



Appeal Decision

Site visit made on 28 February 2023

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2023

Appeal Ref: APP/L5810/W/22/3301598

14 Warwick Road, Hampton Wick KT1 4DW

- 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 Mrs Felicity Cave against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 21/3223/FUL, dated 4 October 2021, was refused by notice dated 20 April 2022.
 - The development proposed is 'reversion from 2 flats to single dwelling house'.
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Decision

1. The appeal is allowed and planning permission is granted for 'reversion from 2 flats to single dwelling house' at 14 Warwick Road, Hampton Wick KT1 4DW in accordance with the terms of the application Ref 21/3223/FUL dated 4 October 2021 subject to the conditions below:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: LOCATION PLAN, E-01 (Plans as Existing), E-01 Rev B (Pre-Existing Floor Plans), E-02 (Elevations as Existing), E-02 Rev A (Pre-Existing Elevations), P-01 Rev A and P-02 Rev A.
 - 2) The development hereby permitted shall not be first occupied until arrangements have been made for the storage and disposal of refuse/recycling/waste in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The arrangements shall thereafter be maintained.
 - 3) The development hereby permitted shall achieve BREEAM Domestic Refurbishment Rating 'Good' in accordance with the recommendations of the submitted BREEAM Domestic Refurbishment 2014 Pre-Assessment prepared by XCO2.
 - 4) The development hereby permitted shall not be first occupied until measures are in place to ensure that mains water consumption does not exceed 105 litres/person/day plus 5 litres/per person/day external water consumption. The measures shall thereafter be permanently retained.
 - 5) The development hereby permitted shall be carried out in accordance with the provisions of the submitted Fire Safety Statement.

Preliminary Matters

2. The appeal proposes the conversion of 2 flats to a single dwelling. The planning application form indicates that work started in August 2021, and at my visit I saw no fixed internal physical separation between the 2 flats on the site. Nevertheless, I have dealt with the appeal on the basis of the submitted plans.

3. The appellant has submitted a completed Unilateral Undertaking under the provisions of Section 106 of the Town and Country Planning Act 1990 ('the UU') including provision for a financial contribution towards affordable housing. The Council indicated that the UU would address the second reason for refusal of the planning application and I have framed the main issues accordingly, although I return to give further consideration to the UU later in my decision.

Main Issue

4. The main issue is the effect of the proposal on housing supply.

Reasons

5. The main parties indicate that the appeal building was originally constructed as a single family dwelling, but that it was subsequently altered to form 2 flats. Notwithstanding the statement in the Council's report which suggests there would be a loss of 2 existing residential units, the proposed reversion of the flats to a single dwelling would result in the net loss of one dwelling. This loss would conflict with part A of Policy LP 38 of the Local Plan (adopted 2018) which states that existing housing should be retained.
6. The results of the Government's Housing Delivery Test indicate that housing delivery in the recent past has been in excess of the borough's requirements. The Council notes though that future targets were increased under the London Plan 2021, which seeks to increase housing supply particularly on small sites in existing residential areas close to public transport or town centres and which further expects loss of housing to be replaced by new housing at existing or higher densities.
7. However, the supporting text to Policy LP 38 advises that reversions of houses converted into flats may be considered acceptable if the property was originally a single family dwelling house and it can be demonstrated the loss of units will be outweighed by environmental, street scene, transport or parking benefits which could not be easily achieved without the reversion. In which case, evidence of tangible benefits is required.
8. The appeal building is a mid-terrace property designated as a Building of Townscape Merit ('BTM') and is of similar original design to others on the street. There are extensions or other external alterations apparent to some of the buildings and a few have been converted to flats. However, the Council has not disputed that the majority remain as single-dwellings, and I saw that the similarity and regular arrangement of the buildings and their retained architectural features and detailing provide for an attractive rhythm and a strong sense of uniformity to the Warwick Road street scene.
9. The appellant has referred to repair and refurbishment of the tiled path to the entrance of the property and a return of railings to the original design, but I have no plans or firm specifics detailing these changes as part of the proposal, and I have not therefore taken them into account.
10. However, I observed a fairly large number of bins and recycling boxes present within the front garden of the appeal site, including 2 green bins and 2 food pods. At the time of my visit, the building was vacant, and the recycling boxes were empty and nested, but they would be unlikely to remain so when in use and I would therefore expect the boxes to occupy additional space within the modest frontage if the building were occupied. While the total number of

receptacles was not exceptional, it was still notably greater than I saw to most of the other buildings in the street, and the presence of multiples of different types of container indicate the presence of flats on the site. Provision for refuse and recycling is not specifically shown on the submitted plans, but the proposal would nevertheless be likely to result in fewer containers given that there would only be a requirement to serve a single household. This would reduce visual clutter to the front of the property, and the appearance of the site would be more in keeping with the single dwellings that predominantly characterise the street. The visual impact of the reduction would undoubtedly be small, but in my view there would still be a tangible benefit to the character and appearance of the BTM, street scene and the area.

