



Appeal Decision

Site visit made on 19 February 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th May 2025

Appeal Ref: APP/K3605/W/24/3351780

Flat 1, 15 Effingham Road, Long Ditton, Surbiton, Surrey KT6 5JZ

- 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 James Cullen against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/0503.
 - The development proposed is the amalgamation of 2 single bed ground floor flats into one 3 bedroom family unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the site address provided on the application form is as set out above, the proposal involves Flat 1 and Flat 2, 15 Effingham Road.

Main Issue

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

Reasons

4. The proposal requires assessment against Policies CS2 of the Elmbridge Core Strategy (2011) (the CS) and DM10 of the Elmbridge Development Management Plan (2015) (the DMP). These state that any development involving a net loss of housing will be resisted unless it can be demonstrated that the benefits of the development outweigh the harm.
5. The National Planning Policy Framework (the Framework) sets out the Government's objective of significantly boosting the supply of homes. The importance of this aim is such that particular provision is made for circumstances where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites¹. As the Council in this appeal are in such a position, the harm inherent within the loss of a residential unit is significant.
6. The appeal site is a semidetached residential building split into flats. The ground floor includes Flat 1, a 1 bedroom flat, and Flat 2, a studio flat. The proposal is to merge these two existing units into one, 3 bedroom flat. This would entail a net loss of housing and is therefore contrary to Policies CS2 and DM10, unless the benefits outweigh the harm. The appellant summarises these benefits as threefold:

¹ Framework paragraph 11 refers.

The provision of a 3 bed unit which, it is contended, is the type most needed; the removal of the studio flat, argued to be inadequate in size and of a type not evidently needed, and; a means for the appellant and his family to remain in the area.

7. Reference is made in both parties' submissions to Development Management Advice Note 1: Understanding Housing Need (September 2018), and the figures therein pertaining to relative need for one and three-bedroom dwellings. I have not been provided with a copy of this document and note, in any event, that it has effectively been superseded by The Council's Assessment of Local Housing Needs (2020) (the assessment). This includes a recommended breakdown of new dwellings by size which, other than in the case of affordable housing, is 20% one-bedroom units, 50% two-bedroom units, 20% three-bedroom units, and 10% four-bedroom units.
8. I recognise the age of the assessment but have been provided with nothing to show that the broad composition of need is now materially different. The appellant observes that the Inspector considering a (now withdrawn) draft local plan identified a shortage of larger housing units not reflected in the figures above. Even if this is so, I have no evidence that a three-bedroom flat is a 'larger' unit (indeed, both parties refer to one, two, and three-bedroom units as being 'smaller' ones) and, as such, that the appeal proposal would benefit from the figures being revised to recognise such a need. Furthermore, I have no reason to believe that a greater need for larger units would necessarily equate to a reduction in need for one-bedroom units, rather than for three-bedroom ones. Overall, I proceed on the basis of the figures set out above.
9. I have little from the Council to show me that the assessment demonstrates the need for studio flats. That said, it clearly shows there is no greater need for three-bedroom units than for one-bedroom units. As such, even if there is negligible need for studio accommodation, it is nevertheless the case that the creation of a three-bedroom flat would do no more to meet need than the existing arrangement, given that it includes a one-bedroom flat. As such, the provision of the former at the cost of the latter does not comprise a benefit that outweighs the harm of a net reduction in housing.
10. The appellant estimates that Flat 2, the studio flat, provides a gross internal area (GIA) of some 26m². This figure is not contested by the Council. Policy DM10 provides minimum space standards, and requires a flat with bedspace for one person to have a GIA of at least 37m². It is not explicit that this standard applies to studio flats, but the Council have not contested the appellants assertion that it must. Furthermore, I observed during my site visit that the layout of Flat 2 affords limited light and outlook to the main living area. I have no reason to believe that Flat 2 would be acceptable if included in a development proposal today.
11. That said, I have no evidence that Flat 2 provides such poor accommodation that its removal, in and of itself, would be a benefit outweighing the harm of a net reduction in housing. Flat 2 was occupied during my visit, and I have no evidence that it is not viable in that regard. Moreover, it is not obvious that the property could not be reconfigured to better connect the living spaces to a dedicated garden area to the rear, or even that it could not be extended, enlarging its GIA and/or creating a one-bedroom flat. Whilst any such development would require planning permission, there is no suggestion that these approaches have been exhausted

without success. Overall, whilst Flat 2 may fail to meet contemporary standards for new accommodation it remains viable and its loss would not amount to a benefit.

12. I recognise that the proposal is designed to allow the appellant's family to remain in the local area and, based on the cost of housing in the Borough as set out by the Council, I do not doubt that they see the appeal proposal as their only opportunity to do so. Though I have not been provided with any specific details, I have no reason to doubt that the family play an active part in their local community such that their absence, were they to relocate, would be to its detriment.
13. At the same time, I have not been provided with anything to indicate that the contribution to the local community made by the occupant of Flat 2, which would be lost as part of the proposed development, is not also valuable or that, should the appellant regretfully have to relocate, the next occupants of Flats 1 and 2 would not also play active roles in the community. Overall, whilst I have sympathy for the appellants circumstances, the benefits attributable to their continued occupation of the site appear personal rather than public, and do not outweigh the harm of a net reduction in housing.
14. My attention has been drawn to two applications in the local area which the appellant feels are comparable to the appeal proposal. The earlier of these² allowed the conversion of two dwellings to one. It was apparently assessed against the same policies as the appeal proposal. Beyond these simple facts, however, I have been provided with little to illustrate the comparability of that scheme to the appeal proposal. I do not know, for example, what housing need figures the Council was working to at that time, the extent of housing land supply in the borough, or whether there was something specific about the property in question that would not apply to the appeal site, and which was material in approving the application.
15. The later of the two cited applications allowed the conversion of a House in Multiple Occupation to a single dwelling³. The Council has confirmed that this application in fact related to a Certificate of Lawfulness, and that the works did not require planning permission. Overall, the cited applications carry minimal weight.
16. The proposed development would result in the loss of a dwelling to the detriment of the supply of housing in the Borough and the benefits of the development would not outweigh the harm. The proposal would be contrary to Policies CS2 of the CS and DM10 of the DMP which seek, amongst other things, to deliver housing to meet the needs of the Borough.

Conclusion

17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed, therefore.

A Knight

INSPECTOR

² Application ref: 2017/0276.

³ Application ref: 2023/0453.