
Appeal Decision

Site visit made on 28 June 2019

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2019

Appeal Ref: APP/Z5630/W/19/3226337

19 Albemarle Gardens, New Malden, KT3 5BB

- 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 Ms Lucy Taylor against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 18/15041/FUL, dated 5 November 2018, was refused by notice dated 5 February 2019.
 - The development proposed is the amalgamation of existing 2no. self-contained units into a single-family dwellinghouse with associated alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the amalgamation of existing 2no. self-contained units into a single family dwellinghouse with associated alterations at 19 Albemarle Gardens, New Malden, KT3 5BB in accordance with the terms of the application Ref 18/15041/FUL, dated 5 November 2018, 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: Refs 124-EXT-01, 124-PROP-02 and the OS Plan B&W, which shows the site edged red.

Procedural matters

2. On 19 February 2019, the Government published its Housing Delivery Test (HDT) results alongside an updated revised National Planning Policy Framework (the Framework). The HDT outcome for the Council indicates that the delivery has been below the requirement over the last 3 years. The Council also states that it cannot demonstrate a 5-year supply of deliverable housing sites, which the appellant disputes. The main parties have had the opportunity to comment on the housing land supply position and the Framework through the appeal process, which I have taken into account.

Main issue

3. The main issue is the effect of the proposal on the supply of residential accommodation with reference to local and national planning policies.

Reasons

4. The appeal building is a 2-storey building that is currently divided into 2 flats with a shared front entrance. From what I saw, the building inside gives every indication of being originally designed as a single family dwelling that has later been subdivided into flats, as the planning history of the site confirms.
5. The proposal is to convert the appeal building to form a single dwelling with 3-bedrooms. While there would be not be a significant reduction in the amount of residential accommodation within the building if the appeal scheme were to proceed, it would result in a net loss of 1 residential unit.
6. The appellant has produced cogent evidence of the need for family housing with reference primarily to the Borough's Strategic Housing Market Assessment (SHMA) and Policy DM14 of the Council's Core Strategy (CS). Paragraph 6.102 of the CS notes 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. The same paragraph also refers to the significant requirement for family housing identified in the SHMA. According to the CS, this need is unlikely to be met entirely through new build schemes, as not all sites will be suitable, or allow for significant amounts of family housing.
7. This evidence supports CS Policy DM14 of the Council's Local Development Framework Core Strategy (CS), which states that the loss of existing accommodation of all types will be resisted, particularly dwellings that are suitable for family accommodation. Taken together, CS Policy DM 14 and the SHMA indicate that the requirements for smaller units of residential accommodation are being better met than they are for family housing.
8. That the proposed development would create a dwelling with accommodation suitable for a family would therefore help meet a need that is acknowledged in the CS and the SHMA. Given that background, I attach considerable weight to the gain of a single family sized residential unit in this instance.
9. The residential accommodation available within the existing flats is less than ideal. Occupiers of the existing first floor flat do not have direct access to any private outdoor amenity space. The size of each flat and, from what I saw, some rooms within them, are also rather small. According to the Council, each existing flat would meet the minimum space standards to which the appellant has referred. These standards are included within the Government's *Technical housing standards – nationally described space standard* (NDSS). The NDSS makes clear that the requirements of this standard for bedrooms, storage and internal areas are relevant only in determining compliance with this standard in new dwellings and have no other statutory meaning or use.
10. The Council's stance is predicated on up to 3 people occupying the existing ground floor flat, which has 2 bedrooms, and a single person occupying the flat above it, which has 1-bedroom. The plans show that the rooms capable of use as a bedroom in each flat could accommodate a double bed. Consequently, there is potential for an additional person to reside within each flat over and above the levels of occupancy estimated by the Council. On that basis, the size of both existing flats, would not meet the minimum size thresholds cited in the evidence, which are 50sqm for a 2-person 1-bedroom flat and 70sqm for a 4-person 2-bedroom flat. That shortfall would be significant in relation to the ground floor flat, which has a floor area of 61sqm, as denoted on the drawings.

11. Overall, I conclude on the main issue that the proposed development would not have a detrimental effect on the supply of residential accommodation. That is because I attach greater weight to the gain of a family sized residential unit that would contribute to meeting the need identified in the SHMA and the CS than to retention of a small flat with accommodation that is less than satisfactory.
12. The proposal does conflict with CS Policy DM14. However, the material considerations that weigh in favour of the appeal scheme justify a decision other than in accordance with the development plan.

Planning Balance

13. The Council states that it is currently unable to demonstrate a 5-year supply of deliverable housing sites. In those particular circumstances, paragraph 11 of the Framework applies, which states, amongst other things, that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
14. According to the Council's evidence, the supply of housing land amounts to just 2.74 years, which is a significant shortfall. That the proposal would exacerbate this shortfall, albeit in a very modest way, therefore weighs against the appeal scheme. On the other hand, the Framework seeks to provide housing for different groups in the community, including family accommodation, which meets an identified need. It also aims to ensure that places are created that provide a high standard of amenity for users and achieve good design and optimise the potential of a site. When assessed against the policies in the Framework taken as a whole, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the appeal scheme.

Other matters

15. Reference has been made to 105 Kingston Hill where the Council has recently granted planning permission to convert that property from flats to a single dwelling. There are, it seems to me, notable differences in size, location and the proposals between this example and the development sought in this case that preclude a meaningful comparison between them. In any event, I have assessed the proposed development on its own merits and find it to be acceptable for the reasons given.

Conditions

16. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR