



Appeal Decision

Site visit made on 15 July 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 25 July 2022

Appeal Ref: APP/X5990/W/22/3291682

12 Hertford Street, London W1J 7RW

- 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 Varcon Properties Ltd against the decision of City of Westminster Council.
 - The application Ref 21/00608/FULL, dated 2 February 2021, was refused by notice dated 25 November 2021.
 - The development proposed is use of apartments 1- 15 at 12 Hertford Street as serviced apartments (*sui generis* use).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the loss of permanent housing would be acceptable with regard to development plan policy; and
 - the effect of the proposed development on the living conditions of neighbouring occupiers.

Reasons

Loss of Permanent Housing

3. The appeal site comprises 15 apartments within two adjoining terraced properties, which are situated along Hertford Street in central Mayfair. Whilst the apartments are mostly occupied on short-term lets of approximately 90 days, their lawful use is understood to be residential. As such, they currently contribute to the Council's supply of permanent housing stock. The development would allow the properties to be used as serviced apartments on shorter-term lets.
4. Policy H8 of the London Plan 2021 (London Plan) says that any loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of floorspace. Policy S8 of Westminster's City Plan (2019 – 2040) (City Plan) also states that the change of use of any type of housing to temporary sleeping accommodation on a permanent basis will not be permitted. Policy MRU2.3 of the Mayfair Neighbourhood Plan (Neighbourhood Plan) further compounds this position, and says the net loss of residential units in Mayfair should be resisted. The thrust of these policies is to protect the Council's existing housing stock, which in turn will help ensure the

Council's housing targets are met. The proposed change of use would therefore directly contravene these policy objectives, due to the loss of 15 units of permanent residential accommodation.

5. Notwithstanding the policy position, the current typical length of occupation (i.e. for 90 days) affords much greater consistency and longevity of use than any shorter term lets, where the apartments could conceivably be used for just days at a time. In this regard, the apartments make a valuable contribution to the variety of the Council's housing stock, by providing stability for people seeking intermediate housing solutions in central London. Irrespective of the temporary nature of occupation, such residential use therefore warrants protection.
6. For these reasons, I consider that the development would lead to an unacceptable loss of permanent housing, contrary to the objectives of Policy H8 of the London Plan, Policy S8 of the City Plan and Policy MRU2.3 of the Neighbourhood Plan. As highlighted above, each of these policies seek to preserve the Council's existing housing stock.

Living Conditions

7. The appeal property is located in close proximity to a number of pubs, bars and other commercial premises. As a result, there is already an existing degree of activity and associated background noise in and around the appeal premises. In turn, any increased intensity of use (owing to the proposed change of use) would be unlikely to make a material difference to the levels of noise and disturbance already experienced at these properties. Moreover, there is no substantive evidence before me to suggest that the change of use would introduce or exacerbate any actual or perceived levels of crime and/or antisocial behaviour in the area.
8. On this basis, I am satisfied that the development would not cause unacceptable harm to the living conditions of neighbouring occupiers. In this regard, the development would be consistent with Policy S33 of the City Plan, which seeks to ensure the health, wellbeing and quality of life of existing and future occupiers is not adversely affected by new development.

Other Matters

9. I do not consider that a condition to render any permission personal to the appellant would adequately address the harm arising from the loss of apartments from the Council's housing stock. Indeed, any personal permission could make it very difficult to resist applications for similar changes of use in future.

Conclusion

10. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which would outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR