



Appeal Decision

Site Visit made on 27 October 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05/11/2021

Appeal Ref: APP/C5690/W/21/3266999

60 Alloa Road, London SE8 5AJ

- 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 Craig Taylor against the decision of London Borough of Lewisham.
- The application Ref DC/20/116336, dated 30 April 2020, was refused by notice dated 22 July 2020.
- The development proposed is described as 'Change of Use: C3 to HMO 7 (sui generis)'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description on the Council's decision notice clarifies that the proposal is for a 7 person House of Multiple Occupancy (HMO) and I have considered the appeal on this basis.
3. In the period since the appeal was submitted the Government has published the revised National Planning Policy Framework (the Framework) July 2021 which is being brought into immediate effect for the purposes of decision-making. The London Plan (March 2021) (LP) has also been published during this period. The main parties have been provided with an opportunity to comment on these events and I have taken any comments received into account as part of my decision-making.

Main Issue

4. The main issue is the effect of the development on the Borough's stock of larger housing suitable for family occupation.

Reasons

5. No 60 Alloa Road is a two-storey mid-terrace dwelling currently in use as a HMO for up to 6 residents. The appeal proposal is for the change of use of the dwelling from a C3 Use Class to a large HMO for 7 persons falling under a Sui Generis Use Class.
6. DM Policy 6 (Houses in multiple occupation) of the Lewisham Development Management Local Plan (2014) (DMLP) aims to provide controls for HMOs that fall within the Sui Generis Use Class. This Policy confirms that the provision of new HMOs will only be considered where, amongst other things, they do not result in the loss of existing larger housing suitable for family occupation.

7. The Framework seeks to ensure that the size, type and tenure of housing needed for different groups in the community is assessed and reflected in planning policies. The evidence before me suggests that DM Policy 6 was based on housing need evidence which identified that the main housing need in the Borough is for family housing. There is no substantive evidence before me to suggest that there has been a material change in circumstances since the policy was adopted or that there is a more pressing need for larger HMOs in the area.
8. The appellant contends that the property does not fall into the category of a 'larger family home'. This is not the term used in the policy. From the evidence before me, larger housing suitable for family occupation is not specifically defined in the DMLP. However, I am more persuaded by the Council's case in this instance and consider this to mean housing with attributes which make it suitable for family occupation such as factors including its size, layout, provision of private garden space and location. Given the practical layout, number and size of individual rooms, the private rear garden available and its location on a residential street, the dwelling is evidently a larger house suitable for family occupation.
9. I accept that the dwelling is not currently in use as a single-family dwelling. Even so, under the current use class permitted development rights would allow for a return to a single-family dwelling and some of the bedrooms could easily be reverted back to uses such as living and dining areas. I therefore disagree that the house would not be of interest to a family if it were to become available on the market. In any case, the ability to obtain planning permission in the future to revert back to a single-family dwelling from the proposed Sui Generis use does not convince me that the proposal would meet the main housing need in the area or overcome the clear conflict with the strategy in the development plan to preserving the Borough's family housing stock.
10. The appellant contends that the dismissed appeals for Sui Generis HMOs referenced by the Council¹ related to larger semi-detached dwellings and are not comparable to the appeal property. Whilst this might be so, DM Policy 6 does not state that larger housing suitable for family occupation only relates to semi-detached or detached housing.
11. I conclude the proposal would result in the loss of a larger house which is suitable for family accommodation which would be contrary to DM Policy 6 of the DMLP. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR

¹ APP/C5690/W/17/3185456 and APP/C5690/W/19/3226647