



Appeal Decision

Site visit made on 8 September 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/Z5630/W/25/3369157

St Nicholas Court, Surbiton Road, Kingston Upon Thames KT1 2HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Haines of Decimus Residential Ltd against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 25/01119/PACND.
 - The development proposed is addition of a single storey, under prior approval, to existing 3 storey residential block, to create 2x 2 bedroom self-contained flats, including expansion of refuse bin store and the addition of secure cycle storage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Haines of Decimus Residential Ltd against the Council of the Royal Borough of Kingston Upon Thames. This application is the subject of a separate decision.

Background and Main Issue

3. Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) allows for development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, subject to various limitations and conditions.
4. The Council has referred to conflict with Article 3(9A)(a) in its decision notice, which relates to Schedule 2 of the GPDO not granting permission for dwellings with a gross internal floor area (GIA) less than 37m². However, it is clear from the evidence of both parties that the sole dispute relates to Article 3(9A)(b), which sets out that Schedule 2 of the GPDO does not grant permission for a development that would not comply with the Nationally Described Space Standards (NDSS). Based on the evidence before me of the parties, I am satisfied that neither would be substantively nor procedurally prejudiced by the appeal focusing on Article 3(9A)(b) of the GPDO.
5. Accordingly, the main issue is whether the proposed development would be permitted under the GPDO, with specific regard to whether the development would comply with the NDSS and with Article 3(9A)(b) of the GPDO.

Reasons

6. The parties agree that the proposed Flat 7 would comply with the NDSS, and as such my decision will focus on Flat 8. It is proposed that Flat 8 would contain two bedrooms. The parties agree that bedroom 1 would amount to a double bedroom. The appellant sets out that bedroom 2 is proposed as a single bedroom and the plans state that Flat 8 would exceed the space standards for a two-bedroom three-person flat. However, it is the floor area of the bedroom that determines how the occupancy is defined.
7. The NDSS sets out that to provide two bedspaces, a bedroom would have a floor area of at least 11.5m². The parties disagree on the floor area of bedroom 2, with the Council setting out a figure of 11.5m² and the appellant figures of 10.9m² and 11.25m² when including the bedroom cupboard. The NDSS is clear that a built-in wardrobe counts towards the bedroom floor area. Therefore, the cupboard as shown on the proposed floor plan should be included within the floor area of bedroom 2.
8. The appellant has provided images from AutoCAD to demonstrate how they have calculated the area of the bedroom. Rather than providing a comprehensive single measurement, the appellant has individually measured the main room and the cupboard, then added these two figures together. However, from these images provided by the appellant it is clear that part of the bedroom floor area situated between the cupboard and the main room was not included within either measurement. As such, the entire floor area of the bedroom has not been measured, and it is larger than the figure provided by the appellant.
9. I therefore have insufficient information to conclude that the floor area of bedroom 2 would not be of a sufficient size to amount to a double room as defined by the NDSS. As a result, I also cannot conclude that Flat 8 would not be a single storey two-bedroom, four-person property which would require a total GIA of 70m² to comply with the NDSS.
10. It is agreed between the parties that Flat 8 has a GIA of 62m² which would not comply with the NDSS for a two-bedroom, four-person property. The development would therefore result in conflict with Article 3(9A)(b) and as such would not be permitted development under the GPDO.

Other Matters

11. A number of applications at different sites have been brought to my attention which the appellant contends are similar to the appeal before me. It has also been highlighted that the existing flats in St Nicholas Court have similarly sized bedrooms and floor layouts. Furthermore, the appellant has highlighted a range of benefits of the proposal including positively responding to the streetscene, contributing to the local housing stock, providing repairs to the existing property and contributing to the vitality of the high street through additional occupants. However, these other examples and benefits do not have any material bearing on whether the specific development before me complies with Article 3(9A)(b) of the GPDO. These various examples and benefits would therefore not justify whether the development is permitted under the GPDO.

Conclusion

12. For the reasons given above, I conclude that the appeal is dismissed.

C Housden

INSPECTOR