
Appeal Decisions

Site visit made on 15 May 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 1st June 2017

Appeal A: APP/K5600/W/17/3166463

Flats 11a & 11b, Empire House, Thurloe Place, London SW7 2RU

- 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 Damor Investments Ltd and RBC Trustees (CI) Ltd against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/04267, dated 5 July 2016, was refused by notice dated 2 September 2016.
 - The development proposed is recombine 11a and 11b into one unit, internal alterations and refurbishment.
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Appeal B: APP/K5600/Y/17/3166462

Flats 11a & 11b, Empire House, Thurloe Place, London SW7 2RU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Damor Investments Ltd and RBC Trustees (CI) Ltd against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/16/04268, dated 5 July 2016, was refused by notice dated 2 September 2016.
 - The works proposed are recombine 11a and 11b into one unit, internal alterations and refurbishment.
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Decision

1. Appeal A: The appeal is allowed and planning permission is granted for the conversion of 11a and 11b into one unit, internal alterations and refurbishment at Flats 11a & 11b, Empire House, Thurloe Place, London SW7 2RU, in accordance with the terms of application Ref PP/16/04267, dated 5 July 2016, 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: P16-101/100; P16-101/102; P16-101/111; P16-101/120; P16-101/200.
 2. Appeal B: The appeal is allowed and listed building consent is granted for the conversion of 11a and 11b into one unit, internal alterations and refurbishment at Flats 11a & 11b, Empire House, Thurloe Place, London SW7 2RU, in accordance with the terms of application Ref LB/16/04268, dated 5 July 2016, and the plans submitted with it, and subject to the following conditions:
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- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Notwithstanding the details indicated on the proposed application, the entrance door to No 11b, the door architrave and the fanlight, shall be retained. Details of any works to board over the door internally shall be submitted to and agreed in writing by the local planning authority. The works shall be carried out only in accordance with the approved scheme.

Preliminary Matter

3. I note that the description of development differs in various documentation. That on the Council's decision notice is a concise and accurate description of the proposal and I have used it in my formal decision above.

Main Issues

4. The main issues in this case are:
 - The effect of the proposal on the provision of housing in the Borough having regard to local and national policy.
 - The effect of the proposal on the special architectural or historic interest of the listed building.

Reasons

The effect of the proposal on the provision of housing in the Borough

5. Nos 11a & 11b are two one-bedroomed flats located on the fourth floor of Empire House, a grade II listed building dating from 1909-1916. The building, which was originally built as a showroom, warehouse and offices, is in use as retail units on the ground floor with flats above. Permission is sought for the amalgamation of the two units to form one, two-bedroomed flat, as it is thought to have been originally, and to reorder the interior by the removal and relocation of some of the partition walls.
6. Consistent with one of the aims of the National Planning Policy Framework (the Framework) 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 additional homes across London. Policy CH1 of The Royal Borough of Kensington and Chelsea Consolidated Local Plan, 2015 (the 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 880 units including an additional 20% buffer or 4,398 dwellings in the first five years. The Council advise that the projected housing supply for the first five years of the plan is 4,416, giving a small margin above the required target. Accordingly, whilst I note that net residential completions and new approvals were lower in 2015/16 than they had been the previous year, the Council are currently able to demonstrate a 5 year supply of housing land.
7. The Council are concerned that the loss of units associated with amalgamations would have a material impact on housing supply within the Borough. Although it is clear that amalgamations do result in the loss of units, I am unconvinced

- that the loss of a single one-bedroomed unit would have a material adverse impact on housing supply. Consequently I find no conflict with Policy CH1.
8. Policy CH2 of the Local Plan deals with housing diversity, including housing mix and type. I have had regard to the Council's most recent Strategic Housing Market Assessment December 2015 (SHMA) which indicates that there is a slightly greater need for 2 bed than for 1 bed accommodation, with less need now for larger 4+ bed accommodation. 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. Policy CH2 (f) seeks to resist proposals which result in the net loss of five or more residential units. The appeal proposal would result in the net loss of one residential unit and I therefore find no conflict with this Policy.
 10. 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 one residential unit although there would be no loss of residential floorspace. The loss of the unit would result in a limited reduction of housing density on this site, however this reduction would not be significant when considered in the context of the surrounding area and having regard to the limited number of bed spaces lost.
 11. Moreover, Flat 11b is a small bedsit unit which falls some 40% short of the overall space standards for a 1 person, 1 bed flat as set out in the recently adopted Mayor of London's Housing, Supplementary Planning Guidance, 2016 (SPG). I noted at my site visit that the kitchen area, which the appellants advise is just 1.6 sqm in area, is a very constricted, irregularly shaped room with no window or natural light. Whilst I acknowledge that the flat is habitable, the living space it provides is of poor quality. The reconfiguration of the two flats to form a single unit would provide better quality accommodation overall. Accordingly, in this respect, the proposal is in accordance with Policy 3.14 (A) of the London Plan which seeks to support the maintenance and enhancement of the condition and quality of London's existing homes.
 12. Therefore, whilst I accept that there would be some conflict with Policy 3.14 (B) in terms of the loss of a unit, the proposal would improve the quality of the accommodation and would provide a 2-bedroomed unit, for which there is an identified need.
 13. My attention has been drawn to a range of other appeal decisions relating to the amalgamation of units. However, I am not persuaded that the circumstances of those cases before me are directly comparable with the appeal proposal, particularly in terms of the quality of the existing space.
 14. For the above reasons 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 CH1 and CH2 of the Local Plan or Policies 3.3 and 3.14 of the London Plan, the aims of which are set out above.

