



Appeal Decision

Site visit made on 3 December 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/C5690/W/24/3346926

121 Hither Green Lane, Lewisham, London SE13 6QF

- 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 Claud Investments Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/24/135444.
 - The development proposed is: second floor rear extension; change of use of existing 6 bedroom HMO (use class C4) to a large HMO (sui generis) containing 7 bedrooms.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on;
 - the supply of housing suitable for family occupation within the Borough; and
 - the character and appearance of the area.

Reasons

Housing suitable for family occupation

3. I understand that the dwellinghouse on the site is a licensed house in multiple occupation (HMO), and that it is in use as a small HMO. Such a use is within Class C4 of the Town and Country Planning (Use Classes) Order 1987 – as amended. A larger HMO - as proposed, would be a Sui Generis use.
4. DM Policy 6 of the Lewisham Local Plan¹ (the Local Plan) relates to HMOs. Within its supporting text, it is stated that the aim of this policy is to provide controls for HMOs that fall within the Sui Generis use class. Where a new HMO would be provided, this policy requires that such development would not result in the loss of existing larger housing suitable for family occupation.
5. Notwithstanding the existing use of the premises, the development would result in the provision of a new larger HMO. As such, and given the wording of both DM Policy 6 and its explanation, this policy is relevant in the determination of this appeal.

¹ Lewisham - Lewisham local development framework – Development Management Local Plan – adopted 26 November 2014

6. The 2021/2022 Strategic Housing Market Assessment Update², states that there is a specific need for large family housing within the Borough. Although it also attributes a likely growth in demand for HMOs to a lack of affordability of housing, it suggests that a balanced approach is needed, to avoid the loss of family sized housing.
7. The existing floor plans show that the property includes 3 good sized rooms at both ground and first floor levels; a sizable room at second floor level; various smaller rooms - which include a kitchen and shower rooms; as well as cupboards and circulation areas. During my site visit, I observed that the property also has a reasonably sized rear garden. The amount and general layout of the accommodation make it suitable for occupation by a larger family. Moreover, the permitted development right at Class L of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 – as amended, enables flexible movement from a single C4 use to a single C3 use. Consequently, and notwithstanding its current use, the dwellinghouse could provide accommodation suitable for family occupation.
8. Even if the larger HMO would contribute to the provision of good quality accommodation, and, it would be suitable for young people and those with low incomes, it would result in the loss of a type of housing for which there is a specific local need. As such, and whether or not the previous introduction of article 4 directions/s is reducing the amount of HMO's being delivered in the area, the small benefits associated with the delivery of one larger HMO, would not justify this loss.
9. For the reasons given, the proposed development would have a harmful effect on the supply of housing suitable for family occupation within the Borough. Consequently, it would conflict with Core Strategy Policy 1 of the Lewisham – Lewisham local development framework – Core Strategy Development plan document – adopted June 2011 (the Core Strategy), and DM Policy 6 of the Local Plan. Collectively and amongst other things, these policies seek to ensure that housing development meets the existing and future needs of the Borough.

Character and appearance

10. An attractive large semi-detached dwelling, which is brick faced, occupies the appeal site. The roofs of the main part of the house and the 2-storey part of the rear outrigger are pitched. When viewed from Hither Green Road, it forms one of a series of similar, closely positioned, and well-balanced properties that address this road. Some properties within this series have 3-storey rear outriggers with mono-pitched roofs running away from the main part of the house. However, and in common with many others within the series, the building on the appeal site has a 2-storey rear outrigger with a mono-pitched roof, the ridge of which adjoins the neighbouring property - number 119 Hither Green Lane (number 119).
11. A large tile hung dormer window has been formed within the rear facing roof plane of the main part of the dwelling on the appeal site, and the building at number 119 has been subject of alterations and extensions, including the rendering of its external walls. Nevertheless, and notwithstanding other alterations and extensions to properties in the series, the design quality, architectural detailing, and regularity,

² The London Borough of Lewisham Strategic Housing Market Assessment 2021/22 Update – Final Report - March 2022

generally found within and between most of the pairs of buildings within this series, contributes positively to the character and the appearance of the area.

12. Although the proposed rear extension would not be readily visible from the street within Hither Green Lane, it would be visible from nearby properties.
13. Unlike the main part of the existing dwelling, the 3-storey rear outrigger at number 119, and other nearby 2 and 3 storey rear outriggers, the proposed second floor rear extension would have a flat roof. Moreover, its height would be only slightly less than the ridge of both the outrigger it would adjoin and the main part of the host dwelling. That being the case, and due to its height and shape, the extension would be both a prominent, unsympathetic, and incongruous addition to the rear of the building. Moreover, and for the same reasons it would not respect or complement the architectural characteristics and detailing of the original building.
14. In terms of massing, the 3-storey rear outrigger which would result from the implementation of the appeal scheme, would be similar to that at number 119. However, unlike at number 119 neighbouring property, the external walls of the upper storeys of the outrigger would be faced with hanging tiles. The roof shape, and the alignment and size of the rear facing second-floor windows, would also differ. As such, there would be only a limited degree of balance between these two adjoining rear outriggers. Moreover, and due to its design, bulk, and materials, the rear extension would further erode the similarities between the pair of dwellings it forms part of and other pairs in the series.
15. For these reasons, the proposed development would cause harm to the character and appearance of the area. Consequently, it would conflict with policies 30 and 31 of the Local Plan and policy 15 of the Core Strategy. Collectively, and amongst other things, these policies require development to be of a high design quality, which respects the form and architectural characteristics of the original building, and which is sensitive to local character.

Other Matters

16. The provision of additional residential accommodation in a location where good access to local services and facilities can be secured, would be a benefit. However, given the small amount of accommodation that would be provided, the associated benefits would be very minor.
17. While the Council previously granted permission for a rear extension at second floor level at number 119, the evidence does not enable me to understand the circumstances leading to that decision. Furthermore, the external works undertaken at that property have been taken into account in my consideration of this appeal.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that this appeal should be dismissed.

V Simpson

INSPECTOR