



Appeal Decision

Hearing held on 20 March 2025

Site visit made on 20 March 2025

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Appeal Ref: APP/Z5630/W/24/3354195

3 South Terrace, Surbiton, Kingston Upon Thames KT6 6HT

- 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 Al and Mrs Liz Turnbull against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 24/00387/FUL
 - The development proposed is described as the conversion of building from 3no. flats to single family dwelling and refurbishment of Grade II listed property, including removal of out of character items and replacing with original/Georgian style items. Fenestration and internal alterations and installation of solar panels on the roof.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of 3 flats to a single dwelling and the refurbishment of a Grade II listed property, including removal of out of character items and replacing with original/Georgian style items, fenestration, and installation of solar panels on the roof at 3 South Terrace, Surbiton, Kingston Upon Thames KT6 6HT in accordance with the terms of the application, Ref 24/00387/FUL subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr and Mrs Turnbull against the Council and is the subject of a separate Decision.

Preliminary Matters

3. On visiting the appeal site, it is apparent significant works have been undertaken, and that planning permission is sought to regularise these works as part of the whole proposal as well as to align with the already approved listed building consent, 24/00388/LBC.
4. The description of development has been slightly amended within the above decision to clearly specify what elements require planning permission.

Main Issues

5. The proposal is in a conservation area and relates to a listed building, therefore special regard must be had to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

6. Therefore, the main issues are whether the proposal would preserve a Grade II listed building known as “2-7 South Terrace” (Ref: 1080051), and any of the features of special architectural or historic interest that it possesses; preserve or enhance the character or appearance of the Oakhill Conservation Area; and the effect of the proposed development on the borough’s housing supply.

Reasons

2-7 South Terrace (the LB)

7. The appeal building forms part of the LB. The LB is a linked terraced row of large 2-storey dwellings with basements and attics. The LB is made up of 2 similarly designed buildings, both with a central block and a recessed wing on either side, which are linked by a central carriage entrance. From the information before me it was built purposely for residential use with each central block and wing representing a separate dwellinghouse. Its significance, therefore, relates to its architectural form and it being a good example of mid-19th Century residential dwellings which are indicative of this area’s development.
8. The appeal building is one of the central blocks. At some point, however, it was converted into 3 flats, one on each floor. The proposal would return the appeal building into a single-family dwellinghouse, notwithstanding the basement.
9. Due to the enclosing of the stairway and division created by the previous flat conversion, the original floor plan of the building was compromised. From the evidence provided it is also understood many of the original internal features were damaged or removed.
10. However, the proposal would reinstate the original use of the appeal building as a singular dwellinghouse, better reveal its original floorplan, by re-establishing the link between the stairwell and each floor as well as the removal of some later partitioning, and replicate original features which have previously been lost. In combination this would bring the appeal building back into line with its original use, form, and design. So better reveal the special features of the LB thus preserving it, in compliance with the Act.
11. The appellant has drawn my attention to Core Strategy (CS) Policy CS8 and as far as it seeks to protect areas of historic interest, the proposal would comply with it. CS Policy CS8 also aligns with the protection of heritage assets as set out in the London Plan.

Oakhill Conservation Area (the CA)

12. The CA encapsulates the Georgian and early Victorian expansion of Surbiton along the then Ewell Road turnpike, which later was converted into a more commercial centre for the area. As stated above the LB is a good example of the residential development which supported this expansion and so plays a part in both the appearance and character of the area.
13. The proposal would seek to replace lost original features such as windows and doors within the external elevations of the appeal building. This would not only respect the character of the building itself but preserve both the character and appearance of the CA. The proposal would therefore comply with the Act and CS Policy CS8 in relation to conservation areas as heritage assets.

Housing supply

14. The main parties agree that the conversion of the appeal building into a 1 1-bedroom flat, and 2 2-bedroom flats was undertaken over 10 years ago and although planning permission was not sought and the conversion breaches planning control, it falls outside of the time limit for enforcement action as set out in section 171B of the Town and Country Planning Act¹. Therefore, the starting position for residential provision within the appeal building is that of 3 smaller dwellings. The proposal would replace these dwellings with a singular larger dwelling, thus represent a net decrease of 2 residential units.
15. CS Policy DM14 specifically seeks to resist the loss of existing accommodation of all types. It is appreciated that this policy also seeks to protect existing family homes. Nevertheless, it is not written in such a way so that the provision of a family home (as that proposed) would outweigh the loss of existing accommodation. Accordingly, the proposal would fail to comply with CS Policy DM14. This policy would also align with the London Plan in terms of the importance of retaining dwellings of all sizes.

Planning Balance

16. The Council can only provide a 1.55-year housing land supply and a delivery test score of only 60%². However, the recent updates and amendments to The National Planning Policy Framework (the Framework) have altered the position on housing provision calculations. This was discussed in the Hearing and the Council confirmed that, these changes were unlikely to significantly affect the afore mentioned figures.
17. Accordingly, the Council is in a critical position to retain and where possible improve their housing supply and this is reflected within CS Policy DM14. Paragraph 61 of the Framework sets out the Government's objective to significantly boost the supply of homes and it is evident from chapter 5 of the Framework this should be predominantly undertaken through strategic policies and permitting development without unnecessary delay. Taking this into account, I therefore find that CS Policy DM14 would align with the housing objectives of the Framework by ensuring the Council's housing deficit does not slip further, so I give great weight to the proposal's conflict with this policy.
18. Nevertheless, the proposal would provide a family home and CS paragraph 6.102 states the Borough's Strategic Housing Market Assessment has identified a significant requirement for such housing. Within the same paragraph the Council acknowledges that this need is unlikely to be met through new building schemes. Although this supporting text is for CS Policy DM14, it cannot be overlooked that there is an overarching need for family homes in the borough. Therefore, in this instance, the provision of a family home would constitute a benefit with limited weight.
19. Turning to heritage assets, Paragraph 202 of the Framework identifies them as an irreplaceable resource. As such, Paragraph 212 of the Framework requires that great weight be given to the conservation of heritage assets.

