
Appeal Decision

Site visit made on 18 February 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/K5030/W/19/3240005

Flat 3a, 12 Trinity Square, London EC3N 4AL

- 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 Panos Koumi against the decision of the City of London Council.
 - The application Ref 19/00763/FULL, dated 22 July 2019, was refused by notice dated 22 October 2019.
 - The development proposed is Change of use from residential (Class C3) to short-term let accommodation (periods of less than 90 consecutive nights) (Class C3) (83sq.m).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the description of development from the Council decision notice as this more accurately reflects the proposal.
3. My attention has been drawn to the Draft City of London Local Plan (2018) (DCLLP). Insofar as relevant to this appeal the policies before me have similar aims to those in the current plan. Whilst I have taken the policies into account, the evidence indicates that the plan is subject to further consultation and I have therefore afforded it limited weight.

Main Issues

4. The main issues are:
 - i. whether the proposal would result in the loss of a permanent residential unit; and
 - ii. the effect of the change of use on the living conditions of the occupiers of other residential properties within the block, with particular regard to noise and disturbance.

Reasons

5. The proposal relates to a second floor flat within 12 Trinity Square. Entry to the building is gained from a shared access door on Muscovy Street. Internally, a communal hallway and stairs serve other flats within the block as well as that which is the subject of the appeal.

Loss of residential unit

6. The proposal seeks a change of use from residential to short term let accommodation to utilise the flat for temporary sleeping accommodation for more than 90 nights in a calendar year. The evidence indicates that the flat has been let on an Assured Shorthold Tenancy (AST) for a significant number of years with the length of rental agreement varying from 9 months to 2 years.
7. The evidence indicates that the flat is popular with tourists and the change of use would enable the flat to be utilised as holiday accommodation all year round. The evidence is unclear on how the flat has been split between use as holiday accommodation or for let under an AST for residential accommodation. However, the evidence indicates that the flat has been let for residential purposes for lengthy periods of time and it therefore bears the characteristics of permanent residential accommodation. I can understand that the flat is attractive to tourists as it has good views and is centrally located within London, but it would also be likely to be attractive to more permanent residents for the same reasons.
8. Given that the change of use would result in the cessation of the largely residential use of the flat, the proposal would therefore result in the loss of a permanent residential unit to the detriment of the housing stock within the borough. It would therefore be contrary to Policy 3.14 of the London Plan (2016) (LP), Policies CS21 and DM 21.6 of the City of London Local Plan (2015) (CLLP) and Policy H5 of the DCCLP which amongst other things seek to resist the loss of housing where it would not be replaced and prevent changes of use to temporary sleeping accommodation from permanent residential accommodation.

Living conditions

9. Amongst other requirements, Policy DM 21.6 of the CLLP states that temporary sleeping accommodation will not normally be permitted where it is mixed with permanent residential accommodation within the same building. In this instance the flat which is the subject of the appeal would be located within the same building as other permanent residential accommodation and would share the access, hallway and stairs.
10. I consider that inevitably, if on holiday, users of the flat would be likely to share different hours to permanent residents. Even if it were the case that most of the occupants of the block were out when guests arrive and leave, the guests would likely often wish to be out in the evening, returning late to the premises. The associated comings and goings within the hallway would likely result in noise and disturbance which would be particularly noticeable to other residents during the week when occupants could reasonably expect peace and quiet.
11. Both parties note the possibility of using the flat for holiday purposes for 90 days within any one year, however this time period would be much lesser than sought by the proposal and any incidences of noise and disturbance would therefore be less frequent. Whilst the appellant indicates that guests are fully vetted there is little evidence presented in relation to how this is achieved and as such, I cannot afford this matter significant weight. I do not doubt that the current use of the flat for holiday purposes is well managed.

12. However, I conclude on this issue that the comings and goings associated with the proposal would be likely to cause noise and disturbance which would have a detrimental impact on the living conditions of the occupiers of other properties within the block. The proposal would therefore be contrary to Policy DM21.6 of the CLLP and Policy H5 of the DCLLP which has similar aims.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR