

Appeal Decision

Site visit made on 6 September 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 28 September 2016

Appeal Ref: APP/K5600/W/16/3153809

10 Redesdale Street, London SW3 4BH

- 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 Peter Rogan against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/15/07935, dated 15 December 2015, was refused by notice dated 10 February 2016.
 - The development proposed is a change of use from present configuration of 3 self contained flats to one single family dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from present configuration of 3 self contained flats to one single family dwelling at 10 Redesdale Street, London SW3 4BH in accordance with the terms of the application, Ref PP/15/07935, dated 15 December 2015 and subject to the following conditions: .
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, PL001; Existing Block Plan, PL002; Proposed Block Plan, PL003; Existing and Proposed Lower Ground Floor Plans, PL004; Existing and Proposed Ground Floor Plans, PL005; Existing and Proposed First Floor Plans, PL006; Existing and Proposed Second Floor Plans, PL007; Existing and Proposed Roof Plans, PL008; Existing and Proposed Section AA, PL009; Existing and Proposed Rear Elevations, PL010; Existing and Proposed Front Elevations, PL011.

Procedural Matter

2. The description of the development set out above is altered slightly from that on the application form through the removal of narrative text not related to the development itself.
 3. The submissions make reference as to whether the proposal is development. However, this is not a matter for me to determine in the context of an appeal under Section 78 of the Town and Country Planning Act, 1990.
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Main Issue

4. The main issue in this case is the effect of the proposal on housing provision within the Borough in the light of relevant local and national policies.

Reasons

5. The appeal site is a 3-storey mid terraced property with a basement. It is currently sub-divided into two one bedroom flats which occupy the lower ground floor and ground floor and the upper two floors comprise a three bedroom flat. The appeal proposal would amalgamate this accommodation to provide a single four bedroom dwelling.
6. Consistent with one of the aims of the National Planning Policy Framework (the Framework) which is to boost significantly the supply of housing, Policy 3.3 of the London Plan seeks, amongst other things, to ensure that identified housing need is met through provision consistent with at least an annual average of 42,000 net addition homes across London. Policy CH1 of The Royal Borough of Kensington and Chelsea Consolidated Local Plan, 2015 (Local Plan) states that the Council will ensure that sufficient housing sites are allocated in order to ensure the housing targets are met. These targets are now set at an annual requirement of 733 units. Although up until 2014 the Borough was falling short of meeting their previous housing supply targets, evidence provided by the Council advises that during 2014/15 there were 982 net residential completions and the Council state that they are currently able to demonstrate a 5 year supply of housing land.
7. Policy CH2 of the Local Plan deals with Housing Diversity, including housing mix and type. The supporting text to this Policy acknowledges that dwellings are lost through all forms of de-conversion/amalgamation but also recognises that there is a demand for larger residential homes throughout the Borough. Policy CH2 has been developed to strike a balance between the loss of residential units and the need for larger family dwellings. It resists proposals which result in the net loss of five or more residential units. The appeal proposal would result in the net loss of two residential units and I therefore find no conflict with this Policy. I have had regard to the Councils most recent Strategic Housing Market Assessment (December 2015) which indicates that the need for larger residential dwellings is now not significantly greater than the need for one and two bedroom accommodation. This does not however alter my findings with regard to compliance with Policy CH2 (f) which is silent on proposals that would result in the net loss of less than five residential units.
8. Furthermore, although the appeal proposal would result in the net loss of two residential units which each provide one bedroom accommodation, it would provide a single 4 bedroom family house for which there is still a recognised need within the Borough. I therefore find no conflict with Policy CH2 (a) which requires new residential development to include a mix of types, tenures and sizes to reflect the varying needs of the Borough.
9. The London Plan through Policy 3.14 seeks, amongst other things, to resist the loss of housing, unless the housing is replaced at existing or higher densities with at least equivalent floor space. The appeal proposal would result in the net loss of two residential units although there would be no loss of residential floorspace. I agree with the Council that the loss of two units would reduce housing density on this site, however this reduction would be not be significant

when considered in the context of the surrounding area and having regard to the limited number of bed spaces lost. Moreover, two of the existing residential units fall short of providing the private open space requirements set out in Standard 26 of the recently adopted Mayor of London's Housing, Supplementary Planning Guidance, 2016 (SPG).

10. The Council are concerned that the loss of units associated with amalgamations would have a material impact on housing supply within the Borough. The SPG recognises that de-conversion of a number of smaller units into larger dwellings can reduce capacity to meet the requirements of smaller households. However, it also acknowledges at paragraph 5.1.10, that where larger family sized properties are required to address the needs of a particular community, housing may be provided at marginally lower densities and the requirements of Policy 3.14B should be applied flexibly. I have had regard to the evidence the Council has provided in terms of the number of units lost over the last 5 years. However, the London Plan is set out in terms of net additional housing provision and resisting net loss of housing over the plan period. The most recent net completion figures provided by the Council show a significant rise over previous years, and although it is clear that amalgamations do result in the loss of units, I am unconvinced that the loss of two units would have a material adverse impact on housing supply.
11. It is clear that the existing flats meet a housing need. However, the existing three-bedroom family accommodation only has access to a small roof terrace and this is through a bathroom. Moreover the ground floor flat has no private open space at all. The appeal proposal would provide well laid out accommodation suited to the size and scale of the property and include a private garden area. It seems to me that the proposed four bedroom dwelling would meet a demonstrable housing need within the Borough and would provide a home for the appellant and his family. In this respect the proposal would accord with the provisions of Policy 3.3 (A) and 3.14 (A) of the London Plan.
12. Decisions must be made in accordance with the Development Plan taken as a whole. The loss of two flats would slightly reduce the housing stock in the Borough but this would not conflict with adopted Policy CH2 (a) and (f) which only seeks to prevent the loss of five units or more and retain a housing mix and type. Policy 3.14 of the London Plan is a strategic policy which resists loss of housing unless it is replaced at existing or higher densities with at least equivalent floorspace. The SPG makes it clear that it should be applied flexibly. The proposal would preserve existing residential floorspace and would provide an additional 4 bedroom dwelling within the Borough for which there is a demonstrable need. Overall the standard of accommodation on the appeal site would be improved and this would not impede the ability of the Council to meet its housing targets. I therefore find no conflict with Policy 3.14.
13. I therefore conclude that the proposed development would not have a harmful effect on housing provision within the Borough in the light of relevant local and national policies. I therefore find no conflict with Policies CF1 and CF2 of the Local Plan or Policies 3.3 and 3.14 of the London Plan, the aims of which are set out above.

Other Matters

14. Parties have referred me to various other appeal decisions relating to the amalgamation of units where varying conclusions on the interpretation of policy have been reached, including appeal ref APP/K5600/W/15/3134675¹ which was dismissed. Whilst I have taken these decisions into account, I am not aware of the evidence that was put to the Inspector at the time of the decision. I cannot therefore conclude that the proposals are entirely comparable.
15. The site is situated in the Royal Hospital Conservation Area. I note that there is some disagreement between the parties as to whether or not the proposal would have “conservation merit” by virtue of the proposal reverting to use as a single dwelling. There are no proposals to carryout any external alterations to the building, and having regard to the detail of both parties’ arguments in this respect, I find that the proposal would preserve the character and appearance of the Royal Hospital Conservation Area and so is neutral in the planning balance.
16. In reaching this conclusion I have applied the statutory test set out at Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act, 1990 that requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Conclusion

17. Subject to a condition specifying the approved plans which provides certainty, I conclude that for the reasons given above and having regard to all other matters raised, the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR

¹ Flat 1 & Flat 2, 12 Egerton Gardens, London