The effect of the proposal on the special architectural or historic interest of the listed building.

15. The proposal to convert the two flats to one would include works to open up an existing doorway between the two flats, block up the entrance door to No 11b; remove and reconfigure partition walls in No 11b and remove the kitchen; remove and reconfigure partitions in No 11a including the removal of the existing wall between the lounge and kitchen to provide a combined living room/kitchen.
16. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special regard is had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses. The Framework also sets out that great weight should be given to a heritage asset's conservation.
17. Empire House was built as offices, warehousing and showroom for the Continental Tyre Company in the early 20th century. The building was assessed by English Heritage (now Historic England) in 2011 prior to its listing, and its principal significance was found to be in its external architecture, as an opulent piece of Edwardian street architecture; its sculptural quality; its historic interest associated with the growth of the motor trade and its group value with other notable buildings nearby. The English Heritage report notes that the changes that accompanied its conversion to flats and shops mean that little original work survives inside. The principal stairs, plasterwork in the lobby and 1920's fittings including the mahogany doors and architraves to the flats are noted as being of some quality.
18. I acknowledge the Council's concern about the loss of the wall between the lounge and kitchen in No 11a. However, there is no evidence before me that the wall was an original structural element of the building. Given that the building was built as offices and warehousing, it's current internal layout has little architectural or historic significance with regard to its original use. Nor is there evidence that the layout is of historic interest in terms of the development or use of Edwardian flats. Indeed, the fourth floor layout of the building dated 1924 indicates that the rooms in all of the flats were of irregular sizes and shapes, such that there is no uniformity to the flats or rooms within them. Whilst the removal of the wall would clearly alter the plan form of the flat and proportions of the living room, the change would not affect the special interest of the listed building.
19. The mahogany door and architrave with copper fanlight over it are features of quality which contribute to the special interest of the building and as such I agree with the Council that they should therefore be retained. However, although it forms part of the proposal, it seems to me that there is no fundamental need for the door to be removed to enable the amalgamation of the units. I note that the appellants would be content to leave the door and board it over from the inside. Such works would be reversible and would not affect the fabric of the building. Similar works have already taken place to an existing connecting door. It seems to me that this is a matter that could be dealt with effectively by condition.
20. For these reasons I conclude on this issue that the proposal would preserve the special architectural and historic interest of the building, as required by the Act.

Furthermore the proposal would comply with Policy CL4 of the Local Plan which requires development to protect the heritage significance of listed buildings.

Other Matter

21. The site lies within the Thurloe Estate and Smith's Charity Conservation Area. Given that there would be no alterations to the external appearance of the building I am satisfied that the character and appearance of the conservation area would be preserved.

Conditions and Conclusion

22. The Council has not suggested any conditions in the event of the appeals being allowed.
23. In the interests of proper planning and to provide certainty I have imposed the standard time limit condition and have specified the approved plans on Appeal A.
24. On Appeal B I have imposed the standard time limit condition. In order to preserve the architectural and historic interest of the building a condition requiring the retention of the door, architrave and copper fanlight to flat 11b and requiring that details of any internal boarding over shall be submitted to and agreed by the local authority, is reasonable and necessary. I acknowledge the Council's views on a condition. However, given that the condition would enable the retention of historic fabric of significance, and that any works to board over the door would be reversible I am satisfied that such a condition would meet the tests set out in the Planning Practice Guidance.
25. For the reasons set out and taking all other matters raised into account, the appeals are allowed and planning permission and listed building consent are granted subject to these conditions.

S Ashworth

INSPECTOR