



Appeal Decision

Site visit made on 3 July 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 31 July 2017

Appeal Ref: APP/L5810/W/17/3172453
24-26 Hill Rise, Richmond TW10 6UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Alberto Raciti against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref DC/LUS/16/4341/FUL, dated 15 November 2016, was refused by notice dated 26 January 2017.
 - The development proposed is the change of use at No 26 Hill Rise from A1 into existing AS use at No 24 Hill Rise; amalgamation of shop into restaurant.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The original proposal as determined by the Council included alterations to the front of the building and its forecourt. These gave rise to reasons for refusal from the Council. The appellant has asked that these matters be removed from the proposal so that it now relates only to the change of use. The Council has stated that they are content with the alteration to the proposal and I consider that the removal of these items would have no prejudicial effects on anyone's interests. Therefore, I shall determine the appeal on the basis of these amendments and as described above.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the vitality and viability of the shopping frontage.

Reasons

4. The appeal relates to this retail premises which are located within the Richmond Town Centre and the Richmond Hill Conservation Area. The premises also fall within the identified Key Shopping Frontage.
5. Policy DM TC 3 of the Development Management Plan (DMP) states that, within the Key Shopping Frontages the loss of retail space will be generally resisted. The supporting text of the policy states that the Key Shopping Frontages have been designated on the parades which form the core of the retail centre. The Council also makes reference to the 'Publication Local Plan' which is in the early stages of preparation. They include reference to Policy LP 26 which is similar

to Policy DM TC 3 in this respect and also makes reference to consideration of the vacancy of units and supporting evidence for unsuccessful marketing. Although I acknowledge that the Publication Local Plan is in its early stages and only limited weight can be given to its policies, the sections relating to vacancy and marketing offer a view of the Council's requirements in this respect.

6. The appellant has submitted a marketing report and states that the property has been marketed since June 2015 up until the present, without success. The report states that the commercial agents were instructed in June 2015. However, the Council points out that there were no marketing details submitted with the application in November 2016 and they state that the property was not marketed at that time. Further, the Council add that the property was not marketed on the agent's website at 9 June 2017. Although the report states that the agents were instructed in June 2015, they do not specify when the marketing commenced and when it ceased. The Council also refer to other matters that they regard as shortcomings including the apparent lack of an agent's board and lack of a report of the number of hits on the website.
7. Additionally, whilst the agent offers his view on the location of the premises and the prospect of retail use, the Council has submitted comprehensive evidence which supports their view that Richmond Town Centre is a healthy centre with few vacancies.
8. With these points in mind I am not convinced that the evidence that has been submitted is sufficient to support the appellant's contention that the premises is not suitable for retail use. Therefore, I find that an exception to the above mentioned policies is not justified.

Conclusion

9. The appellant refers to the permitted demolition of the dividing wall between the 2 units. In my judgement, this does not add weight to his arguments in relation to the principle of the change of use; any enforcement of the use by the Council would not necessarily be hampered by this, in my view. I have also taken account of all other matters but find nothing to lead me to a different conclusion.
10. The proposal would bring about a loss of retail premises which is contrary to Policy DM TC 3 and also to emerging Policy LP 26. There is insufficient evidence to support an exception to the normal policy requirements and so I conclude that the appeal should be dismissed.

S T Wood

INSPECTOR