
Appeal Decision

Site visit made on 6 December 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 21 December 2016

Appeal Ref: APP/K5600/W/16/3158561
88 Barlby Road, London W10 6AP

- 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 Jonathan Terry against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/03244, dated 8 June 2016, was refused by notice dated 3 August 2016.
 - The development proposed is the construction of a single storey rear extension and amalgamation of the ground floor and first floor flats.
-

Decision

1. The appeal is dismissed insofar as it relates to the amalgamation of the ground floor and first floor flats. The appeal is allowed insofar as it relates to the construction of a single storey rear extension at 88 Barlby Road, London W10 6AP in accordance with the terms of the application, Ref PP/16/03244, dated 8 June 2016 and the plans submitted with it, so far as is relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 14/572/E001 Site Location Plan, Drawing No 14/572/E010 Proposed Block Plan, Drawing No 14/572/E100 Existing Plans & Elevations Revision D and Drawing No 14/572/P300 Proposed Plan & Elevations Revision A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matters

2. Following correspondence received with the appeal I have taken the appellant's name from the appeal form as this was incorrect on the application form.
 3. For the reasons that follow, I find the single storey rear extension acceptable and it is clearly severable both physically and functionally from the amalgamation of the ground and first floor flats. Therefore I intend to issue a split decision and grant planning permission for the single storey rear extension.
-

Main Issue

4. The main issue is the effect of the proposed development on the supply of housing and the ability to meet housing needs in the Borough.

Reasons

5. The appeal proposal would amalgamate two flats into a single dwelling, thus resulting in the loss of one dwelling unit. Both main parties agree the single storey rear extension is acceptable, I find no reason to disagree.
6. Policy 3.3 of the London Plan¹ (LP) and Policy CH1 of the Consolidated Local Plan of the Royal Borough of Kensington and Chelsea (2015) (CLP) set out minimum housing targets for the Borough. Furthermore, Policy 3.14 of the LP states that the loss of housing should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floor space. Moreover, Policy CH2 of the CLP, states the Council will resist development which results in the net loss of five or more dwelling units.
7. I acknowledge that the residential floorspace would not be reduced and the number of people occupying the floorspace would be the same after the proposed development. However, even though the loss of dwelling units would not amount to five or more as specified in Policy CH2 of the CLP, the proposal would result in the loss of housing that is not replaced at existing or higher density as required by Policy 3.14 of the LP. I am satisfied that Policy 3.14 of the LP is concerned with the loss of dwelling units and the proposal would result in a net loss of such.
8. The Council has provided evidence which informed by the current housing land supply in the Borough demonstrates that the Council expects to be able to meet its housing targets, albeit by a very small margin. Furthermore, this evidence shows that amalgamations of dwellings have resulted in significant losses of dwelling units in recent years, such that if allowed to continue at historical rates, it could significantly reduce the Council's ability to meet its housing targets.
9. Therefore, even though the appeal proposal would only result in the loss of a single dwelling unit, on the basis of the evidence before me I am satisfied that if allowed to continue at historical rates the cumulative effects of such would adversely affect the Council's ability to meet its housing targets.
10. In reaching these conclusions I have taken into account that the appeal proposal would provide a small dwelling which would be suitable for family occupation and there is a need for such accommodation in the Borough. I have also noted that it would provide the space necessary for an elderly relative and a carer to live with the appellant as a single household. I also note the appellant is willing to accept the imposition of a planning condition to make any planning permission personal.
11. However, such a condition would not overcome the harm I have identified and whilst I acknowledge the benefits of the scheme, in my view they would not outweigh the harm arising from the loss of a residential unit and the wider implications in terms of the ability to meet the overall housing needs of the Borough.

¹ The London Plan– The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (2015)

12. For these reasons, I conclude that the single storey rear extension is acceptable but the proposed amalgamation of the two dwelling units is in conflict with the development plan and paragraph 47 of the National Planning Policy Framework (the Framework), which aims to boost significantly the supply of housing. It would specifically conflict with development plan Policies 3.3 and 3.14 of the LP and Policies CH1 and CH2 of the CLP which taken together, aim to ensure the housing needs of the Borough are met.

Other Matters

13. The appeal site is within the Oxford Gardens Conservation Area (CA). In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposed rear extension is relatively modest and overall the proposed development would not be noticeable within the CA. Thus, the character and appearance of the CA would be preserved.
14. I have considered the appeal decisions where the amalgamation of residential units has been allowed² and dismissed³. I have also taken into account the examples where the Council have granted planning permission⁴ for such. However, the full details of those cases are not before me, particularly the evidence before the decision makers. However, each case must be considered on its merits and on the basis of the evidence before me I have found the appeal proposal would be harmful to the housing needs of the Borough.

Conditions

15. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed a condition which requires materials to match the existing dwelling in the interests of safeguarding the character and appearance of the area.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed insofar as it relates to the erection of a single storey rear extension and dismissed insofar as it relates to the amalgamation of the ground floor and first floor flats.

L Fleming

INSPECTOR

² Appeal Reference: APP/K5600/W/16/3008343

³ Appeal reference: APP/K5600/W/15/3010078, APP/K5600/W/15/3030628, APP/K5600/W/15 /3006728, APP/K5600/W/15/3133918, APP/K5600/W/15/3049301, APP/K5600/W/15/3134675, APP/K5600/W/15/3137970 & APP/K5600/W/15/3141343

⁴ Council Reference : PP/15/05539 & PP/14/14/08855