



Appeal Decision

Site visit made on 28 October 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/C5690/W/22/3291895

71 Alloa Road, London SE8 5AH

- 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 Richard Page against the decision of London Borough of Lewisham.
 - The application Ref DC/21/123084, dated 13 August 2021, was refused by notice dated 22 October 2021.
 - The development proposed is change of use from C4 to Sui Generis. Existing property is a small HMO with 5 bedrooms (up to 7 different households); proposal is to create a 7 bedrooms (up to 9 different households) a large HMO (Sui Generis).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are 1) whether or not the proposed development would harm the supply of family housing within the Borough having regard to development plan policy, 2) whether or not the proposed development would provide acceptable living conditions for future occupants with specific regard to built-in storage, and 3) whether or not sufficient refuse and recycling storage provision is made.

Reasons

Supply of family housing

3. The appeal property is a two-storey terraced property that is currently used as a small house in multiple occupation (HMO) (use class C4). This is defined as a small, shared house occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities. The proposed development would involve the change of use of the property to a large HMO that would be *sui generis*.
4. DM Policies 3 and 6 of the Lewisham Development Management Local Plan (2014) seek to prevent the conversion of family houses into flats or the provision of new *sui generis* HMO's unless, amongst other things, they do not result in the loss of larger housing suitable for family accommodation.
5. The appeal property is located in an established residential area where there appears to be a notable concentration of family housing. The area, although being close to local amenities, was relatively quiet, and would be attractive to families. I also observed its proximity to local primary schools and Deptford

Park recreation area. Based on the evidence before me, and my observations on my site visit, the appeal property, given its size including its rear amenity space, and its location, would constitute larger housing that would be suitable for family accommodation and there is no substantive evidence before me to indicate otherwise.

6. Although the appeal property is currently in use as a small HMO (use class C4) and may remain so regardless of the outcome of the appeal, it could revert to a dwellinghouse (use class C3) without the need for planning permission. This gives a significant degree of flexibility that increases the likelihood, or at least the possibility, that it may in future be used as family accommodation. This flexibility would be removed as a result of the proposed use which would be *sui generis*, in a property which is suitable for family accommodation.
7. The proposed development would result in the loss of a larger house that is suitable for family accommodation and would thus cause harm to the supply of family housing in the Borough. It would therefore be contrary to the requirements of DM Policies 3 and 6 of the Lewisham Development Management Local Plan (2014) as set out above.

Living conditions – future occupants

8. The area of dispute in relation to the living conditions of future occupants relates to the provision of built-in storage space.
9. DM Policy 32 of the Lewisham Development Management Local Plan (2014) sets out that new housing development should provide, amongst other things, sufficient space for storage, in addition to the minimum space standards. Policy D6 of The London Plan (2021) makes a similar requirement in relation to the provision of built-in storage.
10. No built-in storage is proposed in the development. The appellant outlines that as overall floor areas exceed the minimum requirement, and there is flexibility to provide wardrobes etc to meet storage requirements, they are of the view that this does not equate to unacceptable living conditions for future occupants.
11. I accept that storage may include other receptacles, however the requirement for built-in storage is explicit in Policy D6 of The London Plan which states that dwellings must provide at least the gross internal floor area and built-in storage area set out in Table 3.1 of the policy. The provision of built in facilities create a more permanent and physical presence to the property as opposed to relying on residents or landlords providing furniture which is unlikely to achieve the same certainty or durability as a built-in feature.
12. I find that the potential harm to living conditions of future occupants which follows would be moderate and not significant in light of the overall room sizes that would be provided. Nevertheless, the lack of built-in storage facilities weighs against the development in the planning balance. The proposed development would therefore be contrary to the requirements of DM Policy 32 of the Lewisham Development Management Local Plan (2014) and Policy D6 of The London Plan (2021) as set out above.

Refuse and recycling storage

13. The appeal property includes a small front garden area where the appellant indicates refuse and recycling storage could be provided, and if necessary, details could be secured by an appropriately worded planning condition.
14. On my site visit I observed that a significant number of wheeled bins were placed on the footpaths in front of houses. I cannot be certain that it was not a collection day, nevertheless they gave the street a cluttered appearance which, if a regular feature as opposed to being collection days only, would harm the appearance of the street.
15. The Council's evidence sets out that for the proposed development there would be a requirement for two 240L and one 120L containers for refuse and an additional 50% volume in recycling bins. There is nothing before me to dispute the requirement and it would appear a reasonable requirement in light of the size of the proposed development.
16. The appellant has not demonstrated that the area to the front could accommodate the number of containers that would be required, and I share the Council's concern that it does not appear it could be reasonably accommodated in the suggested location. This would likely result in containers being left on the footpath which would adversely impact on the appearance of the street-scene.
17. Even if the area to the front of the property could accommodate the requisite amount of storage containers it would provide less than ideal living conditions for the occupants of bedroom one who's outlook would be dominated by refuse and recycling containers.
18. I therefore do not consider that in this instance, for the reasons given above, it would be appropriate to deal with the matter by way of a planning condition as it is not clear that an acceptable means of providing sufficient storage facilities exists.
19. There is therefore conflict with Policy 13 of the Lewisham Core Strategy (2011) which seeks to address the Borough's waste management requirements and DM Policies 30 and 32 of the Lewisham Development Management Local Plan (2014) in terms of providing satisfactory outlook and meeting the functional needs of future residents. This conflict would cause minor harm and weighs against the proposed development in the planning balance.

Other Matters

20. The appellant has submitted a copy of an HMO licence that allows the property to be occupied by not more than 7 households consisting of no more than 7 persons. The processes and procedures for considering and obtaining an HMO licence are separate from the planning process. It therefore has limited weight in favour of the appeal which, in any event, is for up to 9 different households.
21. The proposed development would result in an HMO of increased size and provide additional accommodation. Whilst this is a benefit of minor weight in favour of the appeal, it does not outweigh the collective harm that I have identified would be caused due to the loss of a larger house that is suitable for family accommodation, in terms of living conditions for future occupants, and the failure to identify adequate refuse and recycling storage facilities.

22. The appellant has submitted a copy of an appeal decision¹ that allowed for the change of use of a dwellinghouse (use class C3) to a small house in multiple occupation (use class C4). That appeal is however for a different planning authority with, save for The London Plan, a different development plan. It also does not contain the same main issues as the current appeal. It is also counter balanced by the several appeal decisions submitted by the Council that relate to similar main issues that were considered against the same development plan as in the current appeal. I therefore give it limited weight in the appeal.

Conclusion

23. The development therefore conflicts with the development plan and there are no identified other considerations, including the National Planning Policy Framework, that outweigh this conflict.

24. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR

¹ APP/E5330/W/21/3283606