



Appeal Decision

Site visit made on 21 April 2021

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2021

Appeal Ref: APP/L5810/D/20/3260364

47A Lower Mortlake Road, Richmond, London TW9 2LW

- 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 Westlake Property Limited against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 19/3352/FUL dated 23/10/2019, was refused by notice dated 26 June 2020.
 - The development proposed is described as construction of a part 2/3 storey building to provide 16 co-living units (sui generis) and associated internal and external community facilities, and bicycle parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the submission of the appeal the London Plan 2021 has been published. The Council's reasons for refusal include policies within the London Plan (2016) and Intend to Publish London Plan (2019). The London Plan 2021 does not diverge significantly from the plans referenced in terms of seeking to achieve adequate living accommodation, the provision of affordable housing and those proposals should contribute to addressing the causes of climate change. No party has been prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on
 - (i) the living conditions for future occupants of the appeal property;
 - (ii) the living conditions of the occupiers of neighbouring properties;
 - (iii) affordable housing; and
 - (iii) on contributing to reducing the causes and effects of climate change.

Reasons

Living conditions future occupants

4. The development proposes 16 bedrooms, each having exclusive access to a kitchen area and wc/shower room. The Appellant contends that this form of

accommodation is a co-living arrangement based on the shared communal kitchen, dining/work area, lounge, study/workspace, washing facilities, multi-use room and outdoor space.

5. My attention has been drawn to a number of co-living scheme proposals by the Appellant; however substantive evidence has not been provided to allow a detailed comparison to the appeal proposal. Notwithstanding this it appears that they relate to significantly larger scale developments than the proposal before me.
6. Whilst occupants would have exclusive use of basic facilities within their rooms the development is not designed to enable units to function as self-contained accommodation and would provide shared space for occupants with private rooms accessed from within the shared areas.
7. I find that this would be akin to a largescale House in Multiple Occupation (HMO). This is endorsed by the Lower Mortlake Co-Living document which states "We want our residents to feel like members. Members of a household, a community, a club." Along with the Appellants Appeal Statement which references that the scheme is closely related to a HMO. In my view future occupants of the proposed development would live together similar to a largescale purpose-built HMO in a co-living arrangement.
8. Policy LP35 of the London Borough of Richmond Upon Thames Local Plan (2018) (the Local Plan), which seeks to ensure amongst other things that developments have suitable space to accommodate the type of housing development. Policy 35 states that the Technical Housing Standards- National Described Space Standards (2015) (the NDSS) should be applied to all new housing development. All bedrooms would exceed the floor area outlined in the NDSS however it is acknowledged that these rooms are more than bedrooms and incorporate basic facilities.
9. The communal space would offer future residents the ability to work at home providing different areas to accommodate this. Overall, I find that the level of communal space, outside space along with the private space offers would provide occupants with a satisfactory level of accommodation.
10. I conclude that there would be no harm to the living conditions of future occupants of the proposed development. The proposal would not conflict with Policy LP35 of the London Borough of Richmond Upon Thames Local Plan (2018) (the Local Plan), the London Plan 2021 and the NDSS which seek to ensure amongst other things that developments have suitable space for future occupants.

Living Conditions Neighbours

11. A high wall separates the site from the adjacent property No. 3 Avoca Villas located to the rear of the appeal site. The proposed development would be stepped down at the rear, angled away from No. 3 at first floor and designed to imitate a timber pavilion structure in an attempt to minimise the effect of the development on neighbouring properties.
12. The proposed development has been designed to replicate to a degree the existing relationship of the high boundary wall and No. 3. I observed during my site visit that the surrounding urban grain is dense in places, notwithstanding this the proposed development would be an imposing built

form when viewed in the context of the modest residential properties surrounding it.

