



Appeal Decision

Site Visit made on 14 July 2021

by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2021

Appeal Ref: APP/K5600/W/20/3263959

6 Redfield Lane, London SW5 0RG

- 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 Stephen Coles against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/20/01142, dated 17 February 2020, was refused by notice dated 25 June 2020.
 - The development proposed is described as conversion of single house into 2 separate flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the revised National Planning Policy Framework was published (20 July 2021). The main parties have been given the opportunity to comment and my decision is made in the context of the revised Framework.
3. The appeal site is within the Earl's Court Conservation Area (CA) although neither of the main parties have made comment on any likely effects on the heritage asset. However, given that the proposal does not include any external alterations, I see no reason why the development proposed in this appeal would fail to preserve or enhance the character or appearance of the CA and therefore I am satisfied that the character and appearance of the CA would be preserved.
4. From the evidence before me and based on what I saw on site it is apparent the building has already been converted into two separate flats. The upper flat (no.6) occupies the three upper floors and the lower flat (no.6A) occupies the lower ground floor and basement area. I saw during my site visit that the flats are both occupied but that the internal alterations proposed by this appeal have not been carried out. I am therefore determining this appeal on a part retrospective basis.

Main Issues

5. The main issues i) the effect of the proposal on the living conditions of the future occupiers of Flat 6A with particular reference to outlook and light and; ii) whether the proposal would secure car free housing.

Reasons

Living Conditions

6. The appeal property is a five-storey terraced dwelling on a one-way street in a predominantly residential area. Without the benefit of planning permission, the building has been converted into two separate flats, each with their own separate street access. The Council is satisfied that Flat 6 provides an acceptable standard of living conditions and I have no reason to disagree with this view.
7. Flat 6A is currently set up as a three-bedroom flat with the kitchen and living areas on the lower ground floor and the bedrooms and bathrooms in the basement. The proposal would see a reconfigured internal layout with a relatively spacious bedroom, kitchen and living space at lower ground floor level and a second bedroom, en-suite, main bathroom and large utility/storage space at basement level. A compact, dog-leg staircase would facilitate a reduced circulation space allowing for larger rooms.
8. At lower ground floor level, the bedroom and living space would be of a good size and would have relatively large windows with an outlook towards the street at the front or onto the south facing external amenity space to the rear. The submitted sunlight and daylight report by CHP Surveyors (CHP) indicates that daylight to both the living room and bedroom would exceed the level recommended by the Building Research Establishment's publication *Site Layout Planning for Daylight and Sunlight. A guide to good practice 2011* (BRE guidelines). Similarly, the report confirms that sunlight into the south facing living area would exceed the recommended levels. I am therefore satisfied that the lower ground floor accommodation would provide occupiers with appropriate living conditions in regard to daylight and outlook.
9. The plans before me indicate that there would be one bedroom towards the rear of the basement which would benefit from daylight provided by the existing double height courtyard/lightwell which vertically connects the basement and lower ground floor. There is no assessment of sunlight levels for the basement areas provided, but the CHP evidence suggests that the daylight levels in the basement bedroom would exceed the BRE recommendations. Nonetheless, I noted during my site visit that the existing basement spaces were extremely gloomy and uninviting with the majority of the spaces having very little natural light and little or no outlook. This would not be improved by the proposed layout, indeed, the only room with any outlook would be the rear bedroom which would overlook the small courtyard/lightwell and would have limited views of the sky via a partially glazed ceiling.
10. I accept that the basement rooms would not necessarily be inhabited for as many hours per day as the main living areas on the lower ground floor however, I saw during my site visit that there were workstations set up on both floors. It would not be unreasonable to assume that given the proposed reduction in reception rooms at the lower ground floor level, occupiers may migrate to basement level when working from home thus spending a good proportion of time in the basement spaces. Furthermore, the disproportionately sized utility room/store which has no outlook or access to natural light, could offer an additional opportunity for a home office or third bedroom.

11. I acknowledge the suggestion of a planning condition to limit the use of the basement rooms however, in practical terms, such a condition would be extremely difficult to enforce and therefore it would not meet the six tests as set out within the planning practice guidance.
12. Notwithstanding the above, owing to its extremely poor outlook and limited natural light I consider that overall, the basement area would be an oppressive and unpleasant space and this would not be mitigated by the generous room sizes. Consequently, I conclude that Flat 6A would not provide acceptable living conditions for its occupiers with regard to outlook and light. It would therefore fail to accord with the Policies CL5 and CT2 of The Royal Borough of Kensington and Chelsea Local Plan 2019 (KCLP)

Car Parking

13. The appeal property is located within a Controlled Parking Zone and Policy CT1 of the KCLP requires all new residential development to be permit free. The Appellant has submitted a signed Unilateral Undertaking (UU) dated 5 April 2021. This is to ensure that the occupiers of the proposed development would not be entitled to apply to the Council for a parking permit.
14. The Council have raised no objections to the provisions of the UU and I am satisfied that it would meet the necessary tests. Accordingly, the submitted legal agreement would ensure that the development would not exacerbate the existing pressures on the parking provision in the locality. The requirements of Policy CT1 of the CLP, which requires better alternatives to the private car and that new additional residential accommodation will be permit-free, would therefore be met.

Conclusion

15. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hunter

INSPECTOR