

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/16/3149717

55 Holland Park London W11 3RS

- 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 Guy Stansfeld against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/01202, dated 25 February 2016, was refused by notice dated 22 April 2016.
 - The development proposed is 'alterations at lower ground floor level including reinstatement of historical front garden layout, together with historically appropriate boundary treatment to match adjacent properties, reinstatement of vault spaces, construction of staircase to courtyard, replacement of sash windows with four panel doors to light wells, insertion of internal doors and associated internal alterations for amalgamation of two residential units'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of its consideration of the appeal application, the Council changed the description of proposed development on the appeal application form. There is nothing before me to suggest that the appellant disagreed with this. I have therefore used this revised description in my banner heading above.
3. I note that this appeal application was accompanied by a listed building consent application which was subsequently approved¹. This matter has been taken into account in my decision.

Main Issue

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

Reasons

5. The appeal relates to two residential units which form part of a large detached stucco villa. The appeal site is part of the planned nineteenth century development in this part of Holland Park. It is a grade II listed building and is situated within the Holland Park Conservation Area.
6. It is agreed between the two main parties that although the appeal development would result in additional residential floor space, it would

¹ LB/16/01203.

amalgamate two residential units, and would therefore result in the loss of one residential unit. Policy 3.3 of The London Plan The Spatial Development Strategy for London Consolidated with Alterations since 2011 (LP) 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 account for net losses, I find this evidence convincing, in respect of the effect of the appeal on the Council's ability to meet its housing target. This is because the margin by which it would be met is so small. On this basis, therefore, 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 as required by LP Policy 3.3. For the same reason, I cannot be assured that it would accord with paragraph 47 of the National Planning Policy Framework (the Framework), which aims to boost significantly the supply of housing.

7. Policy 3.14 of LP 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. Whilst I acknowledge that the appeal proposal would result in a small increase in residential floor space, it would reduce the number of residential units. It therefore would not replace housing at the existing density or higher. For this reason, I find that the appeal proposal would fail to accord with that policy.
8. I have also had regard to a previous Council decision brought to my attention. (Council Ref PP/16/01032), in which the Council officer states that the Council has a five year housing land supply (HLS). That matter is not disputed. In any event that case related to the loss of business floor space for residential, which differentiates it from the appeal before me.
9. 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 Council's Strategic Market Housing Market Assessment (December 2015) indicates that there is a slightly greater need for smaller units of residential accommodation². 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.
10. The appellant has drawn my attention to references in the CLP which imply that de-conversions will be allowed in order to provide larger family housing³. I acknowledge that CLP policy CH2 seeks to ensure new housing is provided so as to further refine the grain of the mix of housing across the borough and in CH2(b) refers to amalgamations. Also, Policy CH2(f) resists the net loss of five or more residential units. The appellant also refers to the Local Plan Partial

² One and two bedroom residential accommodation.

³ Page 10 of the CLP states that specifically by 2028, 'more larger family housing will have been provided, both through new build and through 'de-conversions'. CLP paragraph 35.3.18 states that 'in order to limit the loss of residential units while allowing some flexibility in terms of the creation of larger residential units, a policy has been developed which resists proposals which result in the net loss of five or more residential units'.

Review which sought views on amendment to that policy. Whether there is an implicit acknowledgement in the CLP and its review that some de-conversions will be permitted or not, any proposed amalgamation of units that would require planning permission would need to be assessed against the Development Plan as a whole; as in this appeal.

11. In coming to this conclusion, I have taken into account that the appeal proposal would provide a generous sized residential unit in a location well served by public transport, services and facilities. Whilst these would be benefits of the appeal, they would not outweigh my concerns outlined above. I am also aware that the proposed residential unit is intended to provide family accommodation for the present occupier, but that would be a private benefit, which reduces the weight that I attach to it. I am mindful of the listed status of the property, which reduces the ability to provide family accommodation by means other than amalgamation of existing units. I also note that it would include more bedrooms, but there is currently no greater need for family accommodation than for small units, which reduces the weight I accord to this matter.
12. I have taken account of a previous appeal decision brought to my attention by the appellant⁴. I do not know what information was before that Inspector and therefore cannot determine that it is comparable. However, I can conclude that the Mayor of London Housing Supplementary Planning Guidance (2016) was not before that Inspector, which adds weight to my conclusion regarding LP Policy 3.14. This matter differentiates that appeal from the one before me.
13. The Council refers to other decisions⁵, some of which are more recent and some which express a contrary view to that Inspector on the interpretation of LP Policy 3.14. To these I have had regard and have generally concurred with those findings where relevant to this appeal.
14. 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 of the London Plan. It would also fail to accord with paragraph 47 of the Framework.

Other Matters

15. Overall, the Council considers that the appeal proposal would preserve and enhance the character and appearance of the Holland Park Conservation Area and the special architectural and historic interest of the grade II listed building. The proposed alterations would help to reinstate some of the former floor plan and would not adversely affect historic features of the building. Further, it would involve the erection of a balustrade and vaults at the front of the appeal site, along with a small front garden, which would improve its appearance. For this reason, I agree with the Council on these matters. As a consequence I acknowledge some heritage benefit would result from the appeal. However, that benefit would be limited and together with other benefits identified would not outweigh the harm to the supply and choice of housing in the Borough.

⁴ Ref APP/K5600/X/15/3028049; APP/K5600/W/15/3028100; APP/K5600/Y/15/3028120.

⁵ APP/K5600/W/15/3010078; APP/K5600/W/15/3033918; APP/K5600/W/15/3049301; APP/K5600/X/15/3051160; APP/K5600/W/15/3134675; APP/K5600/W/15/3137970; APP/K5600/W/15/30134675.

Conclusion

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

R Barrett

INSPECTOR