



Appeal Decision

Site visit made on 1 December 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2021

Appeal Ref: APP/K5600/W/20/3256390

25 St. Quintin Avenue, London W10 6NX

- 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 Miss Komaruk and Mr & Mrs Moran against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/20/02897, dated 27 May 2020, was refused by notice dated 8 July 2020.
 - The development proposed is the amalgamation of 3 flats into one single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have been appointed to determine two appeals at 25 St. Quintin Avenue, although they differ from one another in both the nature of the proposal and the extent of the building to which they relate. The other appeal reference is APP/K5600/W/20/3255823. I have considered each proposal on its individual merits and prepared separate decisions.

Main Issue

3. The main issue is the effect of the proposal on the provision of housing in the borough.

Reasons

4. The appeal site is a semi-detached Edwardian property, with four storeys including the lower ground floor and converted loft, a front forecourt garden and a private rear garden. At some point it has been subdivided, and currently contains three flats – Flat 1 on the lower ground floor, Flat 2 on the ground floor, and Flat 3 on the first and second (converted loft) floors. Flat 3 was formed by amalgamating the previous flats 3 and 4 under a 2014 planning permission (LPA Ref: PP/14/04378). The proposed development is the amalgamation of the existing Flats 1, 2 and 3 to create a four bedroom single family dwelling occupying the entirety of No 25 St. Quintin Avenue.
5. Policy CH1 of the 2019 Kensington and Chelsea Local Plan (the LP) seeks to boost the supply of housing in the borough, with one means of doing so being resisting the loss of residential units through amalgamations of existing homes. The policy sets out an exception to this approach, where the amalgamation

would result in the net loss of one unit only, and the total floorspace of the new dwelling created would have a gross internal area (GIA) of 170m² or less. The scheme before me would result in the net loss of two residential units, and the single unit created would have a GIA of around 323m². The proposed amalgamation is not therefore covered by the exception set out in the policy, and the fundamental conflict with the development plan carries substantial weight against the proposal.

6. The rooms at the front of Flat 1 have very limited daylight, and none in the case of an internal living space. They are also awkwardly shaped, and the front bedroom has a poor outlook onto the side passageway between the appeal property and the flank wall of No 27 next door. In my view it is unlikely that Flat 1 as currently configured would be granted planning permission today, given the lack of daylight and poor outlook for its front rooms. However, the flat provides a good amount of living space, and its rear rooms have a very pleasant outlook over the private rear garden, from which they get adequate amounts of daylight. While the dining kitchen receives daylight through the attached conservatory this is by no means an unusual arrangement, and it does not in itself amount to poor living conditions. Based on the evidence before me, including my observations at the time of my site visit, I consider that taken as a whole Flat 1 provides acceptable living conditions. Nonetheless, I find that there is some merit in the appellants' argument that the proposed development would provide an improved quality of accommodation on the lower ground floor compared to the existing circumstances. This consideration therefore carries moderate weight in support of the proposal.
7. Flat 2 has no external amenity space, although in other respects it provides accommodation of a good standard, including in respect of space, daylight and layout. While a lack of private outdoor amenity space would not comply with current standards, it is not an unusual situation within a house or other building which has been converted to flats, and this on its own does not justify the proposal. Flat 3 also provides accommodation of a good standard, and has a large high level roof terrace. While the access to the roof terrace of Flat 3 being through a second floor bedroom may be less than ideal, again this is far from being an unusual arrangement, particularly in conversions. Indeed, from what I saw at my site visit the roof terrace is in all other respects an attractive and functional space, which greatly enhances living conditions for the occupiers of Flat 3. I accept that it is not an area in which a parent would wish to leave small children to play unsupervised, but this is an observation which could well be applied to very many balconies or roof terraces, and it does not in itself justify the proposal. While the proposed conversion would allow future occupiers of the entire house to use the back garden, Flats 2 and 3 already provide (in their different ways) a good quality of accommodation. Such benefits as would arise from the proposed amalgamation in respect of these flats therefore only carry limited weight in support of the proposal.
8. The borough has a higher proportion of flats (both purpose-built and converted) than the Inner London and London-wide averages, and the LP supports a target of providing 50 percent of new housing as family housing. In terms of the overall delivery of housing, the appellant has pointed out that the soon-to-be-published London Plan¹ will reduce the borough's housing target from that set out in the LP. Nevertheless, it is clear from the other evidence

