

Appeal Decision

Site visit made on 11 April 2016

by D M Young BSc (Hons) MA MIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 May 2016

Appeal Ref: APP/K5600/W/15/3141239

Flats 3 and 4, Egerton Court, 4 Old Brompton Road, London SW7 3HT.

- 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 Will Roberts against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/15/06419, dated 7 October 2015, was refused by notice dated 3 December 2015.
 - The development proposed is the conversion of flats 3 (1 x 3 bedroom) and 4 (1 x 2 bedroom) at second floor to the existing building into 1 x 3 bedroom flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the loss of a residential unit on housing supply.

Preliminary Matter

3. I have taken the site address from the Council's decision notice as this is more accurate than the version provided on the application form.

Reasons

4. Egerton Court is an attractive 5-storey end-terrace building occupying a prominent position opposite South Kensington underground station. It comprises commercial uses at ground floor level with living accommodation on the upper floors.
 5. Policy 3.3 of "*The London Plan 2015*" (the LP), consolidated with alterations since 2011, recognises the pressing need for more homes in London. The policy expects Boroughs to seek to achieve and exceed the minimum annual average housing target. These aims are reflected in Policy CH 1 of the "*Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015*" (the CLP) states that the Council will ensure that sufficient housing sites are allocated in order to ensure that the housing targets are met.
 6. The Council has indicated that the annual target net increase required has risen from 350 units in 2010 to the current target of 733 units. Evidence from the December 2015 "*Strategic Housing Market Assessment*" indicates that there is broadly equal demand for 1, 2, 3 and 4 bedroom properties in the Borough.
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7. The Council estimates that over the past 5 years approximately 400 residential units have been lost in the Borough as a result of amalgamations. I find this estimate to be somewhat conservative since prior to August 2014 planning permission was not required and therefore the Council's figures are based on the number of lawful development certificates received in each year. By extrapolating the number of amalgamations from 2014/15 to the 5 year period, the number of lost units would be closer to 550. Irrespective of the exact number of lost units, it is clear from the information before me that the number of amalgamations is having a detrimental effect on the overall supply of housing in the Borough. Therefore whilst I accept that the proposal in itself would only have a minimal effect on the Borough's housing target, it would nonetheless contribute to a troublesome trend involving the loss of housing stock in the Borough.
8. Policy CH 3 of the CLP seeks to protect '*market residential use and floorspace*' subject to stated exceptions. The proposal would retain the market residential use and the overall amount of floorspace. Accordingly and notwithstanding the loss of a residential unit, the proposal does not conflict with Policy CH 3.
9. Policy 3.14 (b) of the LP states that the loss of housing units should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floor space. 'Housing' is not defined in the policy, however, having carefully considered the opposing interpretations put forward by the appellant and the Council, it is my view that '*density*' in the context of the policy refers to residential units otherwise there would be no effective way to monitor the policy. As the one unit being lost would not be replaced, I find that the development would not accord with the LP in this regard.
10. Saved Policy H17 of the "Unitary Development Plan 2002" (the UDP) seeks to 'resist the loss of existing, small, self-contained flats of one or two habitable rooms'. The preface to the policy highlights the need to maintain a large stock of small residential units in the Borough in order to maintain population levels and the number of adult households. I am satisfied, that the basement flat is the type of accommodation envisaged and consequently, the development would conflict with Policy H17. I appreciate that this policy is not referenced in the Council's refusal reasoning. However, the appellant has submitted comments on it and under these circumstances, I am satisfied that no injustice would be caused if I were to consider the proposal in light of Policy H17.
11. I have noted the appellant's argument that Flat 4 is substandard as its size and layout fall below the prescribed limits set out in the LP. Whilst that may be so, the flats have subsisted in their current form for a period of years and there are no indications from the current or previous occupants of Flat 4 to suggest the accommodation is unsatisfactory in this regard. Furthermore, the space standards set out in Policy 3.5 of the LP have now been superseded by the "*Technical Housing Standard- nationally described space standard*" which does not contain minimum floor space requirements for specific rooms, only per unit.
12. Both parties have rehearsed arguments in respect of Policy CH2 of the CLP. However, this policy is of limited relevance since it is concerned with proposals involving the loss of 5 or more residential units. In any event, it is not cited in the Council's refusal reasoning.

13. Based on the foregoing, I conclude that the development would undermine the objectives of CLP Policy CH 1 of the CLP and Policies 3.14 and 3.3 of the LP which collectively seek to resist the loss of existing housing stock and to deliver sufficient housing to meet the Council's housing targets. It would also conflict with Saved Policy H17 of the UDP.

Other Matters

14. Whilst I have had cognisance to the appeal decisions put before me from both parties, I am required to assess the appeal before me on its own merits in the light of the particular circumstances which apply in this case and this is what I have done.
15. I appreciate the appellant's desire to enhance the amount of living space available but this does not outweigh the harm I have identified.

Conclusion

16. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector