



Appeal Decision

Site visit made on 31 October 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2023

Appeal Ref: APP/Z5630/W/23/3316924

88A and 88C Cleaveland Road, Surbiton, Kingston KT6 4AJ

- 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 Bond against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref 22/03351/FUL, dated 10 October 2022, was refused by notice dated 20 December 2022.
 - The development proposed is described as the joining of two flats by adding an internal staircase.
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Decision

1. The appeal is allowed and planning permission is granted for joining two flats by adding an internal staircase at 88A and 88C Cleaveland Road, Surbiton, Kingston KT6 4AJ in accordance with the terms of the application, Ref 22/03351/FUL, dated 10 October 2022, subject to the conditions on the attached schedule.

Preliminary Matters

2. I have used the description of development provided in the application form in the banner heading above. However, I have omitted any superfluous text that is not in itself development.

Main Issue

3. The main issue is the effect of the proposal on the supply of housing in the Borough.

Reasons

4. No 88 Cleaveland Road is a four-storey (two storeys plus basement and roof accommodation) semi-detached property. It was originally built as a single dwellinghouse, although it has since been subdivided. Currently, it is arranged with one-bedroom flats on the basement and ground floor levels with a maisonette on the first and second floors.
5. The proposal seeks to combine the basement and ground floor flats via an internal staircase to form a 2-bedroom flat. Accordingly, the effect of the development would be that a one-bedroom residential unit would no longer be available for accommodation. Therefore, the proposal would be contrary to Policy DM14 of the Core Strategy 2012 (CS), which resists the loss of all types of existing housing accommodation. Further, the proposal would not accord with the supporting text of Policy H2 of the London Plan 2021 (LP), which encourages Boroughs to resist the combination of independent flats when this

does not lead to the creation of a residential unit suitable for large families (usually 3+ bedrooms).

6. Notwithstanding the above, the National Planning Policy Framework (the Framework) supports developments that will function well with a high standard of amenity for existing and future users. Similarly, the Housing Supplementary Planning Guidance 2016 (SPD) supports developments with private open space, adequate floor to ceiling heights and direct sunlight into habitable rooms.
7. The gross internal area of the basement flat complies with the standards for one-person occupation, however it receives limited levels of natural light and its floor to ceiling height is restricted. During my site visit I observed that this flat feels cramped and the quality of internal accommodation it provides is inadequate.
8. The ground floor flat receives good natural light and does not have a compromised floor to ceiling height, but its internal floor space falls below the minimum gross internal floor area for a one-bedroom flat. In particular, the living space is small, even more so when considering it would accommodate a kitchen as well. As such, the overall quality of accommodation provided by this unit is inadequate.
9. In terms of external accommodation, the basement flat has the sole use of the property's rear garden, whereas the ground floor flat does not have any private outdoor space. The ground floor flat has an allocated parking space within the property's driveway while the basement flat does not benefit from on-site parking.
10. Considering the above, it is clear that the quality of accommodation in both flats is inadequate. The proposal would address the deficiencies in both units, by providing a 2-bedroom flat that would have an adequate gross internal area, would have a private garden and in part would receive a good amount of natural light and not have a height restriction. As such, overall, the proposal would deliver benefits by way of enhanced quality of accommodation.
11. The Council cannot currently demonstrate a 5-year housing land supply and therefore the proposal would further aggravate the existing shortage. However, my attention is drawn to the Kingston's Local Plan 2019-2041 (First Draft of the Local Plan Consultation, Regulation 18). The draft Local Plan sets out that there is not a significant need to deliver additional one-bedroom homes, while it recognises the importance of 2-bedroom houses due to their suitability for smaller families. Most importantly, the draft Local Plan provides compelling evidence that the Council has identified sufficient sites to meet its housing target. Mindful of this, it is unlikely that the proposed amalgamation would have a significant impact on the Council's ability to meet housing targets.
12. The amalgamation of the one-bedroom flats would conflict with Policy DM14 of the CS and with Policy H2 of the LP. The Framework also requires the Council to boost significantly the supply of housing. On the evidence before me, the proposal is unlikely to significantly affect the Council's ability to meet its housing targets. Furthermore, it would contribute to meeting an identified need in the Borough, while improving the quality of accommodation in accordance with the Framework and SPD and I attach substantial weight to this. As such, the harm associated with the loss of one unit would not significantly and demonstrably outweigh the benefits that the proposal would deliver.

13. I conclude that the proposed development would result in the net loss of a unit of housing, and it would not therefore comply with the provisions of Policy DM14 of the CS and with Policy H2 of the LP. However, for the reasons given above, the improvement in the quality of the housing which would be provided is a material consideration of such significance that a decision other than accordance with the development plan is justified in this case.

Conditions

14. A condition is necessary to require the development to accord with the approved plans, as this provides certainty and precision. A condition restricting construction hours is necessary to ensure satisfactory living conditions for neighbouring occupiers. A condition securing the submission of a Fire Safety Strategy is necessary in the interests of fire safety and to ensure the safety of all building users.

Conclusion

15. For the reasons given above, I conclude that the proposal would not comply with the development plan read as a whole. However, there are material considerations that indicate that a decision should be taken not in accordance with it. As such, the appeal should succeed.

P Terceiro

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no 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: Site Location Plan; 012-4PL and 007-4PL.
- 3) During the construction phase of the development, no works (including any deliveries) shall take place on site outside of the following hours: 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. No works or deliveries whatsoever shall take place on Sundays or bank holidays.
- 4) Prior to beneficial occupation of the development to which this permission relates, a Fire Safety Strategy shall be submitted to and approved in writing by the local planning authority. The Fire Safety Strategy shall demonstrate how the development will achieve the highest standards of fire safety and shall include the following details: 1) suitably positioned outside space for fire appliances/ an evacuation assembly point; 2) Appropriate fire alarm systems; 3) Passive and active fire safety measures; 4) appropriate construction details to minimise the risk of fire spread; 5) provision of suitable and convenient means of escape/ an evacuation strategy; 6) provision of suitable access and equipment for firefighting which is appropriate for the size and use of the development. The Fire Safety Strategy shall include a statement of competence. The development shall be carried out in accordance with the approved Strategy and thereafter maintained. The required Fire Safety Strategy shall reference the London Plan Guidance Fire Safety (February 2022), where applicable and a Reasonable Exception Statement (RES) shall be submitted in relation to those fire safety requirements which the applicant does not consider to be relevant.