



Appeal Decision

Site Visit made on 1 November 2021

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2021

Appeal Ref: APP/L5810/W/21/3269590

5-7 Cardigan Road, London SW13 0BH

- 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 E Dickinson against the decision of the London Borough of Richmond Upon Thames Council.
 - The application Ref 20/2793/FUL, dated 2 October 2020, was refused by notice dated 18 February 2021.
 - The development proposed is described as merging of nos. 5 and 7 Cardigan Road to create one dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for a 6 bedroom house but the proposed plans are annotated as 5 bedrooms. A suitable room in the proposed house could be used as a sixth bedroom. I have considered the appeal on this basis.
3. The proposal is said to involve no external works. The proposed floor plans show demolitions to the front and rear elevations of the roof dormer in No 7 Cardigan Road. I return to this in the second main issue below.

Main Issues

4. The main issues are the effect of the proposal on the provision of housing in the Borough, and whether it would make provision for affordable housing.

Reasons

Provision of housing

5. The appeal site (No 5 and No 7 Cardigan Road) is a semi-detached pair of large two-storey houses, each with a third-storey of living accommodation at roof level. They are broadly typical of many houses in the surrounding residential area. The appellants own No 5 which has 4 bedrooms, as also does No 7. The proposal would convert both houses for occupation by the appellants as a single family home (the appeal property). The owner of No 7 would sell that house to the appellants to facilitate this.
6. The Council's Local Plan¹ (LP) Policy LP38 refers to the loss of housing. It is in three parts A, B and C.

¹ The London Borough of Richmond Upon Thames Local Plan, July 2018

7. Part A states that existing houses should be retained. I appreciate that the Council has exceeded its annualised housing requirement in recent years and currently anticipates exceeding the Borough requirement to 2025. Nonetheless, it is a minimum number of dwellings to be provided, not a cap, and the Council seeks to retain housing due to a limited land supply and high land values in the Borough. There is also still a significant period of time to 2025 and it remains to be seen whether the housing requirement is actually achieved.
8. While the proposal would result in the loss of one house it would nonetheless, and albeit in a small way, have a negative effect on housing provision. This would thus undermine the Council's achievements to-date and diminish its overall strategy in this regard. Furthermore, part A is engaged in absolute terms — it is not, for example, conditional on the existence of a housing land supply shortfall. Furthermore, even in the vicinity of the appeal site there are many houses similar to No 5 and No 7. If this appeal were to be allowed there is therefore a realistic prospect that it could set an undesirable precedent. This would make it difficult for the Council to resist similar conversion proposals elsewhere. As a result, the potential cumulative effect could have a greater adverse impact on housing provision in the Borough. For these reasons the proposal would fail to comply with part A.
9. With regard to parts B and C, No 5 and No 7 are already in residential use and the proposed internal alterations could provide a 6 bedroom house. This would meet the appellants' family living and guest needs, including for ancillary uses such as working from home, recreation and leisure. There would be no external changes to No 5 or No 7 and the outward appearance of two semi-detached houses would be maintained. These houses would therefore be suitable for the proposed conversion and acceptable in design. Despite its spacious internal volume, No 5 could not reasonably be improved to a satisfactory standard or area to provide an equivalent scheme to that sought in the appeal. The proposal would achieve a high standard of living accommodation and would be no less accessible than existing living conditions in each house. It would therefore comply with parts B and C.
10. However, these positive aspects do not address or outweigh the more fundamental issue in relation to part A. Consequently, I find that the proposal would result in the loss of a house and reduce the provision of housing within the Borough. Accordingly, it fails to comply with LP Policy LP38 overall.

Affordable housing

11. The Borough has a substantial unmet need for affordable housing. There is no dispute that despite Government policy in the National Planning Policy Framework (Framework), the Council has justified a local need for the proposal to make a financial contribution towards the provision of affordable housing off-site elsewhere. I have no reason to reach a different view.
12. I note that the appellants' final comments calculated a contribution of £75,772 and that its Viability Assessment (VA) concluded that the proposal would not be viable if a payment of £72,480 had to be made. On that basis, and notwithstanding the unexplained discrepancy between these two figures, the appellants have not provided a planning obligation to make any contribution. I also note that the Council may reduce the level of contribution sought, subject to viability assessment. Even though the VA was submitted to the

Council at application stage, it has not obtained an independent review of it or provided any specific evidence about viability.

