



Appeal Decision

Site visit made on 1 October 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/K5030/W/19/3231778

Flats 601 and 503, 37 Cock Lane, London EC1A 9BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr S Jones against the decision of the City of London Council.
 - The application Ref 19/00009/FULL, dated 21 December 2018, was refused by notice dated 12 March 2019.
 - The development proposed is described as 'Proposed combination and alterations to the internal layouts of Flat 601 & Flat 503, to form one 4bed duplex apartment.'
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Decision

1. The appeal is allowed and planning permission is granted for 'Proposed combination and alterations to the internal layouts of Flat 601 & Flat 503, to form one 4bed duplex apartment.' at Flats 601 and 503, 37 Cock Lane, London EC1A 9BW in accordance with the terms of the application, Ref 19/00009/FULL, dated 21 December 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BD624.OS.01, BD624.EX.105, BD624.EX.106, BD624.EX.300, BD624.EX.301, BD624.PR.105, BD624.PR.106, BD624.PR.300 and BD624.PR.301.

Procedural Matter

2. While the description of development given on the application referred to flats 601 and 503, the site address only mentioned Flat 601. The address given subsequently on the decision notice and appeal form refers to Flats 601 and 503 and so I have used this address in the banner heading above.

Main Issue

3. The main issue is the effect of the proposed development on the supply of housing in the City of London Council area.

Reasons

4. The building containing the appeal site is located within the Smithfield Conservation Area and accommodates office space at ground floor level with residential above. The appeal relates to a two-bedroom duplex flat on the fifth and sixth floors of the building known as Flat 601 and a two-bedroom flat on the fifth floor known as Flat 503. It is proposed to alter the internal layout of

the two flats and combine them to provide one four-bedroom duplex flat. There would be no change to the floorspace in residential use at the site, although there would be a net loss of one dwelling.

5. Policy CS21 of the City of London Local Plan 2015 (CLLP) sets out that to meet needs, the Council will exceed the London Plan's minimum annual requirement for housing including by protecting existing housing. However, the loss of isolated residential units will exceptionally be allowed where there is a poor level of amenity. Policy DM 21.2 states that the net loss of existing housing will not be allowed except where amenity for residents is poor and cannot be improved, where housing does not have a separate entrance, or where the retention of isolated residential units would prejudice large scale office development.
6. The CLLP identifies that the site is within the Smithfield Residential Area which is a focus for housing, and it is near to other dwellings. Flats 503 and 601 are not therefore isolated residential units, and there is a separate entrance to each. There is no dispute between the parties that Flat 503 has a floor space just below the standard of 61sqm outlined within the London Plan for a 3 person, two-bedroom dwelling. Although the appellant comments that it is therefore substandard, the layout and space available offer functional and usable space suitable to provide comfortable living conditions for occupiers. There is no suggestion that the living conditions of residents is otherwise adversely affected, and I see no reason to conclude that the existing flats offer a poor quality of amenity to residents which could not be improved.
7. The development would not therefore fall within any of the situations outlined within the CLLP where the net loss of existing housing may be permitted. Consequently, it would conflict with Policies CS21 and DM 21.1 of the CLLP.
8. Both parties refer to the results of the Government's Housing Delivery Test (HDT) for the City of London. Against a requirement for 262 dwellings (equivalent to an average of 87 dwellings per year) over the period 2015/16 to 2018/19, the HDT identified delivery of 110 homes, equal to 42%.
9. I have been provided with a copy of the Council's Action Plan (AP) dated July 2019 produced in response to the HDT result. This outlines that housing delivery within the City of London typically fluctuates over the short-term. This reflects the nature of the supply which is made up of a relatively consistent level of delivery from small housing sites combined with a highly variable level of delivery from a few larger sites that come forward in response to development opportunities and favourable market conditions. Illustrating this, although the housing delivery recorded for the period 2015/16 to 2018/19 was below the requirement identified as part of the HDT, cumulative housing delivery over the period 2011/12 to 2017/18 has exceeded the target set in the London Plan for 141 dwellings per year. This London Plan target is greater than the requirements identified by the HDT and the City of London Strategic Housing Market Assessment 2016 (SHMA).
10. Furthermore, the AP illustrates that future completions are anticipated to be substantially above the London Plan target and advises that over the four-year period 2018/19 to 2021/22, significant housing delivery is projected with nearly 1,000 dwellings completed or under construction. This would also exceed the increased target for the City of London included within the emerging London Plan of 146 dwellings per year. In this light, the AP concludes

that there is a strong residential pipeline and while the Council will continue to implement its Local Plan policies, no further specific action is considered necessary to meet HDT obligations for the period up to 2021/22. The AP further identifies that the Council can demonstrate a five-year supply of housing including the 20% buffer required as a consequence of the results of the HDT published in February 2019.

11. I note the level of housing delivery over the period 2015/16 to 2018/19. However, from the evidence before me this reflects the volatile nature of the delivery of housing in the City of London over the short-term rather than being representative of any inability to deliver housing to meet needs. Provision in future years is also likely to be significantly above the existing and emerging targets, as well as the housing need identified within the SHMA.

Other Matters

12. The appellant contends that the proposed flat will provide for more varied housing stock, pointing to the SHMA which records that 84% of dwellings within the City of London are one- and two-bedroom properties. While the SHMA recommends delivery of a housing mix skewed towards smaller one- and two-bedroom dwellings, it does indicate a requirement for additional three- and four-bedroom dwellings. Paragraph 3.21.1 of the CLLP comments that most residential units developed are flats with one or two bedrooms and consequently, I find that the proposed development would make an important, albeit limited, contribution towards provision of four-bedroom dwellings within the area.
13. In accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Smithfield Conservation Area. Given that the proposal would not involve any external alterations, I find that it would have a neutral effect on the significance of the Conservation Area and therefore would preserve its character and appearance.

Planning Balance

14. The proposal would conflict with CLLP Policies CS21 and DM 21.1 as it would not fall within any of the situations outlined where the net loss of existing housing may be permitted. However, notwithstanding this conflict, in this instance and on the evidence before me I find that the proposal would not undermine the Council's ability to meet the objectives of these policies which seek to ensure provision of housing to meet needs. Nor would it be detrimental to the achievement of housing targets and requirements, including those established by the HDT. In addition, the provision of a larger four-bedroom flat would make a contribution to the mix of housing required in the area and provision of a range of homes as is sought by the National Planning Policy Framework. I give these matters significant weight which outweighs the conflict of the proposal with the CLLP.

Conditions

15. I have not been provided with a list of suggested conditions were I minded to allow the appeal. Accordingly, I have imposed the standard time limit condition and a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty.

Conclusion

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

J Bowyer

INSPECTOR