



Appeal Decision

Site visit made on 18 June 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/Z5630/W/19/3222523

38 Rosebery Road, Kingston upon Thames KT1 3LN

- 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 Mrs Olga Chizhova against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 18/12986/FUL, dated 21 November 2018, was refused by notice dated 25 January 2019.
 - The development proposed is conversion of single dwelling house into 1 no. 2 bed flat & 1 studio flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The dwelling has already been converted into two separate units as per the submitted plans. I have considered the appeal on this basis.

Main Issue

3. The effect of the development on the provision of family sized housing within the Borough.

Reasons

4. Rosebery Road is a residential street of semi-detached two storey houses of a similar style and age. The appeal site, 38 Rosebery Road, has been converted to form a ground floor 2 bedroom self-contained flat and a first-floor studio flat. The front of the property is laid to hardstanding and provides space for two cars and refuse/recycling for both flats. To the side of the property is a gate which leads to a modest size private garden which, the appellant advises, is available for use by the occupants of both units of accommodation.
5. Policy DM14 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy 2012 (CS) states that the Council will resist the loss of existing accommodation and, in particular, dwellings which are suitable for family accommodation. The supporting text of the policy explains that a high proportion of recent residential schemes have been in the form of 1 and 2 bed flatted developments, raising concerns about the availability of family housing within the Borough. The Council considers, in line with the definition provided within the London Plan 2016, a family-sized unit to be a dwelling which has 3 or more bedrooms. I consider this a reasonable approach to take.

6. The existing plans show the layout of the building that existed prior to the conversion with 4 bedrooms, 2 bathrooms and 3 large reception rooms. It is suggested by the appellant that this accommodation was substandard. Reference is made to one bedroom measuring around 5.5 sqm, and it is argued that the accommodation would not meet the current technical standards set out in national planning policy and the London Plan 2016. However, these are standards which principally apply where new development is proposed. They are of less relevance in assessing whether an existing building is suitable for continued habitation. The evidence before me indicates that the building would have provided spacious family living accommodation, particularly with the addition of the ground floor rear extension.
7. By contrast, the appeal site now provides accommodation in the form of a one-bedroom studio flat and a 2-bedroom flat, resulting in the loss of a family sized dwelling. Regardless of the floor areas of the flats, I consider that they are poorly suited to occupation by families. Moreover, they fail to provide an adequate number of bedrooms to qualify as family housing as defined by the Council and the London Plan 2016.
8. I have had regard to the previous appeal decision¹ which refers to the same proposal. The Inspector in determining that appeal refers to amended plans which were submitted as part of the appeal, but not accepted. From my understanding, these seem to be the plans before me. While the Inspector, in his findings, indicated that the plans would advance the scheme before him, he did not conclude on their general acceptability.
9. Nonetheless, I have considered the case on its own merits and in my view the development is unacceptable and conflicts with Policy DM14 of the CS which, among other things, aims to resist the loss of existing family accommodation.

Other Matters

10. It is suggested there is an increasing demand for further one-bedroom units of accommodation, albeit relatively small, as reflected in the Council's Strategic Housing Market Assessment (SHMA). Notwithstanding any need for smaller units identified within the SHMA, this does not indicate there is no longer a need for larger family homes. Furthermore, I have not been provided with any substantive evidence relating to the Council's SHMA which details this position.
11. The London Plan 2016 is quoted as requiring development to optimize housing output, considering, among other things, local context and character. It also states that loss of housing should be resisted unless the housing is replaced at existing or higher densities. I recognise the general benefits of increasing housing supply and that the London Plan 2016 recognises a pressing need for more homes in London. However, in the wider scheme of things, one additional unit would make only a limited contribution in this regard and would not, in my view, outweigh the loss of family housing.
12. A letter provided by the occupants of the ground floor flat, cites personal circumstances in support of the appeal. I sympathise with the tenants, but their particular situation does not, in my view, outweigh the harm that arises through the loss of a dwelling which is of a suitable size for family accommodation and the subsequent policy conflict which arises. Nor is there

¹ APP/Z5630/W/18/3198448

any compelling evidence to demonstrate that the current tenants could not find alternative accommodation in the area to suit their needs.

13. The appellant has brought to my attention the wording of draft Policy H12 of the Emerging London Plan (2017) which refers to the altering size of family units. Nonetheless, as this plan is yet to be adopted, I afford the plan and its policies limited weight at this time.
14. I note there are objections to the development from interested parties, however, as the appeal is failing, I have not considered these further.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

S Hanson

INSPECTOR