13. Nevertheless, I note that the VA used house asking price comparisons, rather than sale prices, and no justification is given for the particular adjustment (5%) applied 'to compensate for any potential reduction in final sale price'. I appreciate that this method was used because the sample of sold properties in the selected radius of the appeal site at the time (October 2020) was 'not sufficient' and a larger search radius 'did not reflect prices within the immediate area'. However, a significant time period has elapsed. The method has not been reviewed in support of the appeal and there are no more recent figures.
14. Notwithstanding the above, the VA derived a separate existing use value (EUV) for No 5 and for No 7 by comparison with 4 bedroom semi-detached houses and using the gross internal area (GIA) of No 5 and No 7 (198m² and 180m²). The separate EUVs were combined into an EUV of £3,627,987 for 'both houses'. However, this appears to give a crude EUV proxy for an 8 bedroom property. There is no evidence about asking or sale prices for any comparable 8 bedroom detached houses, if there are any. I am not, therefore, persuaded that it is appropriate to add the EUV for the separate houses to arrive at a final EUV.
15. In calculating gross development value (GDV) the VA used a GIA of 290m² for the proposed 6 bedroom house and 'combines the existing GIA's whilst including the proposed 12 sqm extension on the second floor'. However, the existing combined GIA is 378m² and a second floor extension is not part of the appeal application. These apparent discrepancies permeate elsewhere in the VA — the extension is included in the assessment of build costs as 'necessary to facilitate the conversion of the proposed building', as is a GIA of 378m², and a nominal 5% cost has been allowed for 'external works' when none are proposed. In addition, in 'site acquisition and costs (stamp duty and legal)' it is not clear what 'site value' is being referred to in the agent's and legal fees.
16. The VA contains no schedule to confirm what 'level' of works have informed the conversion cost. To amalgamate the two separate houses into a single house would, according to the appeal plans, require breaking through the party wall in places. There would also need to be some basic, commensurate localised alterations and redecoration. In the absence of any specific details (including the cost of justified requisite environmental improvements²) it is therefore difficult to reasonably reconcile the conversion build cost of appreciably greater than half a million pounds (£544,880). Moreover, some of the internal alterations and environmental improvements appear to reflect personal preferences for re-arrangement and re-purposing of internal living space. As such, these would be more akin to routine domestic refurbishment. I would therefore ordinarily expect those costs to be incurred and be met in the normal course of occupying any house and undertaking such home improvements.
17. The VA includes 'sales & marketing and legal fees' for a future sale of the appeal property. However, it is reasonable to assume that it would, all things being equal, meet the appellants family living needs for a significant period of time. It has not been suggested otherwise. While the house would eventually be sold, the inclusion of these future costs is nonetheless therefore somewhat premature and counter to the case that I am being asked to consider now.

² Including in the BREEAM Domestic Refurbishment Pre-Assessment Report, Energy Strategy and Water Substantiality Statement

Moreover, and ordinarily, the appellants would be expected to meet similar types of costs in any event, for example were they to sell No 5. There is no satisfactory justification provided for these costs.

18. Similarly, the VA includes a developer profit of 15% of the GDV. However, the appellants are not 'developers' and the proposal is not a commercial project for immediate sale and profit. I would therefore anticipate some costs of the proposal to be reflected in the eventual value or sale price of the appeal property, or to be apportioned to each individual re-instated house, at the time it was sold. I appreciate that the sensitivity testing includes a 'no developers profit' but the significance and consequence of that adjustment to the overall VA is, in part, consequential on the other concerns regarding the VA that I have already referred to.
19. Taking all of the above into account, the evidence is such that I cannot be certain that either of the contributions calculated by the appellants, or any lesser contribution, could not be made. I therefore give the VA little weight. In these circumstances the proposal would not make provision for affordable housing. Consequently, it would be at odds with the Council's adopted housing and planning strategy and would not comply with LP Policy LP36. It would also conflict with the Council's Affordable Housing supplementary planning document, March 2014.

