The Planning Inspectorate

Appeal Decision

Site Visit made on 10 December 2020

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Appeal Ref: APP/Z5630/W/20/3259187
69 Park Road, KINGSTON UPON THAMES, KT2 6DE

- 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 Francesca Ferlita Narcisi against the decision of Royal Borough of Kingston Upon Thames.
- The application Ref 19/02196/FUL, dated 5 September 2019, was refused by notice dated 1 April 2020.
- The development proposed is described as 'alter the interior of the existing structure at the back of 69 Park Road, from a shop staffroom and kitchen to a living accommodation. Which involves blocking a door to separate the front shop from the new accommodation to create 69b Park Road. No exterior work undertaken'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a dispute between the parties regarding the nature of the proposed development. The address on the application form refers to the ground floor rear flat at 69 Park Road. The description of development on the application form refers to separating the shop from the new accommodation to create 69b Park Road. The application form further states the existing use of this part of the appeal property is living accommodation and the proposal would result in the creation of a 1-bedroom bedsit/house.

3. In the appeal form the appellant has used a varied description of development specifically 'part change of use of ground floor shop (specifically the old staff room), into a living space'. I note the appellants representations in their statement of case regarding the proposed use of the former staffroom. Whilst this is not a new build property, the evidence indicates to me the intention to seek permission for the old staff room and kitchen to operate as separate self-contained accommodation. This is further evidenced with the appellant indicating that a prospective tenant would be precluded from applying for a local parking permit.

4. As observed on my visit, works to subdivide this part of the property have been completed and it is self-contained from the existing hairdressers, which occupies the shop, with a shared access via the rear service lane. It was clear to me the property was being used as self-contained living accommodation, with an occupier present at the property. The Council have assessed this proposal as the creation of a one bedroom flat. The Council's decision notice

describes the development as 'retrospective application for change of use of part shop (staffroom) into 1 no x one bedroom flat'. Notwithstanding the appellant's subsequent representations, the Council's assessment of the scheme for a self-contained one-bedroom flat is reasonable. I have dealt with the appeal on that basis.

Main Issues

5. The main issues are (i) whether the development provides acceptable living conditions for occupants, with regard to the provision of internal space, outlook, privacy and private amenity space and (ii) whether the development results in the unacceptable loss of employment floorspace in the Kingston Hill and Park Road Local Centre.

Reasons

Living Conditions

6. The plans indicate the living accommodation would comprise of two rooms together with a small hallway between them with a shower room located off it. This was the case on my visit. Policy 3.5 of the London Plan (2016) (London Plan) refers to the nationally described space standards. For a 1 person 1-bedroom unit with a shower room, the minimum space standard would be a Gross Internal Area (GIA) of 37sqm. The GIA of the flat is approximately 25.5m2.

7. The proposed living accommodation would therefore fall well below the required minimum standards for a self-contained one-bedroom unit. I observed on my visit the larger room facing the garden area was being used as a kitchen area together with sleeping accommodation, with the room next to the shop being used as storage. Having observed the current use; this confirms to me that the development provides an extremely cramped and inadequate form of residential accommodation.

8. Although the main room overlooking the rear amenity area provides adequate light, the smaller rooms have windows which directly overlook an outdoor area which is opened onto from the shop. This route also provides the rear entrance for the shop. Therefore, given this area which is used by occupiers of the shop is adjacent to these windows, this results in poor levels of privacy for occupiers of the flat. Similarly, the room next to the shop could be used as a bedroom and this outdoor space offers a poor outlook from this window.

9. The proposed garden area is paved and is of an acceptable size which exceeds required standards. However, whilst the plans show the site to be subdivided off from the shop, I observed on my visit that a rear gate exists at this location. In effect this would allow users of the shop access from the rear lane through the rear amenity area to the rear of the shop. Accordingly, the proposed garden would not provide a completely private area for occupiers of the flat. I therefore conclude that the development fails to provide acceptable living conditions for occupiers with regard to the provision of internal living space, outlook, privacy and private amenity space.

10. For the reasons above, the development conflicts with Policy 3.5 of the London Plan and Policies DM10 and DM13 of the Royal Borough of Kingston Upon Thames Core Strategy (2012) (Core Strategy). Together these seek that development should demonstrate the scheme has been designed to provide

adequate internal space and internal rooms which are adequately sized, functional and fit for purpose and development should have regard to the amenities of occupants in terms of privacy and outlook and ensure adequate private amenity space.

Employment Floorspace

11. The appeal property is currently used as a hairdresser and is located within the Kingston Hill and Park Road Local Centre. The existing plans prior to the works being undertaken indicate the area of the building subject of this appeal as a large area of additional internal floorspace which could be accessed from the front of the unit. Furthermore, the plans show a rear area which is accessed via a rear access lane. The appellant indicates that the works to subdivide the property were undertaken in 2016, and prior to that, this area of the building was not required by the hairdressers.

12. Whilst that maybe the case, and although the current occupier does not require the former staff room and rear area, this does not mean that it would not be required by an alternative occupier. In the absence of alternative evidence, it seems to me the loss of this floorspace and the rear area which could serve as storage and rear servicing, through the change of use to residential accommodation, may restrict the attractiveness of the unit for alternative occupiers, other than a hairdresser. This could limit potential uses of the premises within the Local Centre in the future, which would conflict with the aims to protect and enhance the Local Centre, so they continue to provide locally accessible goods and services.

13. For the above reasons, it has not been demonstrated otherwise that the development would not result in the unacceptable loss of employment floorspace within the Local Centre. Accordingly, the development would conflict with Policy DM17 of the Core Strategy which amongst other matters seeks to protect employment premises and to protect manage and enhance local centres.

Other Matters

14. The Council are concerned that the proposal would fail to provide adequate provision for waste and recycling facilities and cycle storage. Given the size of the rear garden, I consider the space could suitably accommodate waste and recycling facilities and cycle storage to serve the number of likely occupants without detriment to the private amenity space. Had I found in favour of the appeal; I am satisfied that such matters could have been secured through a suitably worded planning condition.

15. The Council is also concerned that, in the absence of a legal agreement to preclude occupiers from applying for parking permits, the development would be likely to result in inconsiderate parking and undue inconvenience for other users of the highway, contrary to Core Strategy Policies CS7 and DM10. The appellant accepts the need for the legal agreement, but none has been completed. However, as I intend to dismiss the appeal for other reasons, this matter has not been pursued further with the parties.

Planning Balance

16. The Council indicate they cannot demonstrate a 5-year supply of deliverable housing sites; however, I have not been provided with details of the nature of

the shortfall. Paragraph 11 of the National Planning Policy Framework is therefore engaged. Whilst I acknowledge that the proposal would contribute to the area's housing stock, the proposal would provide only one small dwelling. Accordingly, any benefits that might be associated with it would be very modest. This must be set against the high level of harm I have found to the living conditions of occupiers and the harm I find to the loss of employment floorspace. I attach very significant weight to these conflicts. So, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits and I find no justification for taking a decision otherwise than in accordance with the development plan.

Conclusion

17. For the above reasons, the appeal does not succeed.

S Thomas

INSPECTOR