
Appeal Decision

Site visit made on 1 June 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 30 June 2017

Appeal Ref: APP/K5600/W/17/3170222

119 Beaufort Street, London SW3 6BS

- 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 & Mrs Pierre against the decision of the Council of The Royal Borough of Kensington and Chelsea.
 - The application Ref PP/16/08080, dated 29 November 2016, was refused by notice dated 25 January 2017.
 - The development proposed is amalgamation of ground and lower ground floor flats to form a family sized residential unit.
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Decision

1. The appeal is allowed and planning permission is granted for amalgamation of ground and lower ground floor flats to form a family sized residential unit at 119 Beaufort Street, London SW3 6BS in accordance with the terms of the application, Ref PP/16/08080, dated 29 November 2016, subject to the following conditions:
 - i) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg No 1401-PA-002, 1:50 scale at A1 proposed lower-ground floor and ground floor plans, Dwg No 1401-PA-011, and Dwg No 1401-PA-012.

Procedural Matters

2. The Council, in its decision notice, refers to the Mayor of London Housing Supplementary Planning Guidance March 2016 (the SPG). I have applied some weight to that document due to its role in supporting the relevant development plan policies.
3. I have had regard to various other appeal decisions submitted and referred to in the submissions by both parties, relating to sites elsewhere concerning amalgamating flats into larger dwellings. Notwithstanding those decisions, I have determined the appeal on its own merits based upon all of the submitted evidence.

Main Issue

4. The main issue is the effect of the proposed development on the supply and choice of housing available within the Borough.

Reasons

Main issue

5. The proposal would relate to the existing lower ground and ground floor flats, incorporating a single storey rear extension to the former which has previously gained planning permission and which I saw to be nearing completion.
6. Policy CH1 of The Royal Borough of Kensington and Chelsea Consolidated Local Plan (the Local Plan) relates to ensuring that sufficient housing sites are allocated in order to ensure the Borough's housing targets are met. Although relevant in terms of highlighting the extent of the need for housing in the Borough, this does not specifically prevent amalgamations such as the current appeal proposal.
7. Policy CH2 of the Local Plan requires new housing development to further refine the grain of the mix of housing across the borough and in relation to housing mix and type requires, amongst other things, amalgamations to be designed to achieve minimum standards including in respect of floorspace, and resistance of development which results in the net loss of five or more residential units. The supporting text to that policy refers to dwellings lost through de-conversions. However, it also states there to be a demand for larger residential dwellings of three or more bedrooms in the Borough and that on that basis an appropriate balance needs to be struck between the loss of residential units and the need for larger family dwellings.
8. There is therefore no conflict with policy CH2 as the proposal relates to a net loss of only one unit, albeit that the policy does not set out that that would necessarily be acceptable, having regard to the development plan as a whole. Furthermore, based on the submitted evidence the proposed unit would meet the required accommodation standards for a 3-bed dwelling.
9. Policy 3.14 of the Mayor of London - London Plan (the London Plan) sets out the need to support the maintenance and enhancement of the condition and quality of London's existing homes including, amongst other things, resisting the loss of housing unless it is replaced at existing or higher densities with at least equivalent floorspace. In this case the density in terms of numbers of dwellings would be reduced. The SPG also refers to policy 3.14 in terms of resisting the net loss of housing provision.
10. I have also had regard to policy CH3 of the Local Plan which sets out that the Council will ensure a net increase in residential accommodation by amongst other things protecting market residential use and floorspace except in certain listed circumstances which are not applicable in this case. The supporting text states that the loss of housing through de-conversion can reduce the overall provision of housing stock. It goes on to say that to achieve the annual housing target, which takes account of net losses of units, it is important to protect residential units in most circumstances. Additionally, policy H17 of the Unitary Development Plan Extant Policies (the UDP) states that the loss of existing, small, self-contained flats of one or two habitable rooms will be resisted.
11. The proposed amalgamation would therefore be in conflict with policies 3.14 of the London Plan, CH3 of the Local Plan and H17 of the UDP taken together in terms of housing supply and choice.

Other matters

12. The site is located within the Chelsea Park/Carlyle Conservation Area (the CA). As such, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the CA. The proposed development would involve no alteration or extension to the exterior of the building other than in relation to that rear extension previously approved. As such it would preserve the character and appearance of the CA.
13. I have had regard to concerns of a resident in the second floor flat of No 119 in respect of noise, overcrowding and over capacity of utilities. The proposal would involve a reduction in the number of units at the site and so would be likely, if anything, to result in a reduction in noise levels and intensity of use at No 119. In terms of works needed to convert the existing flats into one dwelling, it is unlikely that these would be to such an extent as to cause unacceptable and prolonged levels of noise and disturbance. I have no substantive evidence to demonstrate that the proposal would exacerbate any existing capacity issues relating to utilities, again particularly as the number of units would be reduced. Issues relating to pest control would be a matter between the parties concerned as opposed to a planning consideration. Other problems raised concerning the property's structure are in respect of previous building work, un-related to the proposed development.

Planning balance

14. I have found there to be conflict with development plan policies in terms of housing supply and choice. It would, on its own and cumulatively with other such amalgamations, reduce the supply of much needed housing in the Borough, regardless as to whether or not the target for delivering the Council's five year supply of deliverable housing sites would be threatened.
15. The SPG does however also state, in paragraph 5.1.8, that redevelopment of existing properties may enable improvements in housing quality. It also states that emphasis on resisting the net loss of housing should be an important factor when considering proposals to convert smaller existing units with very large homes, especially where this would not address local housing need. In this case the resultant unit would not be a very large 3-bed dwelling.
16. Importantly the appellant highlights that the existing ground floor flat has a floor area which is below the minimum standard set out in the London Plan. Although that standard relates to new development it nevertheless indicates what is currently considered acceptable. The appellant refers to the shortfall as being 9 square metres which I have no reason to doubt and which is not disputed by the Council. I consider such a shortfall to be significant particularly in the context of a small, 1-bed, unit. Furthermore, it does not have direct access to the rear outdoor amenity space. I acknowledge that it has dual aspect to the front and rear and does not have an unusual layout. However those factors do not sufficiently deflect from those shortcomings that I have referred to. As such, it is less than adequate in terms of providing acceptable living conditions. This is a material consideration.
17. The proposal would also create a good sized, but not excessively so, family dwelling which, in the absence of any substantive evidence to the contrary, would meet the accommodation standards required under policy CH2 of the Local Plan. Furthermore, although there remains a need for 1 and 2 habitable

room flats the submissions indicate that there is a similar need for both 1-2 bed and 3-4+ bed units in the Borough. It would therefore contribute to the need for the latter.

18. Given the specific circumstances relating to the standard of the existing ground floor flat, I give substantial weight in this case to the benefits of creating a good sized family dwelling with access to private amenity space. This would outweigh any conflicts with the development plan policies.

Conditions

19. The Council has not suggested any conditions were I minded to allow the appeal. However, the standard time condition would be necessary as the development has not commenced, and in the interests of proper planning a condition requiring that the development is carried out in accordance with the approved plans would also be required.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR