
Appeal Decision

Site visit made on 2 March 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 17 March 2017

Appeal Ref: APP/Z5630/W/16/3159753

1 Nightingale Mews, South Lane, Kingston-upon-Thames KT1 2NS

- 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 Jeremy Macri against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/12358/FUL, dated 11 April 2016, was refused by notice dated 6 September 2016.
 - The development proposed is conversion of the existing premises at 1 Nightingale Mews, Kingston, as 5 separate studio flats and 1 x 1 bedroom flat.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application forms describe the development as retention of the existing premises. However, retention is not a description of development so I have removed it from the description set out above and replaced it with "conversion," in line with the description on the appeal form. I was able to view the completed development when I visited and have taken this into account in coming to my decision.

Main Issues

3. The main issues are:
 - whether the development would adversely affect the mix of housing in the area;
 - whether suitable living accommodation would be provided for the occupants of the proposed dwellings;
 - whether the development provides adequate storage for bicycles;
 - whether the development provides adequate storage for waste facilities; and
 - the effect of the conversion on highway safety with regard to the adequacy of parking provision.
-

Reasons

Housing mix

4. The proposal is for the conversion of a four bedroom dwelling into five studio flats and a one bedroom flat. On my visit, I note that the store room of the one bedroom flat was in use as a second bedroom and one of the flats in the second floor had a separate bedroom, such that it might be better described as a one bedroom flat. Be that as it may, Policy DM13 of the Royal Borough of Kingston-upon-Thames Local Development Framework Core Strategy (CS) confirms, amongst other matters, that proposals for new residential development should incorporate a mix of unit sizes and types including a minimum of 30% of dwellings as 3 or more bedroom units, unless it can be demonstrated that this would be unsuitable or unviable.
5. It is clear that the proposal results in the loss of a four bedroom family dwelling, with no three or more bedroom units to be provided in the development. As a result, the development is contrary to Policy DM13 of the CS and the National Planning Policy Framework (the Framework) that seeks to provide sustainable, inclusive and mixed communities.
6. The property is located in close proximity to the town centre, which is developing and changing, with a number of food establishments and late night bars, medium and high rise developments and a growing student population. It is contended that this results in it being a busy and noisy location with some lawlessness that is not an attractive or appropriate location for family housing. However, I note that national and local policy seeks to retain a mix of housing and that there is a significant requirement for family housing in the Borough. The retention of a family dwelling of three or more bedrooms would contribute to a sustainable, inclusive and mixed community in the area, especially given the growth of the student population. Consequently, based on the limited evidence available, I do not consider that these matters are sufficient to demonstrate that the provision of a 3 or more bedroom unit would be unsuitable or unviable.

Living conditions

7. The appellant confirms that the flats do not meet the housing standards as contained within Policy 3.5 of the London Plan and required by Policy DM13 of the CS, with the exception of the ground floor flat. For a studio flat with a shower, the relevant housing standard requires a floor space of 37m² and for a 1 bedroom 2 person flat, the relevant standard is 50m², but the ground floor 1/2 bedroom flat is only 39m². On that basis, I conclude that none of the flats meet the space standards as set out in Policy 3.5 of the London Plan.
8. I note that the flats each contain beds, wardrobes, fitted kitchen and seating with a limited amount of circulation space that provides the necessary facilities for day to day living, but results in the flats feeling cramped with limited storage space.
9. The ground floor flat has a small garden that provides outside amenity space for occupiers of that unit, but the other units do not have access to any outside amenity space, although they do have access to natural daylight and are well ventilated.

10. As a result, I conclude that the size of the units, along with the lack of outside amenity space for the flats other than the ground floor flat, results in them being cramped units of accommodation that do not provide adequate living conditions for their occupiers, contrary to Policies DM13 of the CS and Policy 3.5 of the London Plan.

Bicycle storage

11. The property contained a tandem garage that would have provided cycle, as well as car, parking for occupiers of the property. Following the conversion of the garage as part of the ground floor flat, the proposal does not provide any cycle parking for occupiers of the development. Part of the garage could have been retained to provide cycle parking for residents of the development, albeit that would have reduced the size of the ground floor flat, such that cycle parking could be realistically feasible to serve the development.
12. The site is located near the centre of Kingston-upon-Thames, in close proximity to alternative forms of transport, such that not all occupiers may wish to have bicycles. However, Policy 6.9 of the London Plan and the Residential Design Supplementary Planning Document (SPD) confirm that functional, sheltered and secure cycle parking is required in residential developments in order to encourage growth in cycling across London.
13. As a result, I conclude that the lack of cycle parking to be provided does not meet the needs of residents of the development, contrary to the Framework, Policy 6.9 of the London Plan and the SPD. The Council also refer to Policy DM9 of the CS, but this relates to highway safety and car parking and it is unclear how it relates to cycle parking provision.

Waste storage

14. Two refuse bins and two recycling bins have been provided for waste, which is below the standard required by the Council, along with instructions provided to residents as to how to deal with waste. I understand that there have been complaints that the development has led to rubbish pollution in the locality, although this is disputed by the appellant. Consequently, I conclude that insufficient waste storage is available for residents of the development and, therefore, the development is contrary to Policy DM10 of the CS and 5.16 of the London Plan.

Highway safety

15. No car parking is provided to serve the needs of residents of the proposed dwellings, although I note that one parking permit is associated with the property. This results in occupiers of the six flats who own cars and their visitors parking on the road. There is limited parking available in the area, given the location within the central parking zone (CPZ) of Kingston town centre where permits are required to park, with spaces heavily subscribed and no free options available. As a result, additional parking on the street would put pressure on the capacity of the local road network that could result in inconsiderate parking, detrimental to highway safety.
16. For these reasons, I conclude that the lack of off street parking for occupiers of 1 Nightingale Mews adversely affects highway safety. As such, the development is contrary to the Framework, Policy 6.13 of the London Plan and

Policy DM9 of the CS that require new development to provide car parking so as not to contribute to congestion or compromise highway safety.

17. I note that the appellant has suggested a legal agreement precluding new residents from obtaining permits in the CPZ and the Council suggest that such an agreement would overcome the harm to highway safety. I see no reason to disagree with their conclusion, but no such agreement has been submitted and no mechanism suggested to secure this.

Other matters

18. Although the development results in a dense form of development, the external appearance of the building has not altered. As such, there is no effect from the development on the character and appearance of the surrounding area.
19. The appellant suggests that the flats have been converted to a high internal specification to provide for young professionals within a highly competitive housing market and I understand that they reflect high-density urban living in Paris. They are close to work for occupants, easy to let and popular with residents, although are not proposed to be a long term solution for the occupants, and seek to contribute to the need for housing in the area. However, none of these matters are sufficient to outweigh the harm I have found in terms of the mix of dwellings, living conditions of occupiers, provision of sufficient cycle and waste storage and the effect of the development on highway safety.

Conclusion

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

AJ Steen

INSPECTOR