



Appeal Decision

Site visit made on 12 November 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2024

Appeal Ref: APP/L5810/W/24/3343648

Ground Floor Flat, 36 Beaumont Avenue, Richmond, Richmond upon Thames TW9 2HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Keshu Karavadra against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref is 23/3209/FUL.
 - The development proposed is reversion of building from two self-contained flats (1 x 4 bed, 1 x 2 bed) to a single-family dwelling (Use Class C3: Dwelling Houses), associated modifications to front elevation and landscaping as well as new single storey rear extension, solar panels to existing and new roofs.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought from the parties. I have, however, determined the appeal having regard to the revised Framework.

Main Issue

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

Reasons

4. Existing housing is valued in the Borough due to the constraints of limited land supply and high land values. Policy LP38 of the Local Plan (2018) (LP) requires existing housing to be retained, and that the potential for retaining and refurbishing existing buildings should be assessed before considering other options. As such, there is a clear requirement to protect existing housing.
5. The appeal site currently provides two self-contained flats. There is no detailed evidence that the potential for retaining and refurbishing the existing buildings has been explored and the proposal would result in the numerical loss of one residential unit. It would not therefore meet the requirements of Policy LP38 and would be contrary to the overarching aims of the Framework to maintain the supply of housing.

6. Notwithstanding that supporting text is not itself a policy or part of a policy, Paragraph 9.5.6 of the LP is relevant to the interpretation of Policy LP38 and advises that reversions of houses converted into flats where the property was originally a single-family dwelling may be acceptable where it can be demonstrated that the loss of units would be outweighed by environmental, street scene, transport or parking benefits which could not be easily achieved without the reversion. Evidence of tangible benefits is required to justify an exception on this basis.
7. The proposal would allow a more efficient gas system, carbon reductions through the use of solar panels and energy efficiency through improved insulation which the Sustainability and Energy Statement sets out would represent a 50% improvement in carbon emissions. I have no reason to doubt that installing these measures would be more cost effective under one ownership and more easily achieved through the reversion. As such there would be clear environmental enhancement through the proposal.
8. Minimal street scene enhancements are proposed, some of which would not be overtly discernible in views as people walk or drive past, including the removal of the boiler flue and replacement brickwork. Even though Beaumont Avenue comprises single dwellings it is not particularly noticeable that the appeal site has been converted into flats and the existing situation does not harmfully detract from the character and appearance of the area. Consequently, while it may be that the changes in appearance at the appeal site can only be made through reversion, the street scene enhancements arising from the proposal would be limited in extent. The examples at 29 Castelnau and 33 Ham Farm Road have different contexts as the existing circumstances in those cases were found to be detrimental to the respective street scenes, and so they are not directly comparable to the appeal scheme.
9. Beaumont Avenue is within a controlled parking zone, indicative that parking in the area is in high demand. Based on a worst-case scenario of the existing and future occupation of the appeal site, the proposal would reduce parking demand by one vehicle. While it may be more likely that the proposal would be occupied by a family with lower occupancy and therefore potentially less vehicles, there is no mechanism before me to secure the occupation of the appeal site in this way. As such, it has not been clearly demonstrated that the reduction in parking would amount to a tangible benefit. Furthermore, I did not observe the levels of on-street parking to diminish the character and appearance of the area.
10. Taking account of the supporting text to Policy LP38 of the LP that the extent of enhancement should be commensurate with the scale of the loss of housing, even taken cumulatively, in my view the proposed enhancements arising from the scheme would not outweigh the loss of an existing dwelling that Policy LP38 of the LP requires to be retained. The Council may well have met its housing targets in recent years, and I acknowledge that allowing the loss of one property through reversion may appear insignificant in itself. However, it would represent an incremental erosion of the housing supply and exacerbate a situation which requires intervention through development plan policy.
11. The Affordable Housing Supplementary Planning Document (2014) states that the Borough has one of the highest average house prices in the UK, and a continuing need for affordable housing, particularly for family homes. Part B of

Policy LP36 of the LP sets out that a contribution towards affordable housing will be expected on all housing sites. For reversions where one unit is proposed (gross) a 4% contribution is required.

12. The appellant's viability report concludes that it is unviable for the scheme to deliver an affordable housing contribution. In these circumstances, Policy LP36 requires developers to underwrite the costs of a Council commissioned economic viability assessment. Irrespective of the reasons why one has not been undertaken, in the absence of such an assessment, the requirements of Part D of Policy LP36 have not been met and it has not therefore been clearly demonstrated whether or not the proposal would provide a suitable affordable housing contribution.
13. Overall, the proposal would be harmful to the provision of housing in the Borough, including affordable housing and would be in conflict with Policies LP38 and LP36 of the LP. These policies include a presumption against the loss of housing and an expectation that all housing sites will deliver a contribution towards affordable housing unless evidence that this is unviable has been tested by a Council commissioned study.
14. On the decision notice the Council also refers to Policies 11 and 14 of the publication draft Richmond Local Plan (2023). This plan has not been subject to an examination process to determine its soundness, and I have no clear information in relation to any unresolved objections. As such these emerging policies attract limited weight and have not been determinative in this appeal.

Other Matters

15. My attention has been drawn to several other apparently similar reversion schemes in the Borough that have been granted permission. However, I have little information about their setting, context or standard of accommodation and it has not been shown that the other schemes are directly comparable to this proposal. As such, a decision to refuse permission at the appeal site would not be inconsistent with other decisions that have been taken in the area and the other examples do not lead me away from my above findings. While the appellant has expressed frustrations with the Council's handling of the case, this does not alter or outweigh my findings which are based on the planning merits of this case.

Planning Balance and Conclusion

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposal would be harmful to the provision of housing, including affordable housing in conflict with Policies LP36 and LP38 of the LP to which I attach significant weight. I will now consider whether there are material considerations that would indicate that my decision should be made otherwise than in accordance with the development plan.
17. Regardless of the precise amount of floorspace, and despite the first floor flat not having access to private amenity space, overall, I observed the existing accommodation in both flats to offer comfortable and functional layouts which are fit for purpose and achieve an acceptable standard of living conditions for the occupiers. Furthermore, there is no substantiated evidence with regard to

market demand for the flats. As such, the benefits to the quality of housing through the increase in floorspace and improvements to living standards attracts limited weight. There are also further social and environmental benefits set out above that weigh in favour of the appeal scheme which attract limited weight given the scale and extent of the proposal.

18. The four-bed first floor flat provides family sized accommodation and there is no clear reason why the two-bed ground floor flat would not be suitable for a small family. The provision of family sized accommodation not in a town centre is therefore a neutral factor, weighing neither for nor against the proposed development.
19. The proposal would result in benefits, but it would also cause harm, in conflict with the development plan. Weighing the two up is a matter of planning judgement. In this case, the material considerations are insufficient to indicate a decision should be made other than in accordance with the development plan.
20. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR