222, dated 21 January 2019, was refused by notice dated 12 April 2019.
 - The development proposed is single storey side / rear extension at ground floor level, conversion of integrated garage into a habitable room at ground floor level, loft conversion / dormer extension at third floor level, internal reorganisation / refurbishment works (all levels).
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side / rear extension at ground floor level. Conversion of integrated garage into a habitable room at ground floor level. Dormer extension at third floor at 24 Bywater Place, London SE16 5ND in accordance with the terms of application, Ref 19/AP/0222, dated 21 January 2019, subject to the following conditions:
 1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: BYWATE_000 Rev B, BYWATE_0001, BYWATE_0002, BYWATE_002 Rev A, BYWATE_0005, BYWATE_0006, BYWATE_0010 Rev B, BYWATE_0011 Rev B, BYWATE_0015 Rev B, BYWATE_0016 Rev A.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The description of the application has been amended by the Council in the interest of preciseness and I concur that the amended description accurately reflects the development proposed.

Application for costs

3. An application for costs was made by Mr R Kieran against the London Borough of Southwark. This application is subject of a separate Decision.

Main Issue

4. The main issue is whether the proposed development would result in the change of use of a C3 dwellinghouse to a House in Multiple Occupation (HMO) that would lead to a change in character of the area away from family homes.

Reasons

5. The appeal site is located at Surrey Quays and is a modern end dwelling set in a semi-circular housing pattern backing onto an area of landscaped amenity space. The area consists of other similarly designed houses and flats in a densely built-up area. Off-street parking is available within the site as well as an integral garage. The appeal site lies within an area subject to an Article 4 Direction confirmed on the 11th April 2017. This removes permitted development rights of the land to prevent the use of a building from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (house in multiple occupation) of that schedule.
6. The Council have assessed the internal arrangements and consider it would give rise to the C3 dwelling becoming occupied as a large-scale HMO. They justify their decision based on the fact that there are other HMO's within the area and the management company state the property has previously been used as an HMO.
7. The appellant sets out in their Statement of Case, at paragraph 6.3, that permission was sought through a householder application form for a number of typical extensions to the dwellinghouse. No change of use has been applied for as part of the appeal scheme and the development proposed is similar to other local householder extensions that have been granted planning approval by the Council. On the basis of the evidence before me, the proposal seeks alterations and additions to a building used as a C3 dwellinghouse, and should therefore be considered in light of this. For the avoidance of doubt permission is not sought for an HMO use, and nor would the result of allowing this proposal infer such permission.
8. In respect the proposed extensions, these are modest in scale and the Council raises no objections on any other grounds to these proposals. I note that some internal reconfiguring is not reliant upon the need for planning permission and, whilst a greater floor area would be created as part of the proposal, this does not in any way suggest that the dwelling would no longer be used as C3. What is more, creating an additional bedroom and ensuite bathrooms to support a four bedroom dwelling could meet the needs of larger families.
9. I acknowledge the Council's intent to prevent the character of the area changing from C3 use, in order to maintain family housing for example. However, I do not consider that the proposal in this case seeks a change of use of the building. Should any change be sought, then that would be a matter for the appellant and local planning authority to consider in light of relevant planning policies and the Article 4 Direction at that time.
10. To conclude, no substantive evidence has been provided by the Council to demonstrate that the appeal site would be occupied as a large-scale HMO. Based on the information before me, and the permission applied for, the proposal is considered acceptable as it complies with saved Policy 3.2 of the

Southwark Plan 2007 in so far as residential amenity is protected including disturbance from noise. I note the Council's reference to emerging *New Southwark Plan's* Policy P7. However, given my considerations above relating to HMO's, this is of limited relevance in this case. Moreover, it does not alter my findings that the proposal would comply with the Policies of the adopted local plan.

Conditions

11. I have considered the suggested conditions in light of the Planning Practice Guidance and Paragraph 55 of the National Planning Policy Framework. In addition to the standard time limit condition, a condition relating to the approved plans is necessary to provide certainty, and a condition in relation to materials is reasonable in order to protect the character and appearance of the area.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.

Alison Scott

INSPECTOR