
Appeal Decision

Site visit made on 29 February 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19.03.2024

Appeal Ref: APP/N5660/W/23/3330091

Flat 3, 72-74 Gipsy Hill, Lambeth, London SE19 1PD

- 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 Anne Chitty against the decision of the Council of the London Borough of Lambeth.
 - The application ref. 23/01241/FUL, dated 13 April 2023, was refused by notice dated 12 July 2023.
 - The proposal is for the change of use from residential dwellinghouse C3 to Use Class C1 for use as a short-term let (AirBnB).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - the supply of housing in the Borough;
 - the living conditions of the occupants of adjacent flats with particular regard to noise and disturbance; and
 - the provision of storage for cycles, refuse and recycling.

Reasons

Supply of housing

3. The appeal property comprises a self-contained, one-bedroom flat located on the second floor of a converted dwelling. There are further self-contained units on the first floor of the building and a commercial outlet at ground floor level. The proposal seeks to change the use of the existing second floor flat in order to allow the premises to become a short term let.
4. The Council refers to Policy H3 of the Local Plan 2021 (LP) in its decision notice. Amongst other things, this states that existing self-contained C3 housing will be safeguarded, and that applications for change of use of permanent residential accommodation to short-term holiday lets will not be permitted. Paragraph 5.23 advocates that the policy protects existing housing from change of use to non-permanent accommodation, including timeshare, short-term lets, C1 uses, and bed and breakfasts. Demand for short-term sleeping accommodation of these types in the borough should be met from appropriate sites in non-residential use, rather than sites used for permanent housing. As

the proposal would result in the loss of a residential unit it would be contrary to the aims of Policy H3.

5. The appellant argues that according to the Housing Delivery Test 2021 the Council exceeded their delivery targets with a test measurement of 136%; the Authority has indicated that this figure was 98%. Moreover, the Housing Development Pipeline Report 2021/22 shows a deficit and suggests that housing delivery in the Borough is vulnerable.
6. I acknowledge the appellant's personal circumstances and recognise that the scheme would not result in the loss of a family unit or affordable dwelling. However, such circumstances would not outweigh the harm that would arise, and policy H3 relates to all C3 housing with very limited exceptions. As such, whether or not the scheme would result in the loss of family or affordable accommodation accrues only limited weight.
7. Furthermore, I note that short-term letting may provide for visitor accommodation in the Borough, nonetheless in the absence of any substantive evidence to the contrary, the need for such uses would be unlikely to justify the loss of the residential unit and the detriment that would be caused to the supply of housing.
8. I conclude on this issue that the loss of the existing residential (C3) use would have an unacceptable effect on the net housing supply in the Borough by reducing the overall housing stock contrary to Policy H3 of the LP.

Living conditions

9. The appeal property is above other domestic apartments, all accessed via a communal entrance and landing. As a result, activity associated with the use of the appeal property, such as comings and goings by guests and cleaners, is likely to be apparent to, and to affect, the occupiers of the nearby dwellings.
10. I am mindful that other residents are capable of generating activity. Be that as it may, the pattern of comings and goings by visitors, who may wish to take full advantage of the attractions the city has to offer, in the evenings as well as the daytime, could well be very different from the lifestyles pursued by the more settled populace. Moreover, such activity may well occur at times when most residents ought reasonably to be able to expect periods of relative peace and quiet. I share the Council's concerns that there is no guarantee of the behaviour of visitors who do not have a financial interest or neighbour relations in the building.
11. Whilst I appreciate the vetting process and house rules outlined by the appellant, on balance I consider that the proposal would adversely impact upon the living conditions of the occupants of adjacent flats with particular regard to noise and disturbance. There would be conflict with policy Q2 of the LP, which seeks to protect the amenity of neighbours.

Cycles, refuse and recycling

12. The appellant states that there is sufficient room within the confines of the site to provide storage for cycles. This notwithstanding, I have no indication before me as to where the store could be situated and therefore taking a precautionary approach I find that the scheme fails to address this issue adequately.

13. I observed the existing containers for refuse and recycling at my visit and am satisfied that such facilities at the appeal property would be sufficient to meet the needs of a short term let.
14. Although compliance with refuse and recycling provision would be met (policy Q12 of the LP), the lack of storage of cycles would be contrary to policy Q13, which encourages the increased use of cycling for sustainable transport, health and wellbeing.

Conclusion

15. Based on all factors and the reasoning above, I dismiss the appeal.

C Hall

INSPECTOR