



Appeal Decision

Site visit made on 31 August 2021

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/K5600/W/21/3273468

39 Cheval Place, London SW7 1EW

- 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 Miller of Beddington Estates against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/20/04811, dated 28 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is external alterations, change of use of ground, first, rear part second floor and third floor from Class E to C3 (residential), flexible use of lower ground floor and front part of second floor for Class E and/or C3 (residential) and ground floor garage.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 11th October 2021.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issues

3. The main issue in this appeal are;
 - Whether the proposal should be resident parking permit restricted
 - Whether the proposal would result in the unacceptable loss of employment floorspace
 - Whether the proposal provides an acceptable type of new dwelling.

Reasons

Parking

4. Policy CT1 requires, amongst other things, that all new additional residential development should be resident parking permit free. The whole Borough is covered by a Controlled Parking Zone and experiences considerable parking pressure and traffic movements, which are felt not just in the vicinity of a proposed development.

5. The appellants have submitted a completed Unilateral Undertaking which would limit residents to applying for 1 permit only, as well as restricting forecourt parking to service vehicles only; the proposal contains a garage at ground floor level, sufficient for one car. The appellants indicate that their age and ability to travel by other means makes them reliant on a car and also point out that the existing property has a parking space on its forecourt.
6. The existing use of the site could involve the attendance of one vehicle on its forecourt. Whilst the proposed use may involve a similar number of vehicle movements, the proposed use would include the use of a vehicle that could potentially add to parking demand/congestion elsewhere in the borough, as feared by the Council. I consider that this would be in conflict with Policy CT1 as set out above. The personal circumstances of the appellants are noted; however, there is nothing to ensure that the appellants would be the occupiers of the proposal and the land use would be likely to endure long after the personal circumstances cease to be relevant. In this case I find that the personal circumstances are insufficient to outweigh the land use planning matters. I have also taken account of the appellants' comments in relation to the consistency of the Council's application of the policy. However, this does not alter my conclusion that the proposal is in clear conflict with the policy.

Loss of Employment Floorspace

7. Policy CF5 of the Council's Local Plan 2019 (LP) states that the Council will ensure that there is a range of business premises within the borough to allow businesses to grow and thrive. In order to do so, the policy will protect offices and office floorspace throughout the borough, with 2 stated exceptions, which do not apply to the appeal scheme.
8. The supporting text of the policy indicates the scale and importance of the office sector. It indicates that the importance of the borough's office sector was recognised by the Government in 2013 when the Council was one of only two authorities in the country granted a borough-wide exemption to the office to residential permitted development rights due to its local and national significance. It goes on to recognise the importance of the diversity of office sizes and types, which adds to its strength. It adds that, at the time of writing there was a forecast demand of 45,000sqm of additional office space between 2016 to 2028. It then recognises that the difference in land values between offices and residential use does not favour office use and that such losses could hinder the ability to meet office demand.
9. Evidence submitted by the appellant refers to the individual characteristics of the appeal building itself and to the limitations that these impose on the attractiveness of it for commercial letting. In addition, evidence is submitted which suggests that the current office market is changing and that demand for an office space such as the current appeal building is reducing. The Council have submitted extracts from their draft Employment Land Study (ELS) which indicates that, when taking account of the current effects of the Covid pandemic and a scenario of 30% reduced office requirements due to remote working, they still project a demand for between around 60,000sqm to 86,000sqm of office space up to the year 2043. However, in my view, this does not outweigh the evidence submitted by the appellants in relation to the restrictions of the existing building, its layout and the effects that this has on

its marketability, notwithstanding its use by, in a large part, companies with an association to the family trust.

10. Whilst the proposal would be contrary to Policy CF5 of the LP, I consider that the other factors set out by the appellant are relevant to this appeal. The particular characteristics of the building means that it is less likely to be successfully let in the current economic climate and in the climate as we emerge post-pandemic. In my view and in the light of the evidence submitted, it seems likely to me that if the existing building were to be retained in its current form, it would be unlikely to be viably let in the office market and there is little or no scope to make alterations to make it more attractive within this sector. In my view, this is a matter of considerable weight which outweighs the conflict with Policy CF5.

Dwelling Type

11. Policy CH1 of the LP sets out that the Council will optimise the number of residential units delivered in new developments. Policy CH3 of the LP states that the Council will require that new housing development will be of a size and mix to reflect the needs of the borough. The Council considers that the existing building could be converted to a larger number of smaller units rather than the single unit as proposed, notwithstanding their other objections to the scheme.
12. The appellant has submitted a detailed assessment of 6 options for the conversion of the building to residential use, the appeal scheme being one of them. The other options include more than one unit. The assessment indicates that there are restrictions in the building and its surroundings which limit any alterations that could be made. It is partly of single aspect and some rooms do not receive any/much natural light. I have taken account of the appellant's assessment and whilst the Council has made some reference to it, they have not undertaken a detailed rebuttal and offer little evidence of detail to contradict the appellant's findings. Therefore, from what I have seen on site and considered from the submissions, there are considerable restrictions within the existing building which would prevent a more intensive conversion to residential use and still provide accommodation of an acceptable standard. As a result, taking account of the characteristics of the site (as is required by Policy CH3) I find that there is no conflict with the relevant policies.

Conclusions

13. I have taken account of the fact that the proposal would provide an additional dwelling and see this as a benefit. Whilst I have agreed with the appellant in relation to the loss of the office use and the number of proposed units, the proposal gives rise to conflict with Policy CT1 of the LP. Having taken account of all other matters, I find that the conflict is not outweighed. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR