



Appeal Decision

Site visit made on 21 June 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2023

Appeal Ref: APP/H5960/W/22/3310818

Apartment 82, 83 & 84, 1 Riverlight Quay, London SW8 8AU

- 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 Tom Allen against the decision of London Borough of Wandsworth Council.
 - The application Ref 2022/3001, dated 14 July 2022, was refused by notice dated 4 October 2022.
 - The development proposed is to merge Flat No. 82 with previously merged Flats No. 83 & 84 and the new flat to have No.5 bedrooms.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although not included in the reasons for refusal, emerging Policy LP25 of the Wandsworth Local Plan (emerging LP) has been referred to by the Council in their appeal submission. Upon request I have been provided with a copy of the policy and have received confirmation that the emerging LP has been through examination and the Planning Inspector's report has been published. In addition, I am advised that it has been concluded that emerging LP is legally compliant and sound subject to Main Modifications. Given the advanced stage and the degree of consistency with the Framework, I attach significant weight to the emerging LP Policy LP25.
3. I note that the part of emerging LP Policy LP25 that is relevant to this appeal has been included in full in the Council's statement. The appellant has had sight of the statement, and has had the opportunity to consider and comment upon the relevance of the policy to the appeal proposal. As such, I do not consider the appellant would be prejudiced by my consideration of emerging LP Policy LP24.

Main Issue

1. The main issue is the effect of the proposal on the supply and choice of housing in the Borough, with particular regard to the loss of non-family sized residential units.

Reasons

2. The building containing the appeal site is high rise and accommodates commercial uses at ground floor level with residential above. It is one of a number of similar buildings within the wider development of Riverlight Quay.

3. The appeal relates to a two-bedroom flat, No 82, and a three-bedroom flat which was formed by combining flats No 83 and 84. It is proposed to alter the internal layout to combine the two flats to provide one five-bedroom unit. There would be no change to the floorspace in residential use although there would be a net loss of one dwelling.
4. Policy DMH1 of the Wandsworth Local Plan Development Management Policies Document (2016) (DMPD) says that development which would lead to the net loss of residential units, as would be the consequence of the appeal proposal, will only be permitted where certain criteria are all met.
5. The proposal would involve the merging of a 3-bedroom family sized flat with a two-bedroom non-family sized flat. As it would not involve the combination of separate non-family sized flats, the proposal would not satisfy criterion a)i) of DMPD Policy DMH1. Furthermore, I have not been presented with any substantive evidence that demonstrates that access to the street cannot be provided for the existing flats, unless they are combined, or that the proposal would facilitate the upgrading of sub-standard residential accommodation. Consequently, the proposal would not satisfy criterion a)ii) and a)iii) of DMPD Policy DMH1.
6. Whilst there is no conflict with criterion a)iv) of DMPD Policy DMH1, nonetheless, for the reasons set out above, the proposal does not fall within any of the situations where the net loss of existing housing may be permitted. Accordingly, the proposal conflicts with that policy.
7. Furthermore, the proposal would not accord with emerging LP Policy LP25 as it involves combining more than two non-family sized dwellings, and the total floorspace of the new dwelling would exceed 130 square metres.
8. The appellant indicates that the combination of the two flats to create a larger living space is essential to create a family-sized flat. However, the Council highlight that the existing family sized flat exceeds the minimum space standard for a 3-bedroom, 6 person unit on 1 floor as set out in the Technical Housing standards¹. No substantive evidence has been provided that demonstrates that the existing family-sized flat is unsuitable for that purpose and that, in this case, significantly more space than set out in the Technical Housing Standards is required to make it suitable. Furthermore, there is no substantive evidence, such as an identified need for 5-bedroom flats, that demonstrates that the proposal, through the creation of a singular larger flat as proposed, will provide benefits by adding to the variety of housing options.
9. My attention has been drawn to three planning permissions² for the amalgamation of two flats to form larger, family-sized flats within the appeal building and within another building at Riverlight Quay. The evidence before me, however, indicates that these developments, unlike the appeal proposal, were compliant with Policy DMH1 as they involved the combining of separate non-family sized residential units.
10. The appellant has also referred to planning permission for the combination of flats 36, 73 and 74 at 5 Riverlight Quay³. The Council acknowledge that this

¹ Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standards (2015)

² Application references: 2021/2885, 2019/4378 and 2021/1458

³ Application reference: 2017/6821

permission, as well as two other permissions⁴, involved the amalgamation of non-family sized flats. It advises, however, that the permissions were granted whilst the wider site was being redeveloped and at a time when such changes would still achieve a policy compliant residential mix. I am advised that the permissions did not change the overall percentage of family sized accommodation within the overall site. This has not been disputed by the appellant. As such the circumstances of these permissions are not sufficiently similar to the appeal before me to weigh in its favour.

11. I therefore find that the proposal would have an unacceptable effect on the supply and choice of housing in the Borough through the loss of non-family sized residential unit. It would conflict with DMPD Policy DMH1 which aims to protect residential land and prevent development which would lead to the net loss of residential units.

Conclusion

12. 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 outweigh the identified harm and associated development plan conflict.
13. For the reasons given above the appeal is dismissed.

Elaine Moulton

INSPECTOR

⁴ Application references: 2016/1069 and 2017/0870