



Appeal Decision

Site visit made on 25 September 2019

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2019

Appeal Ref: APP/C5690/W/19/3228855

56 Callander Road, London SE26 2QE

- 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 Stephen Pippard, Liquid Property Solutions Ltd, against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/18/110248, dated 14 December 2018, was refused by notice dated 29 March 2019.
 - The development proposed is change of use from use class C4 (House in Multiple Occupation for up to 6 people) to a Sui Generis (House in Multiple Occupation for 7 people).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is effect of the proposal on the Borough's stock of larger family housing.

Application for costs

3. An application for costs was made by Mr Stephen Pippard, Liquid Property Solutions Ltd against the London Borough of Lewisham. This application is the subject of a separate Decision.

Reasons

4. The property is a two-storey semi-detached dwelling within a built-up suburban and residential area. The property is currently in lawful use¹ as a C4 House in Multiple Occupation (HMO) occupied by up to 6 unrelated people with shared communal facilities. Limited off-street parking is available to the front of the property and it benefits from a large private rear garden.
5. This permission seeks to change its use to a Sui Generis HMO use for up to seven unrelated people living together by creating an additional bedroom on the ground floor within an existing room to the rear of the property. The room was previously used as a utility room, but currently has no dedicated purpose. Some small internal alterations would be required to facilitate the use as a bedroom, but this would not affect the external elevations of the property.

¹ Ref DC/18/105911

6. The Lewisham local development framework Development Management Local Plan (DMLP) DM Policy 6, (November 2014) aims to control planning permission for Sui Generis HMO's. Of direct relevance to this appeal is Part 1c. of the Policy, that states 'the Council will only consider the provision of new Houses in Multiple Occupation where [*inter alia*] they do not result in the loss of existing larger housing suitable for family occupation.'
7. I note that the property is in C4 use and is not currently used as family accommodation. However, I apply significant weight to the current flexibility to move use classes between C4 and C3 use without requiring a formal change of use. Hence this would have the capability of retaining a family dwelling unit.
8. I also note that ensuite bathrooms have been inserted and works carried out in relation to electrics, plumbing and fire safety measures. Ensuite bathrooms are a common and desirable commodity for modern living and could be reversible at this property if this were required. Improvements to electrics, plumbing and fire safety measures could be a welcome addition to a family home, and internally there appears to be no significant structural changes to the property.
9. Furthermore, externally the property appears as a family home located within a residential area with a large external garden space for family use and off-street parking. Moreover, there is no more than one kitchen facility within the building and no kitchen facilities within bedrooms. Therefore, I am of the view that the property, as is, would require some, but not substantive, alterations to revert it back to C3 accommodation suitable for family living. This could occur without the need to apply for planning permission.
10. Whilst the appellant refers to the "London Plan (2016), London Plan Housing SPG (2016), New London Plan Draft (2017)", which recognise the significance of HMO accommodation and its contribution to the housing offer, the supporting text to DMLP DM Policy 6 is similarly supportive in principle. Material considerations do not indicate that the proposal should be determined other than in accordance with the development plan.
11. However, for the reasons set out above, I conclude that the appeal proposal would have a harmful effect on the Borough's stock of larger family housing. As such, the proposal is contrary to DMLP DM Policy 6.

Other Matters

12. The appellant has drawn my attention to a number of recently approved permissions for a change of use from C4 use to a Sui Generis HMO within the Borough that they consider are relevant to this appeal, although I do not have full details of any of these cases.
13. 61 Lewisham Way² has operated as a C4 use since 2007 and because of this duration of time, the property was considered by the Council to no longer be part of family housing stock. In terms of 77 Chinbrook Road³, the change of use application was retrospective and the long standing use as a larger HMO led the Council to reach an "on balance" conclusion to approve the application. In respect of 84 Erlanger Road⁴ and 25 New Cross⁵, it is the size of the

² DC/18/109542

³ DC/18/107324

⁴ DC/18/107350

⁵ DC/18/107177

accommodation and the number of people who would seek to convert such a large dwelling into C3 use, that was found to be limited. Accordingly, based on the limited evidence before me, none of these other decisions are directly comparable to the appeal scheme.

14. The appeal decision made at 1 Troutbeck Road⁶ was related to internal living conditions for the seventh occupant and I do not consider this to be relevant to the circumstances at this appeal site. In any case, I must determine the appeal on its own merits and have done so.
15. The appellant asserts that their HMO property management and maintenance is rigorous, and the proposal would provide high quality shared accommodation that would meet technical housing standards, with good accessibility to public transport. However, these matters do not outweigh the harm identified above.
16. In respect of local objections to the proposal relating to pressures on refuse and parking, noise generation, and over-crowding, there is no evidence provided to substantiate these concerns. As I have dismissed this appeal for other reasons, it is not necessary for me to consider these matters further. Other issues such as restrictions on property deeds and neighbour disputes do not form part of my consideration of this appeal.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

Alison Scott

INSPECTOR

⁶ APP/C5690/W/17/3192275