



Appeal Decision

Site visit made on 26 April 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/X5990/W/22/3308969

40 and 41 Caro Point, 5 Gatliff Road, City of Westminster, London SW1W 8BA

- 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 Alhakbani Group against the decision of City of Westminster Council.
 - The application Ref 22/02776/FULL, dated 25 April 2022, was refused by notice dated 1 September 2022.
 - The development proposed is the amalgamation of 2 no. 2-bedroom units into single 4-bed family unit.
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Decision

1. The appeal is allowed, and planning permission is granted for the amalgamation of 2 no. 2-bedroom units into single 4-bed family unit at Flats 40 and 41, Caro Point, 5 Gatliff Road, City of Westminster, London SW1W 8BA in accordance with the terms of the application, Ref 22/02776/FULL, dated 25 April 2022, and the plans submitted with it, 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: EX100; EX01; PL01 Rev A.

Main Issue

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

Reasons

3. The appeal site comprises two 2-bedroomed self-contained flats within an 11-storey modern purpose-built residential block known as Caro Point within the Grosvenor Waterside development on Gatliff Road.
4. Strand 2 of Part C of Policy 8 of the Westminster City Plan 2019-2040 (the City Plan) states that all residential units, units, floorspace and land will be protected except where non-family sized housing is being reconfigured to create family sized housing. The thrust of this policy is to preserve housing stock in order to meet housing need.
5. The proposal involves the amalgamation of Flats 40 and 41 on the 5th floor of the development into one unit. The development proposed would lead to a net reduction of one residential unit. The Council consider that Flat 41 should be treated as a 3-bed unit as this is how the unit was shown on the originally

approved plans for the development, although this is currently laid out as a 2-bedroomed unit. There is no dispute that Flat 40 is a 2-bedroomed unit and is laid out as per the approved plans.

6. As a 3-bedroomed unit Flat 41 would be considered to be a family-sized unit. However, the appellant states that the flat has always been a 2-bedroomed unit. I have not been provided with any substantive evidence other than the layout submitted with the planning permission for the development in 2007 which would suggest otherwise. From my observations on site, I agree that the flat has two bedrooms.
7. The master bedroom has a dressing area which is accessed directly from the bedroom and has no separate door. The floorspace of the bedroom and dressing room with its fitted wardrobes combined, whilst generous in size did not appear excessively so. Furthermore, the dressing area would not be capable of being used as a separate bedroom without substantial alterations to the property. I therefore do not consider that it is an unreasonable assumption that the property has been laid out as a 2 bedroomed unit for a significant length of time.
8. The combined floor space of both units together would be approximately 190m². This would exceed the minimum gross internal floor area set out in the Technical Housing Standards – Nationally Described Space Standard (NDSS), which sets out minimum space standards for new dwellings to ensure that they provide adequate living conditions for occupants. There would also be no conflict with part B of policy 8 of the City Plan which states that no new homes in Westminster should exceed 200 square metres gross internal floor area.
9. The City Plan defines family housing to be dwellings with between 3 and 5 bedrooms. The proposed flat would result in 4 bedrooms and there falls within this definition. As a result of the amalgamation of the total number of bedrooms would remain the same, and as single dwelling would be capable of accommodating the same number of people as the two flats as existing. The overall level of floorspace of residential accommodation would also be unaffected.
10. I therefore consider that although the proposal would lead to the loss of one residential unit, in this instance, would not lead to the overall loss of a family unit. There would, therefore, be no conflict with the aims of Policy 8 of the City Plan, which seeks to protect the supply of family sized dwellings in the City. The harm to the City's housing supply would be negligible.

Other Matters

11. My attention has been drawn to an appeal decision at Faraday House¹ where the Inspector considered that a self-contained room being used for storage at the time of the appeal should be considered capable of being a bedroom. The circumstances of this appeal are significantly different to the appeal before me where only 2 bedrooms are in existence within the disputed unit. Nevertheless, I have considered the appeal on its merits with regard to the information before me.

¹ APP/X5990/W/21/3284228 Flat 48 and 49 Faraday House, 30 Blandford Street, London W1U 4BY

Conditions

12. In the absence of suggested conditions from the Council, I have considered the advice set out in the Framework and the Planning Practice Guidance. As well as referring to the approved plans for clarity and enforcement purposes, I have included the standard time condition. I do not consider that any other conditions would be necessary in this instance. Neither should come as a surprise to the either party in the event of a successful appeal, notwithstanding the absence of suggested conditions from Council.

Conclusion

13. For the reasons set out above, having considered the development plan as a whole and all other matters raised, I conclude that the appeal should succeed.

KL Robbie

INSPECTOR