¹ The London Plan – Publication London Plan (December 2020)

before me that the Council has fallen short of its new 448 average annual target in recent years, and as a consequence was required in 2020 to produce a Housing Delivery Test Action Plan. Furthermore, it is also apparent from the Council's evidence that amalgamations have had a significant effect in reducing the net number of residential units delivered within the borough, and this would be exacerbated by the net loss of two units if this scheme were to go ahead. While a family home would be created, or more accurately recreated given the appeal site's origins as a single dwelling, on my reading it is not the intention of the development plan that the delivery of family housing should come at the expense of the existing stock of flats.

9. My attention has been drawn to the grant of planning permission in 2018 for the conversion of 78 St. Quintin Avenue from two flats to a single dwelling (LPA Ref: PP/18/02509). While I am not aware of the full circumstances of that case, the evidence before me indicates that the conversion of No 78 was specifically to provide accommodation for a family needing rehousing following the nearby Grenfell Tower fire in 2017. It is also clear that the Council was of the view that that particular consideration justified granting planning permission, although the proposal conflicted with the development plan. The appellants have referred to the ongoing need for family housing in the borough following the Grenfell disaster, as well as the 7 displaced families who were still (in June 2020) in temporary accommodation. However, there is no evidence before me which suggests that the single dwelling which would be created in this case would actually be used to house any of these families. Furthermore, on the basis of the specification in the submitted layouts (which show a lower ground floor gym, separate study room, and master bedroom with ensuite bathroom and walk-in wardrobe), I consider that the prospect of such an outcome is vanishingly small. Accordingly, I find that the circumstances which applied in respect of No 78 are not relevant considerations in this case, and that grant of planning permission carries negligible weight in support of this proposal.
10. The appellants have also drawn my attention to several previous appeal decisions where Inspectors have allowed the amalgamation of multiple flats into larger units elsewhere in the borough. I note in particular the Inspector's comments regarding the quality of accommodation in the Empire House appeal decision². While I do not know all the facts of that case, on the face of it there may be some similarities in respect of daylight and the configuration of living space. However, the flat in question was described as a small bedsit falling some 40 percent short of the relevant space standard. This is a very different situation to the current appeal, and it is not clear that the two cases are directly comparable. Although I have had regard to my predecessors' decisions in that case and the others to which the appellants directed me³, all pre-date the adoption of the LP in 2019, and the evidence before me indicates that the development plan policy in respect of amalgamations was somewhat different from now. I have of course determined this appeal on its own merits.
11. The proposed conversion of three flats to a single dwelling would result in a net loss of two residential units, which would be detrimental to the provision of housing in the borough. I therefore conclude that the proposal conflicts with Policy CH1 of the LP, which seeks to boost the supply of housing including by protecting and retaining residential units.

² Reference APP/K5600/W/17/3166463 (with APP/K/5600/Y/17/3166462)

³ References APP/K5600/W/16/3158113 and APP/K5600/W/16/3155398

Other Matter

12. The appeal site is within the Oxford Gardens/St. Quintin Conservation Area (the Conservation Area). I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the National Planning Policy Framework (the Framework) states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196). The proposed amalgamation would have had a minimal effect on the external appearance of the building, and had the proposal been acceptable in all other respects I am satisfied that the character and appearance of the Conservation Area would have been preserved.

Conclusion

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. I have had regard to the arguments put forward by the appellants, and consider that while there would be some benefits in terms of improving the standard of accommodation on offer within the appeal property, these benefits would not outweigh the harm to housing supply and choice caused by the net loss of two residential units. None of the material considerations identified in this case justify a decision other than in accordance with the adopted development plan.
14. For the reasons given above the appeal is therefore dismissed.

M Cryan

Inspector