¹ Such time limits do not apply to works on listed buildings and so could potentially still be enforced against. However, such actions would fall under the Listed Building Consent procedure and the Planning (Listed Buildings and Conservation Areas) Act 1990.

² As identified in the Council's November 2024 Housing Delivery Test and Five-Year Housing Land Supply Interim Position Statement

20. As the proposal would better reveal the significance of the LB, it would reach beyond the bar of conservation as set in Paragraph 212 and so in the context of the planning balance I find it would be accredited more than great weight.
21. The proposal would also preserve the character and appearance of the CA. Although this would be to a lesser extent than the impact of the proposal on the LB, it would still conserve the CA as a heritage asset so would also attract great weight.
22. The appellant has submitted multiple planning applications and listed building consents to retain the dwelling as 3 flats. They consider this their fallback position. Due to the expense of submitting additional applications there is a real prospect of such development going ahead should appropriate approvals be issued. However, from the information before me, I am unconvinced such a proposal would be less harmful in heritage terms than that proposed. It would still require considerable works, would fail to better reveal the original layout of the appeal building as part of the LB and require further alterations to the elevations of the building which would impact the appearance of the CA.
23. That the Council have not found harm in relation to the standard of accommodation, the living conditions of neighbouring residents, parking, highway safety or fire safety is also noted. However, by definition, a lack of harm cannot weigh for or against the proposal.
24. Therefore, in this instance, the benefits of the proposal would outweigh the loss of housing stock.

Conditions

25. The main parties agreed a number of conditions within the Statement of Common Ground, and they were further discussed during the Hearing. Accordingly, I have considered the agreed conditions against the Framework and Planning Practice Guidance. As a result, where necessary, I have amended them for consistency, simplified them for clarity, and added implementation and retention clauses.
26. In addition to the standard time limit condition 1, I have imposed condition 2 which requires the development to be carried out in accordance with the approved plans as this provides certainty.
27. Condition 3 and 6 have been imposed in the interests of the character and appearance of the area. Condition 4 will ensure the safety of future occupants in compliance with London Plan Policy D12, which deals with fire safety. Conditions 5 and 7 require additional information to promote sustainable transport methods and to safeguard the biodiversity and nature conservation value of the site. To ensure resource / energy conservation in accordance with CS Policies CS1, DM3 and DM4 condition 8 has been imposed. Condition 9 is necessary to ensure the satisfactory living conditions of neighbouring occupants.

Conclusion

28. For the reasons given above the appeal is, therefore, allowed.

RJ Redford

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 2310-18-A-01 Rev P2; 2310-18-A-06 Rev P2; 2310-18-A-07 Rev P3; 2310-18-A-08 Rev P3; 2310-18-A-09 Rev P3; 2310-18-A-10 Rev P1; 2310-18-A-11 Rev P1; and 2310-18-A-12 Rev P1.
- 3) The surfaces of the development hereby permitted shall be constructed in the materials specified on the approved plans and on the application form.
- 4) The development hereby permitted shall be carried out, and thereafter maintained and operated, in accordance with the deposited fire safety strategy prepared by Morgan Engineering Consultants and the details on drawing 2310-18-A-10 Rev P1.
- 5) Notwithstanding the details on drawing 2310-18-A-12 Rev P1, the development hereby permitted shall not be occupied until secure cycle parking facilities have been installed in accordance with details that have first been submitted to and approved in writing by the local planning authority. The cycle parking facilities shall thereafter be kept available for the storage of cycles.
- 6) Notwithstanding the details on drawing 2310-18-A-12 Rev P1, the development hereby permitted shall not be occupied until waste and recycling facilities have been installed in accordance with details and a management plan which have first been submitted to and approved in writing by the local planning authority. The waste and recycling facilities shall thereafter be kept available for the storage of waste and recycling and managed in accordance with the approved management plan.
- 7) The development hereby permitted shall not be occupied until a scheme to enhance the nature conservation interest of the appeal site has been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. The scheme shall thereafter be retained.
- 8) The development hereby permitted shall not be occupied until evidence showing that the development has achieved internal water usage rates of no greater than 105 litres per person per day has been submitted to and approved in writing by the local planning authority. Any measures to meet this target shall thereafter be retained.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additions or enlargements of the dwellinghouse, 3 South Terrace, shall be erected other than those expressly authorised by this permission.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Mr Al Turnball	Appellant
Mrs Liz Turnball	Appellant
Mrs Fiona Jones	Cameron Jones Planning MRTPI
Ms Sara Davidson	Director HCUK Group
Paul Stinchcombe KC	39 Essex Chambers

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Forrest	Planning Case Officer
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INTERESTED PARTIES:

Andrew Gardener	Neighbour to appeal site
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