



Appeal Decision

Site visit made on 24 August 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 SEPTEMBER 2022

Appeal Ref: APP/Z5630/W/21/3287922
65 & 65A Douglas Road, Tolworth KT6 7RZ

- 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 Brimblecombe against the decision of the Royal Borough of Kingston Upon Thames Council.
 - The application Ref 21/02738/FUL, dated 24 August 2021, was refused by notice dated 1 November 2021.
 - The development proposed is described as 'internal alterations to enable reversion of property from two flats back to one house'.
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Decision

1. The appeal is allowed and planning permission is granted for internal alterations to enable reversion of property from two flats back to one house at 65 & 65A Douglas Road, Tolworth KT6 7RZ in accordance with the terms of the application, Ref 21/02738/FUL, dated 24 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2736-RDJWL-XX-XX-DR-A-0015; 2736-RDJWL-01-ZZ-DR-A-0010; 2736-RDJWL-01-ZZ-DR-A-0011; 2736-RDJWL-XX-XX-DR-A-0016.

Main Issue

2. The main issue is the effect of the proposal on the Borough's housing supply.

Reasons

3. The appeal property is located in a residential area, which consists mainly of family houses, close to local services and facilities. It is a moderate sized 2-storey mid-terrace house converted into 2 separate 1-bed flats.
4. All of the proposed alterations are internal and seek to convert the existing 2 flats back into a 3-bed family home. This would result in the loss of a single residential unit. Policy DM14 of the Council's Local Development Framework Core Strategy (2012) (Core Strategy) states that the Council will resist the loss of existing accommodation. It goes on to state that to protect existing family units that meet an identified need, the Council will, where necessary, limit the conversion of family units into houses in multiple occupation. While this second part of the policy doesn't relate directly to the proposal, it affirms an identified

need for family housing in the borough to such a degree that the Council wish to protect the existing stock.

5. This is supported further by paragraph 6.102, which explains that a high proportion of recent residential schemes have been in the form of 1 and 2 bed flatted developments, raising concerns about the availability of family housing, and that the Borough's Strategy Housing Market Assessment identified a significant requirement for family housing over the lifetime of the Core Strategy. It also identifies that this need is unlikely to be met entirely through new build schemes.
6. Therefore, taking account of the policy as a whole, the proposal would not result in the loss of residential accommodation. Rather, the accommodation would be reconfigured to deliver a family house, which there is a significant requirement for, and this would be achieved through a mechanism other than new build. Furthermore, the proposal would utilise the accommodation more effectively by reducing the amount of circulation space and would provide an additional bedroom. It would thus accord with the fundamental aims of Policy DM14 of the Core Strategy.
7. I recognise an objective of the National Planning Policy Framework (the Framework) is to significantly boost the supply of homes. I also understand that the Council's annual housing target has increased since adoption of the Core Strategy and therefore at present land for housing within the Borough is constrained. However, even if the Council were unable to demonstrate a 5-year supply of deliverable housing sites, the net loss of 1 residential unit would have a very limited effect. It would also be counterbalanced by the proposal's contribution of a family house, which is in more significant need than the 1-bed flats being replaced. Given this, the effect on the Borough's housing stock would be neutral.
8. Accordingly, for the reasons above, the proposal would not conflict with Policy DM14 of the Core Strategy. In addition, it would also accord with policies H8 and H10 of the London Plan, which, amongst other things, like policy DM14, resist the loss of existing housing, in particular family housing.

Other Matters

9. The appellants have questioned whether the appeal proposal constitutes a material change of use and therefore requires planning permission. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990.
10. It has been put to me that the proposal would provide some benefits including improvements to the living conditions of occupants of neighbouring properties and reduced parking pressures. However, given that I am allowing the appeal on the main issue above it is not necessary for me to consider these matters further.

Conditions

11. The Council has suggested 7 conditions be imposed to any permission granted. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance. In addition to the standard time limit condition, I have imposed a plans condition in the interests of certainty. However, given that the proposal is for internal alterations only, it would be

unnecessary and irrelevant to the development being permitted to require the development to be carried out in accordance with the materials specified on the approved plans and application form. It would also be imprecise as no materials are specified on the plans or application form. For similar reasons, I am not imposing a condition requiring any windows or rooflights at first floor or above in the flank elevations constructed less than 1.7m above finished floor level to be non-openable and obscure.

12. It is not necessary to impose the 3 suggested conditions which would restrict permitted development rights for the dwelling, associated with windows and openings, alterations and enlargements, and outbuildings. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. I have not been presented with compelling reasons why permitted development rights should be withdrawn in this case.
13. Given the very modest scale of the proposed works and that the proposal is for a 2-storey single family dwelling, in this case, the imposition of a condition requiring a fire strategy would likely be onerous and thus is unreasonable.

Conclusion

14. For the foregoing reasons, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions above.

Hannah Guest

INSPECTOR