



Appeal Decision

Site visit made on 26 January 2022

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3RD March 2022

Appeal Ref: APP/C5690/W/21/3278457

23 Florence Terrace, London SE14 6TR

- 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 Ms Caroline Bogodelny against the decision of the London Borough of Lewisham Council.
 - The application Ref DC/20/119190, dated 13 November 2020, was refused by notice dated 7 January 2021.
 - The development proposed is the change of use from smaller 6-bed HMO (C4) to larger 8-bed HMO (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from smaller 6-bed HMO (C4) to larger 8-bed HMO (Sui Generis) at 23 Florence Terrace, London SE14 6TR in accordance with the terms of the application, Ref DC/20/119190, dated 13 November 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Prior to occupation of the 2 existing rooms as bedrooms, the secure cycle parking for a minimum of 2 bicycles shall be provided in the front garden area and permanently retained thereafter for use at all times.

Main Issues

2. The main issue is whether the development results in an appropriate housing mix, with reference to the loss of a house suitable for family occupation.

Reasons

3. The appeal property is situated on a street, which appears from my site visit, to be a very quiet dead end road with relatively few vehicle movements. The area is residential and is made up of similar properties, which appear to have been developed comprehensively as a post war estate with a mixture of blocks of flats and terraced houses. The appeal property comprises a two-storey mid terrace dwelling, sitting close to the street that has previously been extended by a large single storey rear extension.
4. Although located on a quiet street, the appeal property is located close to public transport facilities and the busy areas of New Cross and Deptford Green

- and is, according to Spatial Policy 5 of the Lewisham Core Strategy (2021), in an area classified as a regeneration and growth area.
5. Currently in C4 use, the appeal property has, due to the existing extensive rear extension, spacious internal shared areas, but without any significant amount of garden space. A change from the current small HMO C4 use to a C3 use as a single dwelling house could be implemented without requiring planning permission. This flexibility would, therefore, be restricted as a result of the proposal, which would result in establishing a Sui Generis larger HMO use in a property that may be suitable for a single larger family dwelling.
 6. Part 1(c) of the policy DM Policy 6 of the Lewisham Development Management Local Plan (2014) (the DMLP) seeks to provide controls for HMOs which would fall within the Sui Generis Class and states that new HMOs will be considered where they do not result in the loss of existing larger housing suitable for family accommodation.
 7. I note that the appeal property does not fall within an area made the subject of an Article 4 direction regarding the change of use of dwellings from C3 use to C4, and a Certificate of Lawful Development, in respect of a change of use from a single family dwelling house in C3 use to a small HMO was issued by the Council on 10 November 2020.
 8. Although the appeal property appears to have been in C4 use for only a short period, the loss of an existing larger house suitable for family occupation could be regarded as having already occurred. The appellant also points out that if this appeal is dismissed, the property will still function as a 6-bedroom HMO in use class C4 and will thus still not constitute a large family dwelling. This does not, however, restrict me from considering the development as the provision of a new larger HMO in Sui Generis Use.
 9. The proposal would involve the use of two existing rooms for additional bedrooms. These, along with the existing bedrooms, communal areas, including bathroom and WC facilities, would meet the required standards for a Sui Generis larger HMO use.
 10. There is nothing before me to suggest that, as either a 6 or 8 bedroom HMO, the property could not be converted, with significant internal works, to a house suitable for family accommodation. However, I find that its existing layout with spacious common areas, with small bedrooms and limited garden space is better suited to its current C4 use or the proposed use as a high quality larger HMO for 8 occupiers in the Sui Generis use class.
 11. The appellant has provided evidence of demand for larger family housing from local estate agents, and I find that this provides an expert assessment of this demand, which generally concludes that there is very limited, if any, demand for houses with 6 to 8 bedrooms for single family occupation in this area, particularly where significant internal alteration would be required. Further, this evidence also generally concludes that there is continued demand for good quality larger HMOs in this area. In addition, there is little substantive evidence before me to demonstrate that there is an oversupply of larger HMOs in the area.
 12. For these reasons, I find the proposed development would not represent the loss of housing suitable for larger family accommodation and would not,

therefore conflict with DM Policy 6 of (the DMLP) in this regard. The proposal would also accord with the London Plan (2021) that recognises that good quality HMOs are an important part of London's housing offer, reducing pressure on other elements of the housing stock and in particular policy H9 and H10 which seek to ensure that the role of good quality houses in multiple occupation is taken into account in meeting local and strategic housing needs and achieving a suitable housing size mix.

Other matters

13. Concerns have been raised by interested parties with regard to the effect of the proposal on the living conditions of neighbouring residential occupiers. However, there is nothing before me that would lead me to conclude that there are any existing issues in this regard that would be amplified by the proposal, or that the proposed increase in occupiers of the appeal property would create such issues.

Conditions

14. Along with the standard condition related to the time limit for implementation of the development, and in order to secure provide sufficient off street cycle parking, in accordance with Policy T5 of the London Plan (2021), I have attached a suitable condition securing its provision and retention.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Victor Callister

INSPECTOR