Other Matters

Heritage assets and streetscene

20. The appeal site is in the Barnes Common Conservation Area (CA). The significance of the CA derives, in part, from distinctive areas of large Victorian and Edwardian houses in regimented street patterns. This includes the houses in Cardigan Road and opposite in Bellevue Avenue where the terrace at Nos 13-23 is more ornate in architectural design and detail and a Building of Townscape Merit (BTM). Despite the conspicuous modern front roof dormers in both houses, No 5 and No 7 contribute meaningfully to the significance of the CA, as does the BTM.
21. No 5 and No 7 appear generally well-cared for and are similar in appearance and condition, including materials and decoration. In these respects, they also broadly reflect other similar houses nearby. There is no reason why this status quo would not likely continue in the future. Furthermore, the proposal includes no external works to either house and the outward appearance of two semi-detached houses would be maintained. While single ownership and occupation of the appeal property could result in more 'uniform' and 'timely' upkeep of its external fabric, than as two separate houses, I am not, therefore, persuaded that this would have an appreciable effect in this case.
22. Consequently, the proposal would have a neutral effect on the character and appearance of the CA overall, to this particular part of the CA and to the Cardigan Road streetscene. For the same reasons it would also have a neutral effect on the setting of the BTM. It would therefore preserve the character and appearance of the CA, and the streetscene, and would conserve the BTM. Accordingly, there would be no harm to, or loss of, the significance of the designated and non-designated heritage assets.

House size

23. The proposal would maintain a family sized house and comply with the Governments Nationally Described Space Standard for rooms and provide satisfactory external amenity space. While only a small percentage of completions in recent years in the Borough were for properties with 4 or more bedrooms, No 5 and No 7 are 4 bedroom houses. They therefore already contribute to the supply of such houses, consistent with the objectives of LP Policy LP35.
24. There has been a number of 4 bedroom houses marketed for sale locally and few 6 bedroom houses. However, 6 bedroom houses have nonetheless been available to buy. It is not clear why the appellants have not been able to meet their housing needs in this way. Moreover, transactions in the housing market at a particular snap-shot in time do not provide objective evidence that there is an underlying or un-met housing need for more 6 bedroom houses locally or in the Borough. There is no such evidence before me.

On-street parking

25. Cardigan Road is in an on-street Controlled Parking Zone (CPZ). The Council's parking standards require two parking spaces for the proposed 6 bedroom house, whereas a development of two 4 bedroom houses requires four spaces. However, I have not been informed about how the Council assigns parking permits (thus spaces) to the occupiers of No 5 and No 7 or would assign permits for the appeal property. It is, therefore, not necessarily the case that single family occupation of the appeal property would result in less people who may wish or need to park a car in Cardigan Road — or who might be entitled to a resident parking permit — compared to separate occupation of each house.
26. Moreover, there is no survey or other evidence on the capacity or demand for parking in Cardigan Road or in surrounding roads, which are also subject to the CPZ. At the time and day of my visit (during hours regulated by the CPZ) I saw that spaces were available in Cardigan Road and in these nearby roads.
27. Consequently, and notwithstanding that the appellants agree to a condition that would require them to enter into a planning obligation to control access to resident on-street parking permits, it has not been demonstrated that existing parking demand cannot be met. Nor has it been shown that the appeal proposal would result in less demand for on-street parking.

