



Appeal Decision

Site visit made on 7 March 2022

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/X5990/W/21/3284228

Flat 48 and 49 Faraday House, 30 Blandford Street, London W1U 4BY

- 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 Stuart Main against the decision of City of Westminster Council.
 - The application Ref 21/04895/FULL, dated 16 July 2021, was refused by notice dated 7 September 2021.
 - The development proposed is to create a new three-bedroom family unit by amalgamating two existing flats (Flats 48 and 49) into a single residential property. The new layout also involves the absorption of a portion of communal hallway that presently separates the two flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.

Main Issue

3. The main issue is the effect of the proposed development on the supply of housing in Westminster.

Reasons

4. Policy H1 of the London Plan sets targets for net housing completions for the relevant local authorities. The supporting text of Policy H2 of the London Plan states that boroughs are encouraged to resist schemes where the amalgamation of separate flats into larger homes is leading to the sustained loss of homes and is not meeting the identified requirements of large families.
5. Policy 8 of the City Plan states it is necessary to protect existing housing to achieve housing targets and meet growing and diversifying housing need. A continued need to provide for family-sized homes is also identified. Policy 8C states that all existing residential units, uses, floorspace and land will be protected. One exception to this is where non-family sized housing is being reconfigured to create family sized housing. Family sized housing is defined as having between three and five bedrooms.

6. The appellant considers Flat 49 to be a 2-bedroom unit. The disputed room was used for storage at the time of my visit and from the details before me falls below the minimum size requirements for a single bedroom in the THS¹.
7. However, the existing plans submitted as part of this appeal show 3 bedrooms in the flat. In addition, the originally approved plans for the block of flats show that it was intended to be a 3-bed unit. Furthermore, the THS standards do not apply to existing dwellings, the overall floorspace of the flat exceeds the minimum size given in the THS for a 3-bedroom unit and the shortfall of the room in question is marginal.
8. While the balcony for the flat above can be seen from the window serving the disputed room, it is not overly prominent. The window is large and there is a relatively good outlook from it to the terrace and the greenery beyond. The size of the window and limited effect of the balcony meant that when I visited there was a good degree of light entering the room.
9. Therefore, while the appellant is currently not using the room as a bedroom, acceptable living conditions could be achieved were it to be used as such.
10. Consequently, I consider that Flat 49 is a 3-bedroom property and already a family unit. The residential floor space would not be decreased, and the proposed unit would be larger than the existing ones. Nonetheless, the scheme would not meet any of the policy exceptions where the loss of a unit of accommodation is permitted as it would not create an additional family sized home.
11. Therefore, the proposed development would unacceptably affect the supply of housing in Westminster. It would fail to comply with the aims of Policy 8(C) of the City Plan and Policies H1 and H2 of the London Plan to ensure sufficient housing is provided. It would also be contrary to the National Planning Policy Framework where it aims to significantly boost the supply of housing.

Other Matters

12. I appreciate the appellant's desire to provide a larger property to be able to live with their extended family. Nevertheless, these personal circumstances do not outweigh the harm that would arise from the loss of a housing unit.
13. No clear evidence of the level of rented or second homes within the building has been provided. In any event, no mechanism has been put before me that would prevent the proposed unit being used as such.
14. Even if I were to agree that there is an oversupply of 1-bedroom units and that the Council are currently able to demonstrate a 5-year supply of housing land, these factors do not alter that the scheme would reduce the overall housing stock.
15. I do not have full details of the evidence before the decision makers for the other schemes that have been highlighted to me. Notwithstanding this, the London Road appeal related to a certificate of lawfulness rather than a planning application, was in a different Council area, and considered whether a material change of use had occurred. The scheme at Flats 45 and 46 related to 2-bedroom units and did not involve the loss of a 3-bedroom family unit. As such,

¹ Technical Housing Standards-Nationally Described Space Standard

they are materially different to the scheme before me. As I do not have details of the Bird Street scheme or the works at Flat 36, I cannot be sure that they are directly comparable to the one before me.

Conclusion

16. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
17. Therefore, for the reason given above, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR