



Appeal Decision

Site visit made on 18 November 2025

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 07 January 2026

Appeal Ref: APP/Z5630/W/25/3372074

68 Lower Ham Road, Kingston-Upon-Thames, Greater London KT2 5AR

- 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 N. Achenbach against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref is 25/01490/FUL.
 - The development proposed is the amalgamation of two flats into one, erection of a bay window on ground floor, erection of a piggy back roof extension, external alterations, internal reconfiguration and all associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site itself is a detached building located within the Woodside Road/Eastbury Road Local Area of Special Character and falls within Flood Risk Zones 2 and 3. However, these are not main issues and were considered by the Council to be acceptable, subject to conditions. I have found no reason to disagree.

Main Issue

3. The main issue is the effect of the loss of an existing unit of accommodation on the supply of housing in the borough.

Reasons

4. Alongside associated physical works, the proposed development seeks to merge the existing two flats into a single dwellinghouse. It is agreed between the parties that the two flats currently provide a total of three bedrooms. While the appellant has indicated an intention to create a five-bedroom family home, the submitted floor plans show provision for three bedrooms across the first floor and loft. Regardless of any variation in the number of bed spaces ultimately delivered, it is clear that the scheme would result in the net loss of one self-contained flat.
5. Policy CS 10 of the Kingston Core Strategy 2012 (CS) states that the Council will seek to meet and exceed their annual housing target, with the current target being set to achieve 375 new units a year. They will also seek to ensure that a broad mix of accommodation options are available to residents and that a range of local housing needs are met.

6. Policy DM 14 of the CS confirms that the Council will resist the loss of existing accommodation (of all types) and in particular, dwellings which are suitable for family accommodation.
7. Policy H1 of the London Plan 2021 (LP) requires Council's to optimise the potential for housing delivery on all suitable and available brownfield sites through planning decisions. Brownfield land is defined as previously developed land, meaning land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.
8. The policy also sets ten-year targets for net housing completions. The guidance documentation identifies a need for 66,000 additional homes per year, following the completion of a London-Wide Strategic Housing Market Assessment (SHMA). The Council has identified that the requirement for Kingston is to deliver 9,640 homes from 2019/20- 2028/29 which would equate to 964 net completions per annum.
9. The Council's Housing Delivery Test and Five-Year Housing Land Supply position statement confirms that, as of 1 March 2025, the Borough's Housing Delivery Test result is 48%, with a Deliverable Housing Land Supply position of 1.48 years. This demonstrates that the Council is performing very poorly against National Planning Policy Framework (the Framework) requirements for housing provision, and that there is an acute need for homes across the borough.
10. Family Housing is defined in the LP as a dwelling which by virtue of its size, layout and design is suitable for a family to live in and generally has three, four, five, or more bedrooms. The existing flats would be limited in terms of the families that could be accommodated and as such, it is considered unlikely that they would meet this need. Nonetheless, although DM 14 of the CS places special emphasis on the retention of family accommodation, the wording is clear that it encapsulates all types of accommodation. Given the overall shortfall, it is reasonable to consider that there is still an ongoing need for smaller units of accommodation.
11. The appellant refers to a 2025 Savills market report indicating that investment in single-family housing has increased substantially. The report notes that, over the past five years, only 8,000 single-family homes have been delivered across the UK, compared to an estimated requirement of 32,400 per year in suburban markets. The appellant also cites the 2025 PRS REIT market update, which highlights a pronounced shortage of high-quality single-family rental homes nationwide. While this evidence demonstrates a substantial supply gap at the national level, it remains unclear how this translates into a specific need within the borough. No detailed, local data or strategic housing assessment has been provided to confirm a requirement for larger family dwellings as opposed to the importance attached to the retention of smaller units.
12. Consequently, the asserted link between the shortage of smaller flats and the demand for family homes remains unsubstantiated. Without robust, borough-specific evidence, it has not been clearly demonstrated that the proposed development addresses an identified local housing priority, such that the need for family housing clearly outweighs the need to retain this single flat. On this basis, while the national trend is acknowledged, I cannot be satisfied that the evidence

presented demonstrates a compelling local need for the proposed development in the context of Kingston's housing requirements.

