
Appeal Decision

Site visit made on 29 May 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2024

Appeal Ref: APP/K3605/W/23/3336112

2 River Bank, East Molesey, Surrey KT8 9BH

- 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 William Hall against the decision of Elmbridge Borough Council.
 - The application Ref 2023/2339, dated 21 August 2023, was refused by notice dated 9 November 2023.
 - The development proposed is re-conversion from 2 flats back into single dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on housing provision within the borough.

Reasons

3. The appeal site is located on the south-west side of River Bank (A3050) within the urban area of East Molesey, and faces the River Thames to the north-east. The site is located within the East Molesey Conservation Area and includes a two storey semi-detached late Victorian dwelling house that was converted into two separate residential flats in the late 1990's. The subdivision resulted in a 1-bed flat on the ground floor (Flat 1) and a 2-bed flat across the first and second floors (Flat 2).
4. The appellant's submissions indicate that the sub-division of the dwelling occurred in 1998 following difficulty letting the house as a large single dwelling. The appellant's statement goes on to advise that, between 2003 and 2021, whilst Flat 1 was let out, Flat 2 was occupied by the appellant when making occasional visits. Since 2021, the appellant has made no attempt to let the ground floor and has been using it as part of a single home.
5. The Council advises that, whilst there is nothing in the planning history regarding the sub-division of the house, there are council tax records for two registered addresses at 2 River Bank (i.e. Flat 1, 2 River Bank; and Flat 2, 2 River Bank) since 11 April 1998. Given the passage of time, the sub-division is no longer subject to enforcement under S171B of the Town & Country Planning Act 1990.

6. The conversion of the 2 flats back into a single residential unit equates to the net loss of 1 residential unit. Policy DM10 of the Elmbridge Development Management Plan (LP, 2015) seeks to resist proposals which involve the net loss of housing units unless it can be demonstrated that the development would result in benefits that would outweigh the harm. In considering proposals that result in the net loss of housing units, the policy requires consideration to be given to the type and quality of the accommodation that would be lost and the contribution it makes to housing mix. Relatively low-cost housing is identified by Policy DM10, and its explanatory text, as supporting local businesses by providing housing for people who often work nearby.
7. The Council advises that their Local Housing Needs Assessment (2020) identifies the greatest need within Elmbridge is for affordable and smaller units (1 to 3-bedroom units). The Council goes on to advise that there has been an oversupply of large, 4 or more bedroom properties, and that community cohesion across the borough could be detrimentally impacted by not having an appropriate mix of smaller units, particularly given the high cost of home ownership and rental in the borough.
8. I note that the proposal increases the total number of bedrooms at the site from 3 to 5. The creation of a 5-bedroom unit through the loss of two smaller flats does not, however, cater to accommodating the same number of households. Policy DM10 refers specifically to the net loss of housing units rather than to total residential floorspace (irrespective of how it is arranged). The proposal reduces access to the smaller, more affordable units identified as most in need in the local area. The proposal thereby exacerbates affordability issues and reduces the choice of homes, hindering the aim of inclusive and mixed communities within the borough.
9. The appellant has referred to a historic planning application, granted by the Council, that involved the amalgamation of dwellings to a single dwelling. Based on the limited details provided, it would appear that case differed from the current appeal insofar as the Council accepted that sufficient benefits would arise to ensure compliance with policy. However, I do not have full details of the circumstances that led to that permission being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. In any case, I have determined the appeal on its own merits based on the evidence before me.
10. I acknowledge that the appellant has no intention to separately let out the 2 flats, or to complete the limited internal works that would be required to do so. Personal circumstances, however, rarely outweigh general planning matters because the effect of the development would remain long after the personal circumstances no longer apply. As such, the personal circumstances and intentions of the appellant are of limited weight in the context of the wider policy implications of the development.
11. I have also had regard to the other points raised by the appellant in support of the proposal, including the perceived lawfulness of the proposal without the need for express permission and the reduction in refuse bins. Any improvement in the street scene due to fewer bins would be very limited. Furthermore, I have found the provision of 2 flats fulfils a legitimate and recognised planning purpose in contributing to the local housing needs of the borough, and that the change to a single dwelling has significant consequences in reducing that the

required housing stock. This is a matter that should, therefore, be properly consulted upon and considered on its merits by means of a planning application¹.

12. Overall, there are no benefits before me, either individually or cumulatively, which clearly outweigh the harm identified in respect of housing provision. Consequently, I conclude that the proposed development is detrimental to housing provision in the borough, and this harm is not outweighed by the relatively limited benefits of the scheme. It is, therefore, contrary to the relevant provisions of LP Policy DM10, which in summary seek to ensure a suitable provision of housing in the borough. The proposal also conflicts with the provisions of the Framework, including Paragraph 60 where it advises, in relation to the supply of housing, the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

Conclusion

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise. The proposal conflicts with the development plan when read as a whole and there are no other considerations that outweigh that identified conflict.
14. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR

¹ The London Borough of Richmond-upon-Thames v SSETR and Richmond-upon-Thames Churches Housing Trust [2000] 2 PLR 115