



Appeal Decision

Site visit made on 6 September 2016

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 18th October 2016

Appeal Ref: APP/K5600/W/16/3151240

4 and 4a, Netherton Grove, London SW10 9TQ

- 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 Dorrington Residential Limited (Ms Joanne Rams) against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/01261, dated 25 February 2016, was refused by notice dated 28 April 2016.
 - The development proposed is amalgamation of existing two 2 bedroom residential units to form one 3 bedroom family sized house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the appeal proposal on the supply and choice of housing in the Borough.

Reasons

3. The appeal relates to an end of terrace property currently in use as two residential units. On the basis of the planning history, development in the locality and the design of the appeal property, it is likely that it was originally in use as one residential house, being converted to two maisonettes in its more recent history.
 4. The London Plan The Spatial Development Strategy for London Consolidated with Alterations since 2011 (LP) Policy 3.3 sets out that boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target in table 3.1 of the LP. Renewed figures have been reflected in the greater housing supply target set out in policy CH1 of the Royal Borough of Kensington & Chelsea Consolidated Local Plan (2015) (CLP). The Council's Annual Monitoring Report 2014/2015 (AMR) indicates that the Borough is able to meet that housing supply target, albeit by a very small margin. However, the Council provides evidence of the negative impact that amalgamations of residential units have recently had on the housing supply. Notwithstanding whether those housing targets have already accounted for net losses, I find this evidence convincing. This is because the margins are so small. On this basis I cannot be assured that the reduction of one unit, as proposed in this appeal, would not adversely affect the Council's ability to achieve and exceed its housing target. For the same reason, it would also fail to accord with paragraph 47 of the National Planning Policy Framework (the Framework), which aims to boost significantly the supply of housing.
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5. LP Policy 3.14 generally seeks to protect housing in London. Specifically, Policy 3.14(B) resists the loss of housing, unless it is replaced at existing or higher densities with at least equivalent floor space. I agree with the Council that density is generally calculated and monitored in terms of the number of units. LP policy 3.3 and policy CH2 of the CLP along with CLP paragraph 35.3.34 clearly refer to numbers of units rather than floor space. Further, paragraph 1.2.38 of the Mayor of London Housing Supplementary Planning Guidance (2016) adds weight to this conclusion, where it states '*where there is local evidence that the amalgamation of separate flats into larger units is leading to the sustained loss of homes, boroughs are encouraged to resist this process in line with London Plan Policy 3.14*'.
6. Whilst I acknowledge that the appeal proposal would provide the same amount of floor space as existing, it would reduce the number of residential units. It therefore would not replace it at the existing density or higher. For this reason I find that the appeal proposal would fail to accord with that policy.
7. CLP policy CH2(f) relates to the net loss of five or more residential units and I agree with the appellant therefore that it is not relevant to this appeal. Whether that policy is subject to change in the emerging LP review is therefore not material to my decision.
8. CLP Policy CH2(a) requires new development to include a mix of types, tenures and sizes of homes taking into account current evidence in relation to housing need. The appellant points to CLP para 35.3.10, which states that '*over the next 20 years, the size of new market housing likely to be required in the borough is 20 per cent one and two bedroom units and 80 per cent three and four or more bedroom units*'. However, the Council's Strategic Market Housing Market Assessment (December 2015) indicates that there is currently a slightly greater need for smaller units of residential accommodation¹. As this is the current housing need, the appeal proposal, in creating one larger unit and resulting in the loss of two smaller units would fail to accord with that element of CLP Policy CH2.
9. I acknowledge that the appeal proposal would provide a large house suitable for a family in a location well served by public transport, services and facilities and it may encourage families to stay in the area. I also acknowledge that the existing upper flat does not lend itself to family accommodation as it does not provide access to a garden. I am also aware that the appeal proposal would involve the refurbishment of the interior of the appeal property, and although not included within the appeal application, the appellant intends to repair and refurbish the outside. Whilst these would be benefits of the appeal proposal, they would not outweigh my concerns outlined above.
10. I have taken account of previous appeal decisions brought to my attention by the appellant². Others have been provided by the Council in support of its decision³. However, I do not know what information was before those Inspectors and therefore cannot determine that they are comparable. There is some difference in the way that previous Inspectors have interpreted policy. However, my decision does not turn on that issue alone. However, regardless

¹ One and two bedroom residential units.

² Ref APP/K5600/W/15/3028100; APP/K5600/W/15/3134102; APP/K5600/X/15/3132022;

APP/K5600/W/15/3035957; APP/K5600/Y/15/3035945; APP/K5600/W/15/3035964; APP/K5600/Y/15/3035972.

³ APP/K5600/W/15/3137970; APP/K5600/W/15/3134675; APP/K5600/W/15/3010078; APP/K5600/X/15/3051160.

of their conclusions on policy interpretation, in respect of those submitted in support of the appeal, I can conclude that the first is based on a previous version of the Council's AMR. In the others, evidence was before those Inspectors to indicate that those appeals would result in the provision of larger residential units, for which there was a Borough shortage. Further, I have no evidence that the Mayor of London Housing Supplementary Planning Guidance (2016), which adds weight to my interpretation of policy 3.14 of the LP was before those Inspectors. These matters differentiate those appeals from the one before me.

11. Overall, I conclude that the appeal proposal would adversely affect the supply and choice of housing in the Borough. It would therefore fail to accord with CLP policies CH1, CH2, and LP policies 3.3 and 3.14.
12. I note that both parties refer to CLP policy CH3, which seeks to protect residential use and floor space except in certain circumstances that do not relate to this appeal. However, on the basis of my previous findings I have no reason to consider this matter further, as it would not affect the outcome of this appeal.

Other Matters

13. The appeal property would be returned to its historic residential use and as the locality has a residential feel and there would be no external alterations, the appeal proposal would preserve and enhance the character and appearance of the Sloane Stanley Conservation Area. I acknowledge some benefit in returning the property to its historic use, but this would be limited as the current use is not out of character and subdivision not intrusive. Overall, the benefits when taken together do not outweigh the harm that I have identified to the supply and choice of housing in the Borough.

Conclusion

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

R Barrett

INSPECTOR