13. Although the net loss of a single unit is relatively small, it would still reduce the local housing supply. In the context of the borough's significant shortfall, this cannot be regarded as an infinitesimal or de minimis loss especially when the cumulative effect of similar losses could become substantial over time, particularly given the Council's poor housing land supply position. Policy DM 14 is clear that the loss of all types of housing unit will be resisted. This approach is consistent with another appeal decision¹, where it was found that the retention of existing smaller units of accommodation would help to ensure the availability of a broad mix of accommodation options.
14. In this case, there is insufficient evidence to demonstrate that the size or quality of the two existing flats is unsuitable or substandard for meeting the needs of their occupants. On the contrary, the existing two flats appear to contribute positively to the mix of housing within the local area, offering smaller units that support choice and diversity in the housing stock.
15. In reaching this view, I have considered the appellant's reference to caselaw² which indicates that amalgamating flats into a single dwelling is not inherently contrary to policy. It is accepted that the case sets a precedent that amalgamations can be permitted where they deliver high-quality family accommodation and do not undermine housing density. However, in this instance, and even with the potential increase in habitable floorspace, the appellant has not adequately demonstrated that the benefits of creating a larger family home clearly outweighs the policy conflict and related harm arising from the loss of a smaller unit. Indeed, the proposal would be contrary to the Framework objective to significantly boost the supply of homes.
16. In conclusion, the loss of an existing dwelling would have a harmful effect on the supply of housing in the borough. It would not help to ensure that a range of local needs are met and would instead result in the loss of existing accommodation, contrary to Policies CS 10 and DM14 of the CS. It would not optimise the potential for housing delivery on brownfield sites, contrary to Policy H1 of the LP.

Other Matters

17. A letter of support has been received from a neighbour. While community feedback is an important aspect of the planning process, the presence of supportive responses does not justify the identified potential harm.
18. Interested parties have expressed concerns regarding a loss of sunlight/daylight and lack of privacy. While I acknowledge these concerns, the Council has not objected on these grounds. Accordingly, having considered these matters at my site visit, I have found no reason why this should weigh or fall against the proposal.

Planning Balance

19. As noted above, harm has been identified in relation to the main issue. I consider that this harm and extent of policy conflict results in conflict with the development plan as a whole.

¹ Ref: APP/Z5630/W/23/3330373

² LB Lambeth v Secretary of State for Levelling Up, Housing and Communities [2024] EWHC 1391

20. The Council acknowledges that they are only able to demonstrate a housing land supply of 1.48 years. This constitutes a very significant level of undersupply. Consequently, the requirements of paragraph 11 d) of the Framework are engaged. In such circumstances, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies.
21. While the very significant level of undersupply is acknowledged, the proposed development would provide one new family dwelling through the loss of a flat. As such, the benefit associated with this increase would be relatively limited.
22. Paragraph 232 of the Framework (2024) confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication, and that due weight should be given to them according to their degree of consistency with the Framework. Accordingly, the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them. Notably, the CS was adopted in 2012. However, I am satisfied that the relevant development plan policies, which seek to resist the loss of housing and ensure delivery to meet the quantified need for units, remain broadly consistent with the Framework and therefore carry substantial weight. Accordingly, I attach significant weight to the conflict with these policies arising from the loss of a unit of accommodation in this case. However, I am satisfied that the policies in the development plan which seek to resist the loss of housing and ensure delivery to meet the quantified need of units, are generally Framework consistent and compliant. Accordingly, I attach substantial weight to the conflict with the development plan policies that I have found in this case to be associated with the loss of the unit of accommodation.
23. The scheme would deliver a family sized unit which would provide a good standard of accommodation with a garden. There would be economic benefits from the works and in subsequent occupation. The provision of the bay window may provide a modest visual improvement to the appearance of the front elevation. However, given that the building is already in residential use, I consider that these benefits to be limited in scale and should be attributed limited weight.
24. Consequently, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Framework as a whole. As a result, the presumption in favour of sustainable development should not apply.

Conclusion

25. The proposal conflicts with the development plan when taken as a whole and material considerations do not indicate that the proposal should be determined other than in accordance with it. Therefore, for the reasons set out above, I conclude that this appeal should be dismissed.

S Lo

INSPECTOR