



Appeal Decision

Site visit made on 15 September 2020 by S Watson BA(Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/N5660/W/20/3250516

17 Perran Road, London SW2 3DJ

- 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 Alexander Gilbey against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/04015/FUL, dated 22 October 2019, was refused by notice dated 31 January 2020.
 - The development proposed is change of building use from C4 to Sui Generis, in order to accommodate seven bedrooms.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Main Issue

3. The main issue in this case is the effect of the proposal on the mix and balance of residential accommodation in the local area, with particular regard to its effect on the provision of family-sized homes.

Reasons for the Recommendation

4. The appeal site is within a predominantly residential area and contains a terraced two-storey dwelling. The building is currently being used as a small house in multiple occupation (HMO) within the C4 use class. The proposal before me would result in the creation of a further bedroom and the conversion of the building from a C4 use to a large HMO, *sui generis* use.
5. There is some disagreement over the wording of Policy H6 of the *Lambeth Local Plan* (LLP). However, it is clear that it seeks to ensure the area provides mixed and balanced communities, providing a choice of family-sized housing. This is sought through the restriction of the conversion of family sized dwellings in to flats or HMOs in certain circumstances, including where the dwelling as originally constructed is less than 150m², which the Council indicate is the case with respect to the appeal property. The appellant is silent on this matter.
6. Although the existing property is not currently in a C3 dwelling house use, the supporting text to LLP Policy H6 makes it clear that properties in either a C3 or

C4 use which have three or more bedrooms and access to a rear garden are classed as dwellings suitable for occupation by families. Whilst noting the appellant's intention to retain the C4 use of the property in the event that the appeal is not successful, it is clear that the host property accords with these criteria. The property is therefore suitable for family occupation for the purposes of LLP Policy H6.

7. The proposal to change the use of the property would be likely to result in internal changes to it to comply with the necessary licencing regimes, such as additional kitchen facilities. There is a high probability that such changes could make the property less suitable for occupation by families in the future than the existing arrangement, because additional remediation work would be likely to be required to facilitate such occupation, along with the associated cost. Moreover, planning permission would be likely to be required to change the use from the proposed use to a dwellinghouse, which is not currently the case with the existing use. As a result, I find that the proposal would make the property less suitable for family occupation and would reduce the choice of family sized housing in the locality.
8. Although the proposal does comply with some requirements of Policy H9 of the LLP, in this instance the policy is not directly relevant. This is because the proposal before me would not involve the creation of a new HMO, part (a), or the loss of an existing HMO, part (b).
9. In light of the above, I conclude that the proposal would harm the mix and balance of residential accommodation in the local area, by way of the loss of a home suitable for occupation by a family, contrary to LLP Policy H6.

Other Matters

10. I note the appellant's concerns that the Council have raised new arguments with regards to the interpretation of need and demand. I however find that this is not a new argument but instead is expanding upon part of their existing case in response to the appellant's appeal statement.
11. The appellant makes reference to Policies D1 and D2, however I have not been provided with a copy of these so am unable to assess the proposal against them.

Recommendation

12. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR