



Appeal Decision

Site visit made on 6 December 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 DECEMBER 2022

Appeal Ref: APP/K3605/W/22/3304733

The Old Post House, Portsmouth Road, Thames Ditton, Surrey KT7 0XX

- 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 Thames Dental & Facial Care against the decision of Elmbridge Borough Council.
 - The application Ref 2022/0761, dated 23 May 2022, was refused by notice dated 12 July 2022.
 - The development proposed is described as a change of class from a first floor flat Residential C3 to Commercial use E with accompanying changes to the front door and internal reconfiguration.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the supply of housing in the Borough.

Reasons

3. Policies CS2 of the Elmbridge Core Strategy 2011 (the CS) and DM10 of the Elmbridge Development Management Plan 2015 (the DMP) underline the significance of housing delivery. They state that any developments which involve a net loss of housing will be resisted unless it can be demonstrated that the benefits of the development outweigh the harm.
4. The Council confirm that the Local Housing Needs Assessment 2020 (LHNA) sets out an identified need for dwellings within the borough. While the need for 1-bedroom units is lower, there is still an identified need for these units.
5. There is no clear substantive evidence before me that a local community need exists to support the proposed development. I acknowledge that nationally there is evidence of a shortage of dental services, however, there is no evidence setting out the local degree of need or how this application would respond to that need within such a local context.
6. I accept the existing dwelling falls below the Technical Housing Standards – Nationally Described Space Standard (NDSS) for 1 person 1-bedroom dwellings. However, the NDSS states that these standards apply to internal space within new dwellings and have no other statutory meaning or use.
7. Even if the NDSS was applied retrospectively, the shortfall would be marginal at 2 sqm and as such any harm arising would be modest. Additionally, given

- the size of the existing bedroom, it has not been clearly demonstrated that this dwelling should be treated as a 2-person 1 bedroom dwelling.
8. I also acknowledge the existing dwelling does not benefit from outdoor amenity space; however, I have not been provided with any policy requirements which requires outdoor amenity space for 1 person 1-bedroom dwellings.
 9. There is currently no dedicated car parking or cycle parking associated with the existing residential dwelling. However, the appellant has not robustly demonstrated that the existing dwelling places unacceptable pressure on the highway network. Particularly as, while a snapshot in time, during my site visit I found local parking stress to be fair. The absence of cycle parking is noted, but the appellant has not shown that such cycle parking cannot be provided onsite if required.
 10. The kitchen/dining room has one window and I found it to be of reasonable size to allow light into the room. I also noted that it was not obstructed externally to adversely impact light penetration and a reasonable outlook to the external environment was possible.
 11. The development would offer potential benefits in terms of providing employment. However, the degree of benefits would be modest given the scale of development and while I have also found some marginal harm arising from the size of the dwelling if the NDSS was applied, in this case, I have not been convinced it should be applied retrospectively. There is an overriding need for housing and the benefits associated with this development would not outweigh the need for a supply of housing in the Borough.
 12. Accordingly, I conclude that the proposed development results in the loss of a dwelling to the detriment of the supply of housing in the Borough. Consequently, the development conflicts with Policies CS2 of the CS and DM10 of the DMP which together seek, amongst other matters, to deliver housing to meet the needs of the Borough. These policies also accord with the National Planning Policy Framework in regard to ensuring a sufficient supply of homes.

Conclusion

13. As such, the proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR