



Appeal Decision

Site visit made on 6 August 2024

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 NOVEMBER 2024

Appeal Ref: APP/C5690/W/23/3336056

48A Randlesdown Road, Bellingham, Lewisham, London SE6 3BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ozen Enterprises Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/23/133199.
 - The development proposed is an HMO conversion to continue using the upper flat as a 5-bedroom 5 person HMO (C4) associated with bike storage and erection of a rear dormer extension.
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Decision

1. The appeal is allowed and planning permission is granted for an HMO conversion to continue using the upper flat as a 5 bedroom 5 person HMO (C4) associated with bike storage and erection of a rear dormer extension at 48A Randlesdown Road, London, SE6 3BT in accordance with the terms of the application, Ref DC/23/133199, subject to the conditions in the attached schedule.

Procedural Matters

2. In the interest of accuracy and conciseness, the description of development in the banner heading above has been altered. The second paragraph of the description of the proposal on the planning application form refers to the existing use of the appeal property as a 6-bedroom 6 person House in Multiple Occupation (HMO) and the intention to reduce the occupancy level to a 5 person HMO with a shared kitchen and living room. The description includes further detail not required to be included in the banner heading.
3. The appeal is part-retrospective given the conversion of the dwelling to an HMO has already occurred. I have considered the appeal on this basis.

Main Issue

4. The main issue is whether the proposal would be contrary to local housing policies that seek to protect larger housing suitable for family occupation.

Reasons

5. The appeal property is a first floor flat within a two-storey mid-terrace building that is part of a local shopping parade along Randlesdown Road. The flat was previously a dwelling but has since been converted into an HMO. There is a commercial unit on the ground floor occupied by a flooring service contractor. The building features a two-storey rear outrigger and a first-floor terrace with

external stairs giving access to the rear garden. There is also an outbuilding within the garden which is used by the flooring service contractor.

6. Policy DMP6 of Lewisham Council's Development Management Local Plan 2014 (the LP) provides controls for HMOs. It seeks to ensure that proposals for HMOs do not result in the loss of existing larger housing suitable for family occupation. The Council also refer to Policy DMP3 of the LP which states that the conversion of single-family dwellings may be permitted if the property is adjacent to noise generating or other environmentally unfriendly uses or where there is a lack of suitable amenity space for family use.
7. The appeal property lies above a commercial unit and is adjacent to other ground floor retail units such as a supermarket and a hot food take-away restaurant. It is situated within a relatively busy section of Randlesdown Road, characterised by a parade of shops close to Bellingham rail station. On my site visit, there was a noticeable amount of traffic and pedestrians. Whilst this is just a snapshot in time, it indicates that the road can get congested, especially at peak hours. I note it is an unclassified road, however, I do not concur with the Council that it is a quiet road.
8. Whilst the Council state that the flat would have sound insulation installed in line with Building Regulations, it is not appropriate for a family to be sharing a building with a commercial use such as a flooring contractor given this type of business may involve the use of loud machinery and the moving and stockpiling of bulky equipment, materials and waste within the rear yard.
9. The appellant has submitted evidence demonstrating that the occupiers of the flat only have rights of way along the path within the rear yard which runs from the rear access to the external stairway serving the first-floor rear terrace. Therefore, the only available amenity space for the occupiers would be the terrace. It is limited in size and is directly adjacent to the commercial unit. It overlooks the paved yard and storage building used by the flooring contractor. This is an unpleasant setting and is not sufficiently private. In my view, it would be an inadequate space for a family with children.
10. The Council's Strategic Housing Market Assessment 2021/22 (SHMA) states that stakeholders ranked family housing as one of the highest priorities in the borough whereas HMOs were ranked the lowest priority. The Council also highlight that the Borough of Lewisham has failed its Housing Delivery Test, with the results demonstrating that housing completions are significantly under-performing, at 51% of the requirement delivery target of 75%. The Council suggests there is therefore a greater need to maintain existing single family housing stock. However, the appeal property would not be suitable for family accommodation, therefore these considerations do not alter my view that the conversion to an HMO is acceptable.
11. Given the above, the proposal would not be contrary to local housing policies that seek to protect larger housing suitable for family occupation. It would not conflict with Policy DMP6 of the LP and Policy 1 of the Core Strategy (2011) insofar as it seeks a mix of housing provision across the borough. Although not specifically relevant to the main issue of this appeal, the proposal would not conflict with paragraph 135 of the National Planning Policy Framework (NPPF) which seeks to ensure developments are well-designed and provide a high standard of amenity for existing and future users.

Other Matters

12. I have had regard to the neighbour's comments regarding the retrospective nature of the proposal. However, this appeal seeks to regularise the conversion and I have found that it would not conflict with local housing policies. I have not been provided with sufficient evidence regarding the capacity of the local infrastructure and therefore I have attributed limited weight to this consideration.

Conditions

13. To meet legislative requirements, a condition shall be imposed to address the period for commencement. Furthermore, the approved plans should be specified for the avoidance of doubt and in the interests of certainty.
14. In order to ensure that the development provides adequate recycling facilities, refuse storage and cycle parking facilities, I have imposed conditions requiring the submission of details regarding these matters prior to the occupation of the development.

Conclusion

15. For the reasons given above the appeal should be allowed.

Thomas Courtney

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos EFP/23056-1; EFP/23056-2; EFP/23056-3 and the Site Location Plan.
- 2) The development hereby permitted shall begin not later than three years from the date of this decision.
- 3) (a) Prior to the first occupation of the development hereby approved details of proposals for the storage of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority.
(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.
- 4) (a) Prior to the first occupation of the development hereby approved, full details of the proposed cycle parking facilities shall be submitted to and approved in writing by the local planning authority.
(b) The facilities as approved under part (a) shall be provided and made available for use prior to occupation of the development and maintained thereafter.