



Appeal Decision

Site visit made on 23 July 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/L5810/W/19/3223164
349 Richmond Road, Twickenham TW1 2EJ

- 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 Mr B. Bhalla (Monarch Projects Limited) against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 18/0742/FUL, dated 5 March 2018, was refused by notice dated 30 August 2018.
 - The development proposed is for a change of use of the ground and first floor to include A1 use, A2 use and B1a office use in addition to the existing D1 use (flexible use).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal property is unlisted but is within the Twickenham Park Conservation Area (CA). There is no dispute between the parties that the proposed change of use would not have an adverse effect on the character or appearance of the CA. Having considered the proposal and visited the site I concur with that view. Accordingly, it is my view that the development proposed would preserve the character and appearance of the designated area and I shall make no further reference to this matter.

Main Issue

3. The effect of the proposal on the availability of social and community facilities in the area.

Reasons

4. This art deco style property is a modestly sized building which sits in a prominent position on the corner of Richmond Road and Rosslyn Road. The ground floor is split by the stairwell which leads to the first floor and the external door from Rosslyn Road leads into the front facing main downstairs room. Access to the second ground floor room is either via a passageway at the rear of the entrance room or over a set of stairs directly adjacent to the front door. The upper level consists of two rooms, one at either side of the stairs with access to a small toilet from this landing.
5. The property is currently vacant but until recently was occupied by a chiropractor who for a number of years had been owner, and then a tenant of the building. The appellant considers that the property no longer meets the

needs of a D1 use class and cannot be adapted due to the physical limitations of the space. Opinion has been sought from four medical and health practitioners who considered that the property was too small and requires an accessible toilet.

6. Policy LP 28 of the London Borough of Richmond upon Thames Local Plan 2018 (Local Plan) seeks retention of social and community infrastructure such as the appeal property as its replacement, once lost, is often difficult. Paragraph C1 of Policy LP 28 therefore needs a change of use to satisfy particular criteria. The proposal requires demonstration that there is no longer an identified community need for the facilities or, that it no longer meets the needs of users and cannot be adapted. Consideration has been given to redeveloping and adding a second storey to the property, but pre-application advice suggested this would not be supported. With respect to the second part of the paragraph, the appellant considers that without alterations, the premises would not comply with specifications within the Health and Safety at Work and Equality Acts. A list of constraints is shown in the appeal statement to support this view. I have no detail regarding the alterations proposed within the pre-application discussions or whether any further, and more in depth investigation of the feasibility of internal adaptation has been considered. This lack of substantive evidence would not satisfy paragraph C1 of the policy. However, this part of the policy has two paragraphs and only one needs to be satisfied. Paragraph C2 requires evidence that there are sufficient replacement services at a location accessible to the current community. This has been provided via the British Chiropractic Association's website which shows alternative chiropractic services available within an approximate 1.5 mile radius of the appeal property.
7. Paragraph C3 of the policy requires evidence that the use of the property for the same or an alternative social infrastructure use has been fully assessed within a marketing exercise over two consecutive years. Appendix 5 of the Local Plan sets specific criteria which the marketing should meet. This includes evidence the facility is no longer needed through engagement with service providers or a public disposal process; evidence of no detriment to social and community service provision; consideration has been given to adapting the site for community use and evidence the premises have been offered at a reasonable charge, discounted for community/voluntary groups if necessary.
8. The property was marketed between February and August 2018 by Phillips and Co Estate Agents, but no firm rental or capital offers were received during this time. Between August 2018 and February 2019, a period of seven months, Martin Campbell and Company marketed the property. An offer of a new lease was made to the previous tenant in January 2019 and subsequently to another chiropractor in the clinic, but neither pursued this to completion. During this time 26 businesses/individuals expressed interest. Feedback was received from seven: three stated that the property was too small; one required parking; one found the location unsuitable, and one cited Brexit. An offer for a ten-year lease was made by a florist business.
9. The submitted marketing report produced by Martin Campbell and Company considers that the level of rent is realistic and typical for the area and feedback from potential tenants has not suggested otherwise. The report goes on to express the opinion that the property is too small for D1 use, suffers from a lack of parking and has poor access for those with disabilities. They recommend ground and first floor access improvements and consideration of

other types of use. The report also states that the property would present better with vacant possession.

10. I have previously concluded that there is no substantive evidence that the feasibility of altering the property has been investigated other than a statement that this would not be financially viable. Additionally, although the property has been marketed, this has not been for the two year period stated within the policy. The marketing report also suggests that the property would be more attractive with vacant possession. As this has only occurred since June 2019, it is possible that the situation may now be more favourable within the letting market. Although the appellant considers the property unsuitable for a D1 use, there is no evidence that community groups have been specifically targeted, and a favourable rent offered. Nor is there evidence that Richmond Clinical Commissioning Group been contacted.
11. In conclusion, although the change of use would not remove the potential for a D1 use, neither would it ensure that this use is prioritised for at least a two year period in accordance with Appendix 5 of Policy LP 28 of the Local Plan. The proposal would therefore decrease the availability of social and community facilities in the area and the marketing has not fully investigated all options for retention. The proposal therefore conflicts with Policy LP 28.

Other Matters

12. Interested parties raise concern that the unit may be left vacant having an undesirable effect upon the area. Additionally, other retail uses would diversify the high street offer. Although I recognise that these are valid concerns, further marketing which has potential to both resolve this and retain the valuable community infrastructure use has not been fully investigated.
13. The appellant claims that the Council's policy with regard to the requirement for a two year marketing period is flawed. However, the policy is part of the Local Plan which has been the subject of independent scrutiny which found the policies to be sound.

Conclusions

14. For the reasons stated above the appeal is dismissed

E Symmons

INSPECTOR