



Appeal Decision

Site visit made on 28 June 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 July 2017

Appeal Ref: APP/L5810/W/17/3170497
54 White Hart Lane, Barnes SW13 0PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Janice Riddle against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/1514/FUL, dated 1 April 2016, was refused by notice dated 2 September 2016.
 - The development proposed is part conversion of rear shop unit and a single storey/rear extension to form a studio flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. Whether appropriate provision is made for affordable housing;
 - ii. The effect on on-street parking provision, the free flow of traffic in the area and highway safety.
 - iii. Whether the proposal would harm the functionality and viability of the ground floor unit and detract from the vitality and viability of the key shopping frontage.

Procedural Matter

3. I have noted that the Council has referred to the emerging Local Plan Policies in its appeal statement. However, this does not yet form part of the development plan and therefore, in determining the current appeal I have given it limited weight. However, I understand that the adoption and use of the Pre-Publication Local Plan Affordable Housing Policy LP 36 has been agreed for determining planning applications and development management purposes. Therefore, this particular policy has some weight in determining the current appeal.

Reasons

Affordable Housing

4. Policy CP15 of the Core Strategy Adopted April 2009 (the CS) seeks the provision of a range of housing to meet the needs of all types of households.

There is an expectation that a contribution towards affordable housing will be made on all new housing sites and Policy DM HO6 of the Development Management Plan Adopted November 2011 (the DMP) provides that where it is not proposed to provide affordable housing on site a financial contribution will be secured via a legal agreement. This approach is detailed in the Council's adopted Supplementary Planning Document Affordable Housing Adopted March 2014 (the Affordable Housing SPD). Policy LP 36 of the Local Plan Publication Version for consultation 4 January 2017 to 15 February 2017 (LP Publication Version) seeks affordable housing contributions from all sites, based on the Council's local circumstances. This approach is in line with the National Planning Policy Framework (the Framework) which requires Councils to meet the full, objectively assessed need for market and affordable housing. This can include requiring financial contributions if they can be robustly justified.

5. In determining this case I have also had regard to the Court of Appeal judgement in overturning the High Court Decision in the case of *The Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council* which had effectively quashed the Written Ministerial Statement (WMS) of 28 November 2014 regarding contributions for affordable housing. The WMS states that *'for sites of ten units or less...affordable housing and tariff style contributions should not be sought.'* This is reflected Planning Practice Guidance.
6. The Council has also drawn my attention to some appeal cases in the Borough where it has been concluded by my colleague Inspectors that there are particular circumstances to indicate that the development plan should outweigh the WMS. I have had regard to the WMS as a material consideration and I attach great weight to it. However, in this particular case, based on the evidence before me I find that it does not outweigh the significant and substantial weight which I attach to the Council's strong local evidence of affordable housing need. Therefore I find that the proposal should contribute to the Borough's affordable housing need.
7. The appellant has confirmed that in the light of the latest judgements on the matter of affordable housing and the affordable housing needs in Richmond they are willing to make a contribution towards the provision of affordable housing. However, have seen no evidence of a Section 106 agreement that secures such a financial contribution.
8. Therefore, I conclude that the proposal would not make appropriate provision for affordable housing and therefore would conflict with Policy CP15 of the CS, Policy DM HO6 of the DMP, Policy LP 36 of the LP Publication Version, the Supplementary Planning Document Affordable Housing Adopted 6 March 2014 and the Framework.

Highways

9. The appeal site is situated in the Mortlake Controlled Parking Zone (CPZ) which operates on Mondays to Fridays between 0900 and 1100. It has a Public Transport Accessibility Level (PTAL) of 3, indicating that it has moderate accessibility to public transport services. At my site visit I also observed that the site is situated close to a level crossing which frequently stops traffic travelling along White Hart Lane and at the time of my site visit there was intermittent traffic congestion near to the site which appeared to be created by the level crossing, delivery lorries and on-street car parking.

10. The appellant has submitted a car parking survey which concludes that the current car parking facilities are fairly saturated, but that car parking locally is controlled by the CPZ. I understand from the Council that the methodology used does not meet their parking methodology or demonstrate that there is on-street car parking capacity to accommodate any potential overspill resulting from the current proposal for an additional residential unit.
11. Nonetheless, I have received a copy of a completed Section 106 Agreement which in the event of this appeal being allowed and planning permission granted would restrict the proposed residential flat and the existing residential unit at 54A White Hart Lane to one car parking permit each. Given the existing car parking and road conditions in the locality I consider that this is a reasonable approach to ensuring that the proposal would not have an unacceptable harmful effect on on-street parking provision, the free flow of traffic in the area and highway safety. Therefore, the proposal accords with the requirements of Policy DM TP 8 of the DMP which requires developments to demonstrate that the new scheme avoids an unacceptable impact on on-street parking conditions and local traffic conditions.

Vitality and viability of the neighbourhood centre

12. Policy DM TC 3 of the DMP relates to retail frontages and states that existing retail areas will be protected by controlling changes of use from retail. Council will seek to retain key facilities. The appeal site is within a Key Shopping Frontage Area, White Hart Lane in Barnes where the Council will seek to retain key facilities.
13. In this particular case the unit in question is not in retail A1 use but rather is a launderette which is a sui generis use. Although the Council considers it to be a key facility there is no evidence of why it considers it to be so. Nonetheless, the unit does provide a use which is well suited to its location within a retail and commercial area. The current proposal would significantly reduce the floor space within the unit to below half of its existing size and would result in the retention of a very narrow and small unit.
14. At my site visit I observed no activity at the launderette with none of the washing machines or dryers in use and no other customer activity. I appreciate that this is just a snap shot at a particular time. Evidence presented by the appellant indicates that a number of factors mean that modern day launderettes can function adequately with less floor space. There is no clear evidence presented that a reduced unit would not be capable of accommodating a commercially viable launderette which could continue to play an important role in contributing to the mix of commercial uses in the locality, securing the vitality and viability of the Key Shopping Frontage.
15. Therefore, although the proposal would lead to a much reduced sized unit I do not find that it would necessarily harm the functionality and viability of the ground floor unit and detract from the vitality and viability of the Key Shopping Frontage in this particular case. Therefore it is in accordance with Policy DM TC 3 of the DMP.

Conclusion

16. Although I have found there to be no harm with respect to parking and highways and the vitality and viability of the Key Shopping Frontage I have

found that the proposal would not make appropriate provision for affordable housing. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips

INSPECTOR