11. The proposal would also reduce the existing shortfall in parking provision to serve the development on the site against standards. In the absence of substantive evidence to demonstrate existing parking stress in the area, I agree with the Council that the resulting parking benefit would be very limited, but it would be a benefit nonetheless.
12. The appellant has provided a Sustainable Construction Checklist and a 'BREEAM' report which indicate that the proposal would achieve a BREEAM 'Good' rating. This would not meet the 'Excellent' rating generally required by the Local Plan, and there is no firm evidence before me to show that this improvement could not be delivered in the absence of the appeal scheme, nor that it would offer greater whole-life benefits than refurbishment of the existing properties. Even so, and while it would not exceed policy requirements, there would still be an improvement over the existing situation which could be secured by planning condition.
13. Furthermore, the supporting text to Policy LP 38 additionally outlines that exceptions to the general presumption against loss of housing units may be considered if other policy priorities are met and wider benefits provided such as an increase in employment uses, affordable housing or housing to meet identified community needs, provision of health facilities, or infrastructure.
14. The site currently provides 2 one-bedroom flats. There is no dispute between the parties that the existing ground-floor flat does not meet current minimum internal space standards. The Council says that this is not uncommon for older housing stock and especially BTMs. Be that as it may, and while the shortfall is not so large as would be likely to prevent its occupation as a dwelling, it means that I find the ground-floor flat would not offer accommodation of the high quality generally sought by the development plan. In contrast, the internal area of the proposed dwelling would exceed minimum standards for a three-bedroom property. In addition, the appeal site is not in a town centre, and the Council acknowledges that the provision of a three-bedroom family dwelling in this location would be encouraged by Policy LP 35 of the Local Plan. In this context, I find the provision of a family-sized dwelling offering accommodation of adequate size would be an important, albeit limited, benefit to the provision of an appropriate mix and standard of accommodation in the borough.
15. Moreover, the UU now submitted as part of the appeal would secure the financial contribution towards affordable housing sought by the Council in accordance with the methodology in the Affordable Housing Supplementary Planning Document 2014. The Local Plan sets out that the need for affordable homes remains substantial. Although modest, the contribution would support

the delivery of affordable housing elsewhere in the borough helping to meet identified community needs, and is an important further factor that weighs in favour of the proposal.

16. Drawing matters together, the net loss of a dwelling on the site would result in conflict with Policy LP 38 of the Local Plan. On the other hand, the development would provide a 3 bedroom dwelling which would contribute to the supply of larger homes in the borough available for families, and would make a financial contribution that would support the delivery of affordable housing. The contributions would each be small, but would help to meet identified needs and I give them significant weight. I give more limited weight to the modest street scene and very modest parking benefit. In combination though, and even without the environmental benefit which may be achievable without the reversion, I find that the accumulated benefits of the proposal comprise material considerations sufficient to outweigh the conflict with Policy LP 38 of the Local Plan.

Planning Obligation

17. Policy LP 36 of the Local Plan sets out that a contribution towards affordable housing will be expected on all housing sites. For proposals for 1-9 units (gross), including conversion or reversion, this should be by way of a financial contribution.
18. The National Planning Policy Framework ('the Framework') states that affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas. However, while the Framework is a material consideration, applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the Local Plan points to the substantial need for affordable housing in the borough and the contribution that small sites make to housing supply as local circumstances justifying a continued requirement for small sites to contribute to affordable housing. From the evidence before me, I find that the Framework would not outweigh the development plan in this instance, and the requirement for affordable housing is justified.
19. At appeal stage, the appellant has not contested that an affordable housing contribution would be required, and the Council does not dispute that the UU would secure the appropriate financial contribution. I have no firm reason to take an alternate view, and I am satisfied that the obligations within the UU are necessary to meet the requirements of Policy LP 36. From the information before me, they would also be directly related, and fairly and reasonably related in scale and kind to the proposed development. Accordingly, I find that the obligations would meet the tests within Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) which are also reflected in the Framework, and I have taken the UU into account as a material consideration in reaching my decision.

Other Matters

20. The Council has referred to other appeal decisions where proposals entailing a loss of housing have been found to be unacceptable, and in particular a dismissed appeal at 5 The Crescent, Barnes. From the very limited details before me, I can draw little firm comparisons with the circumstances of the

current appeal, including with regard to any contribution to affordable housing and the size and standard of accommodation. Moreover, the provided extracts of the decision at 5 The Crescent include a comment that the current condition of the frontage is acceptable and is in keeping with the frontages of other dwellings in the area, and suggest that there would be no noticeable enhancement to the appearance of the building. It is not therefore directly comparable to the appeal before me which I have considered on its own specific merits.

Conditions

21. I have considered suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary, or for the sake of consistency, brevity or clarity.
22. Because the development has commenced, a time limit on implementation of the permission is not necessary. I have however imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. I have imposed a condition requiring the achievement of BREEAM Domestic Refurbishment Rating 'Good' in accordance with the terms of the application which is necessary to secure the suggested environmental benefit given that this is one of the factors that has informed my decision. Similarly, I consider that details of arrangements for the storage of refuse and recycling are necessary to ensure the expected improvement to the appearance of the site and street scene, although I have amended the Council's suggested condition to ensure that the approved details are also implemented and maintained.
23. I have imposed conditions to limit water consumption as proposed within the submitted Water Consumption Statement and to require adherence to the submitted Fire Strategy which are reasonable and necessary to ensure compliance with policies of the development plan and in the interests of conserving natural resources and fire safety.
24. Given the limited extent of the physical works that are proposed as part of the development, I consider the Council's suggested condition seeking a construction management plan to be excessive and unreasonable, and I have not imposed it. In addition, the total requirement for cycle parking on the site would be reduced by the proposal and I consider that the suggested condition to require provision of cycle parking would be unnecessary and unreasonable.

Conclusion

25. Notwithstanding the conflict with Policy LP 38 of the Local Plan, I conclude for the reasons given above that material considerations indicate that the appeal should be allowed.

J Bowyer

INSPECTOR