Environmental and sustainability improvements

28. The appellants, or the owner of No 7, could choose to improve the sustainability of their respective houses, including for reasons of energy cost savings or environmental stewardship. There is no evidence that this would be 'extremely unlikely'. The detached appeal property would be occupied by a single family and could have fewer residents than might live in each semi-detached house. However, even if it did, it is not certain that this would reduce noise levels or improve the living conditions of the occupiers of nearby houses.
29. Some initiatives that have been referred to, such as solar panels are not part of the proposal before me. Nonetheless, subject to suitable conditions, the proposal would ensure appropriate, requisite environmental improvements were carried out to enhance the sustainability of the appeal property having

regard to the Council's Sustainable Construction Checklist, a BREEAM³ 'excellent' rating and Building Regulations. It is also likely that many of these measures, including for energy consumption and emission reduction, water efficiency and waste and recycling, would endure in the event that the appeal property reverted to two separate houses.

Personal and temporary permission

30. The proposal would provide a convenient opportunity to meet the appellants' family housing needs, including proximity to local facilities and services. It may also be possible to reverse the proposal in the future by seeking planning permission to re-instate two separate houses. I note that LP Policy LP38 may entertain, in principle, the possibility of such 'reversions', albeit that the LP refers to houses converted into flats back into a single family house. I cannot, therefore, be certain that planning permission would be granted in the future by the Council, or on appeal. Meantime a house would be lost.
31. It is also possible that other potential future owners could seek to occupy the appeal property as a single family home. The proposal could therefore remain long after the appellants' personal circumstances have ceased to be material. In this regard, the appellants have suggested a condition with the aim that planning permission would be for a temporary period and for their benefit only. It would also seek to require that they put the appeal property back into two separate dwellings.
32. However, the ability of the appellants to comply with such a condition would be dependent on the grant of planning permission for future development. The outcome of that is not in their control. It would also not prevent the benefit of a planning permission and occupation by another 'Mr and Mrs Dickinson'. Nor would it prevent the appellants from living at the appeal property when their children no longer reside there. In either case, the appeal property would not have to revert to two separate houses.
33. Furthermore, by the time the appellants 'cease to occupy' the appeal property (physically move out) it could have been sold to a new owner. If so, there is no mechanism to ensure that it was altered back into two houses, either by the appellants or a new owner, and 'the houses at 5 and 7 Cardigan Road' would not, at that point in time, exist. Moreover, the condition does not specify how the appeal property shall be altered into two separate houses, including size or arrangement — for example, it would not have to be to the original floorplans of each house. Similarly, as none are specified, it would literally require 'all' doorways and openings (in the appeal property or both houses) to be 'blocked up'. It is also not clear what is meant by work carried out 'to a good order'.
34. For these reasons, the condition would not be precise, reasonable, or enforceable and, accordingly, not meet all of the requisite Framework tests.

Planning Balance

35. In terms of benefits, the appeal property would be suitable in location, design, size and layout for the appellants' family living needs. While I am sympathetic to these personal circumstances, the proposed 6 bedroom house would nonetheless not meet any wider acknowledged public need. Consequently, I give little weight to this consideration. The proposal would deliver meaningful

³ Building Research Establishment's Environmental Assessment Method

environmental and sustainability improvements. These would be aligned with relevant objectives of the Framework with regard to renewable and low carbon energy and climate change. Commensurate with its relatively modest scale, I give limited weight to this consideration.

36. The proposal would conserve the BTM in a manner appropriate to its significance as a non-designated heritage asset, which carries limited weight, while conserving the CA is a matter which I am required to give great weight. The proposal would cause no harm in these respects, or to the streetscene, and it would comply with the requirements of the Council's development plan and the relevant provisions of the Framework. No tangible on-street parking benefit has been demonstrated. These are therefore neutral factors in my decision.
37. However, the proposal would result in the loss of a house and while it would create one very large 6 bedroom family house, two large 4 bedroom family houses would be lost. It would not be an effective use of land and there is no certainty that two houses would be re-instated. It would also not make any financial contribution towards the provision of affordable housing. In these respects, the proposal would be contrary to the Council's relevant development plan policies, which are broadly consistent with the Framework. It would be at odds with the Government's objectives of 'significantly boosting' the supply of homes and meeting the needs of people who require affordable housing. Consequently, I give substantial weight to these considerations.

Conclusion

38. The proposed development would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
39. Therefore, for the reasons given above, I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR