
Appeal Decision

Site visit made on 30 October 2020

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2020

Appeal Ref: APP/K3605/W/20/3250066

22 Southville Road, Thames Ditton, Surrey KT7 0UL

- 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 and Mrs Williamson against the decision of Elmbridge Borough Council.
 - The application, Ref. 2019/3409, dated 4 December 2019 was refused by notice dated 13 March 2020.
 - The development proposed is a change of use of two flats into one dwelling house with proposed ground floor extension, change of windows to rear elevation and associated internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of two flats into one dwelling house with proposed ground floor extension, change of windows to rear elevation and associated internal alterations at 22 Southville Road, Thames Ditton, Surrey in accordance with the terms of the application, Ref. 2019/3409, dated 4 December 2019, 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 shall be carried out in accordance with the following approved plans: Drawing Nos. 002B; 003B; 004B; 005B & 006 Rev. A received on 16 December 2019 and 020 Rev. F; 021 Rev. F; 030 Rev. F received on 6 February 2020;
 - 3) The construction of the external surfaces of the extension hereby permitted shall be carried out only in accordance with details of materials first submitted to and approved in writing by the local planning authority;
 - 4) The flat roof to the extension hereby permitted shall not at any time be altered or adapted to form a balcony, roof garden or similar amenity area.

Main Issue

2. The main issue is whether the proposed change of use would be acceptable having regard to the requirement to make efficient and effective use of land within the urban area in order to meet the Borough's identified housing need.
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Reasons

3. The refused application and this appeal are informed by both relevant national and local policy relating to housing need and by all other material considerations including the particular circumstances of this case. As regards policy, the Council's Notice of Refusal has cited Policy CS19 of the Elmbridge Core Strategy 2011 and Policy DM10 of the Elmbridge Development Management Plan 2015 and relies on these to support its decision. Reference is additionally made to Government policy in the National Planning Policy Framework 2019 ('NPPF').
4. Paragraph 1 of Policy CS19 states that *'the Council will seek to secure a range of housing types and sizes reflecting the most up to date [Strategic Housing Market Assessment] SHMA in terms of the size and type of dwellings'*. The Policy's supporting paragraphs 7.26 & 7.27 include a referral to a shortfall of and resulting requirement for 3 bedroom dwellings. Indeed, paragraph 7.27 states that the Council will promote the provision of this size of dwelling (along with 1 & 2 bedroom dwellings) when considering development proposals.
5. The officers' report on the appeal application advises in paragraph 11 that both the SHMA and the NPPF indicate that development should make efficient use of land taking into account both the identified need for types of housing and the character of the area. The paragraph adds that the latest (2016) SHMA identifies the need within Elmbridge as being for smaller 1-2 bedroom units and 3 bedroomed family houses.
6. The appeal property was originally a 3 bedroom family house that in the 1960s was converted on an unauthorised basis into two units – a 1 x one bed flat and a 1 x two bed flat. The appellants are a family of four who purchased the property to use it as single family occupation and intend to carry out refurbishment and alterations to this end.
7. Policies CS19 and DM10 both resist development that would result in a loss of housing, but both policies also refer to the potential for exceptions being made where benefits occur that outweigh the harm caused from the loss of housing unit(s). In this appeal the outcome of a permission would therefore be a 3 bedroom family house that is both promoted in Policy CS19 and identified in the SHMA as being needed. And the appellants' circumstances are a clear example of the 'housing need' for the family accommodation that would be enabled by a reversion to the long established first tenure of the property.
8. In a situation where (i) both the key policies refer to the potential for the harm from a loss of housing to be outweighed and (ii) the development would be in compliance with another part of one of those policies and the latest SHMA, I take the view that the planning judgement is clearly weighted in favour of the appeal proposal. Furthermore, from my visit to the site and its surroundings I consider that a 3 bedroom family house is more suited to the prevailing character of the area. As regards this factor, which was discussed in the evidence of both parties, I give more credence than do the Council to the significance of the individual and cumulative impacts of the site-specific environmental benefits that would arise from the proposal. I also note that neighbour representation on the application shares this view in respect of a

number of the matters raised as regards the character of the building and its surroundings.

9. Overall, I conclude that notwithstanding the loss of one unit of accommodation, the proposed development would make an efficient and effective use of land in the Borough and would help to meet the identified housing need in accordance with Policies CS19 and DM10. The proposal also accords with the NPPF's requirement for sustainable development of a good design. More specifically, I do not consider that NPPF paragraph 123 precludes the proposal, as the optimal use of a site invariably includes qualitative as well as quantitative considerations.
10. I shall therefore allow the appeal. The Council has suggested some conditions, and a condition to ensure that the development takes place in accordance with the approved plans will avoid doubt and is in the interests of proper planning.
11. I have amended the wording of the external materials condition to relate only to the extension. The wording also now avoids the pre-commencement stipulation as is required by Government policy. The condition will ensure that the addition to the building will have a satisfactory appearance and thereby maintain visual amenity. Finally, a condition restricting use of the extension's flat roof will safeguard neighbours' privacy.

Martin Andrews

INSPECTOR