13. No. 47 Lower Mortlake Road adjacent to the appeal site is currently used as a HMO and is within the same ownership. No. 47 has a two-storey rear outrigger set in from the boundary with a set back single storey infill extension between the boundary and the outrigger. The proposed development extends beyond the built form of the adjacent property.
14. Windows exist on the rear of No. 47, the side/rear of the outrigger and rear of the single storey extension. Whilst the proposed development would be stepped down in an attempt to reduce the effect of the built form, notwithstanding this the proposed development would be of a scale which would dominate the neighbouring property providing an overbearing outlook to existing residents and a sense of enclosure.
15. I observed during my site visit that the private outside space serving No 47 is to the rear of the property which is open and shared with that of No. 49. The proposed development would provide a sunken communal garden to the rear of No. 47 significantly reducing the amount of private outdoor space for existing occupants of the adjacent property. Whilst outdoor space exists to the front of No. 47 this is limited in size, adjacent a busy road offering limited useable outdoor space for residents.
16. The Appellant has drawn my attention to an appeal at Charminster Road, Bournemouth¹ to justify the loss of this outdoor space. The referenced appeal decision relates to flats which based on the circumstances are unlikely to be occupied by families. It has been brought to my attention that the demographics of residents currently living at No. 47 are young, mobile and socially outgoing people, nonetheless substantive evidence has not been provided to persuade me that this justifies a significantly reduced outside private space.
17. Whilst a small area of private outside space would be retained for occupants at No. 47 the proximity and scale of the proposed development, including windows at first floor which would overlook this area would significantly diminish the enjoyment of this area and the property in general.
18. I conclude that the proposed development would significantly harm the living conditions of the occupants of neighbouring properties. There is conflict with Policies, LP1, LP8 and LP39 of the Local Plan which seeks to protect the living conditions of occupiers of neighbouring properties by ensuring amongst other things that developments are not visually intrusive or have an overbearing impact as a result of their height, massing or siting, including through creating a sense of enclosure and overlooking.

Affordable Housing

19. The Appellant submitted an Economic Viability Appraisal Report which confirms that the development would not sustain a contribution towards affordable housing. The Council confirm that they remove their objection to the proposed development in relation to reason for refusal No. 3 relating to lack of an appropriate contribution towards affordable housing on the basis that an

¹ APP/G1250/W/18/3204719

agreement securing tenure with appropriate clawback should the units be sold on the open market is provided.

20. Whilst the Appellant agrees to the s106 requirement, I have not been provided with a mechanism to secure this requirement.
21. I conclude that the proposed development would not secure affordable housing nor provide a mechanism to secure the appropriate procedures should the units be sold on the open market. I find that the proposed development is in conflict with Policy LP36 of the Local Plan, Policies H4 and H5 of the London Plan 2021, which seek to address the need for affordable housing. Similarly, there is conflict with the Council's Supplementary Planning Document, Affordable Housing (2014) and the Mayor of London, Homes for Londoners: Affordable Housing and Viability Supplementary Planning Guidance (2017).

Climate Change

22. Policy LP22 of the Local Plan seeks amongst other things to ensure new residential development improves energy conservation and efficiency as well as contributions to renewable and low carbon energy generation.
23. The Council confirm that alongside the proposed reduction on site (26%) an appropriate contribution to the Carbon Offset fund would be appropriate to mitigate the concerns relating to the relevant sustainability target of 35%. Whilst the Appellant is willing to enter into an agreement, I have not been provided with a mechanism to secure this mitigation.
24. I conclude that the proposed development would not contribute sufficiently to reducing the causes and effects of climate change. The proposal would conflict with Policy LP22 of the Local Plan, Policy S1 2 of the London Plan 2021 which seek to promote sustainable development, energy efficiency and reduction of carbon emissions. Similarly, there is conflict with the Council's Planning Obligations (2020) and Sustainable Construction Checklist (2006) Supplementary Planning Documents.

Conclusion

25. The proposal would result in benefits in terms of providing additional residential accommodation in a sustainable location and would re-use a vacant site. Nevertheless, whilst I find that the proposed development would not harm the living conditions of future occupants, this does not outweigh the harm I have identified above.
26. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR