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## Appeal Decision

Site visit made on 15 February 2021

**by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 March 2021**

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**Appeal Ref: APP/C5690/W/20/3255388**

**78 Downham Way, Bromley BR1 5NX**

- 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 Mrs Udoka Okeke against the decision of London Borough of Lewisham
  - The application Ref DC/20/115490, dated 20 March 2020, was refused by notice dated 10 June 2020
  - The development proposed is 'the change of use of 78 Downham Way BR1 from residential (C3 Use Class) to holiday let'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of development was amended following submission of the application from "*The existing property has always been residential for rental purposes, no to be practiced for holiday let*". For the purposes of this appeal, I have utilised the amended description.
3. The London Plan 2021 (LP 2021) was published on 1 March 2020 and is now part of the development plan. I invited the main parties to express their views on the LP 2021, as it relates to the appeal.

### Main Issues

4. The main issues are whether the principle of development is acceptable and whether the proposal would have an unacceptable adverse impact on the living conditions of neighbouring occupiers.

### Reasons

#### *Principle of Development*

5. The appeal proposal would subdivide the existing single residential unit into two separate apartments and change the use of those apartments from residential to holiday lets. This would result in the loss of a single family-sized home. Policy H9 of the LP 2021 requires that the impact on housing stock and local housing need should be taken into consideration in applications for change of use to short holiday rental accommodation. The loss of existing dwellings is resisted in both Policy 2 of the Development Management Local Plan (DMLP) (adopted 2014) and policy H8 of the LP 2021, subject to certain exceptions,

which do not include provision for short-term holiday lets. These policies seek, amongst other things, to maintain a supply of housing to meet local needs.

6. Although the proposal would result in the loss of only one dwelling, nonetheless it would have a limited detrimental effect on local housing supply, contrary to the aims of those policies.
7. Tourism development is supported within London, as part of a hierarchy of sustainable centres and communities. Policy E10 supports tourism development in town centres and within opportunity areas which are well-connected by public transport, particularly to central London. The appeal site is not within an identified Opportunity Area and is not so well connected; it has a relatively low PTAL rating. As such, there is no identified strategic need for such tourist development within the appeal vicinity. The proposal would not represent sustainable development in accordance with the Development Plan and Framework on this basis.
8. Whilst the Appellant has suggested that holiday lets are akin to residential use to the extent that the use may fall within Use Class C3; the appeal nonetheless seeks a material change of use to subdivide the dwelling (a material change of use in itself<sup>1</sup>) and operate holiday lettings.
9. For these reasons, the proposal would result in the loss of a single dwelling which contributes towards local housing supply and such loss is not justified by an identified need for the type of accommodation proposed in this location. The proposal is therefore contrary to Spatial Strategy 1 and Policy 1 of the Lewisham Core Strategy (CS) (adopted 2011), policies 2 and 12 of the DMLP, policies H8, H9 and E10 of the LP.

#### *Living Conditions*

10. The appeal site is a semi-detached property and as such, the living conditions of neighbouring occupiers are particularly sensitive to increases in noise and activity at the appeal site. Comments in respect of the application raised concerns about disruptive occupants. However, whilst such concerns appear to have arisen from previous experience of the site, the scale and nature of the proposed holiday let use would not innately result in increased noise and disruption.
11. As such, I do not find that the proposal would cause an unacceptable adverse effect on the living conditions of neighbouring occupants, in accordance with policy 15 of the LCS, policy 26 of the DMLP and the Framework.

#### **Conclusion**

12. For the reasons stated above, I find that the appeal proposal is unacceptable in principle, contrary to Spatial Strategy 1 and Policy 1 of the Lewisham Core Strategy (CS) (adopted 2011), policies 2 and 12 of the DMLP, policies H8, H9 and E10 of the LP. The appeal is therefore dismissed.

*Kim Langford Tejrar*

INSPECTOR

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<sup>1</sup> Section 55 (3) (a) Town and Country Planning Act 1990 (as amended).