



Appeal Decision

Site Visit made on 25 August 2021

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/L5810/W/21/3270716

Flat 1, Thames Reach, 19 Thames Street, Hampton TW12 2EW

- 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 Derek Jones against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref: 20/2358/FUL, dated 21 August 2020, was refused by notice dated 30 October 2020.
 - The development proposed is the change of use for conversion of an office designed as a live work one-bedroom residential property to a two-bedroom residential property, with associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use for conversion of an office designed as a live work one-bedroom residential property to a two-bedroom residential property, with associated landscaping at Flat 1, Thames Reach, 19 Thames Street, Hampton TW12 2EW, in accordance with the terms of the application, Ref: 20/2358/FUL, dated 21 August 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this, I have sought the views of the main parties in writing, and I have taken any relevant correspondence into consideration.

Main Issue

3. The main issue in this appeal is the effect of the proposed change of use.

Reasons

4. The appeal concerns the ground floor live/work unit located within a three storey building which also includes residential flats. The appeal proposal seeks the change of use of the live/work unit to residential use by conversion of the office space to provide additional residential accommodation.
5. Policy LP40 of the London Borough of Richmond Upon Thames Local Plan (2018) (the Local Plan) concerns employment and the local economy and provides that land in employment use should be retained. Policy LP41 of the Local Plan specifically concerns offices and states that within designated Key Office Areas (KOA), net loss of office floorspace will not be permitted. The supporting text to Policy LP41 of the Local Plan explains that the KOAs have been designated because of their particular importance for office employment

- space, and that smaller offices provide choice as a low cost alternative for the borough's high proportion of small and medium enterprises, allowing businesses to remain and expand within the borough.
6. There does not appear to be any dispute between the main parties that the site is located within a KOA. The appeal site is subject to directions made under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 which withdrew permitted development rights for basement development and change of use from Class B1 to Class C3.
 7. In support of the contention with regards to the need to retain office space, the Council have referred to the London Borough of Richmond, Employment Sites & Premises Study 2017 Update, which provides that approximately 92,000 square metres of office space, which equates to 28% of office floorspace within the borough, having been lost to residential use since the introduction of permitted development rights for the conversion of offices to residential.
 8. As noted above, the appeal scheme seeks to convert the live/work unit to residential, with the evidence before me indicating that the proposal would result in the loss of approximately 46 square metres of office space. The appeal property is located within a KOA where Policy LP41 of the Local Plan states that the net loss of office space would not be permitted. Consequently, the appeal scheme would conflict with Policies LP40 and LP41 of the Local Plan.
 9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
 10. Policy LP41 does not provide for marketing evidence to be considered in respect of net loss of office floorspace within the KOA. Nonetheless, the submissions before me provide confirmation that there is a substantial level of available dedicated office space within the area, a proportion of which it is maintained, has been available to purchase or rent for some time. The Council statements and submissions do not appear to dispute the evidence regarding the high level of available office floorspace.
 11. Furthermore, the evidence before me indicates that demand for office space at the appeal site would be limited due to the amount of space available, the position of the site away from the commercial services located on Station Road, the arrangements with mixed use residential and by reason of the current and ongoing lack of high speed broadband which is considered to be essential for small businesses within the area.
 12. The premises are in mixed use, and as such could be retained as living accommodation without any business or commercial activity given that there is no requirement that the space be used as office floorspace but rather just safeguards that area from other uses. Consequently, the office space could be left empty whilst the premises were used as residential accommodation, and the evidence does confirm that the space has been unused for some time.
 13. There does not appear to be any dispute that the proposed conversion to a two bedroom residence would meet the required standards for internal space. Furthermore, the proposed change of use would add to the stock of modestly sized two bedroom accommodation within the area, would not adversely affect

the living conditions of nearby residents and would include the required level of parking provision.

14. In light of the above factors, I find that the proposed change of use would not adversely affect, or undermine, the range or supply of office floorspace within the area and would not be harmful in this regard.

Other Matters

15. The appeal site is located within the Hampton Village Conservation Area (the Conservation Area). From the evidence before me and from observations made on my site visit, the significance of the Conservation Area is predominately defined by the architectural quality of buildings and by the historic relationship of the area with the River Thames. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
16. The appeal proposal would not result in any changes to the external appearance of the host building save for additional soft landscaping to be incorporated to the rear of the appeal property. As such, the appeal proposal would not alter the appearance of the building and would preserve the character and appearance of the Conservation Area.

Conditions

17. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the Framework. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord.
18. In the interests of sustainable development objectives, it is reasonable to include conditions to control carbon dioxide emissions and to require that cycle storage arrangements are approved prior to occupation.
19. The Council have also suggested conditions relating to the approval of a fire safety strategy and to limit water consumption. However, given the proposed change of use and scale of the proposal I do not consider that a fire safety strategy would be necessary in this instance. Furthermore, the Council's Officer report confirms that the details submitted in relation to water consumption, and as included within the plans condition, would be within the requirements as set out in local planning policy. Consequently, I have not included a further condition in this respect.
20. Where necessary, and in the interests of clarity and precision, I have altered the wording of the conditions suggested by the Council in order to better reflect the relevant guidance.

Planning Balance and Conclusion

21. The appeal proposal would result in the loss of a very small amount of office floorspace within a mixed use premises and would be contrary to the provisions of Policies LP40 and LP41 of the Local Plan. However, the proposal would comply with the provisions of local planning policy with regards to living conditions of nearby and future residents and, given the circumstances outlined

above, would not materially harm the range or supply of small office spaces within the area. The proposal would provide a contribution of a modestly sized residence to housing supply. As such, I conclude that there are material considerations which indicate that a decision should be taken otherwise in accordance with the development plan and permission should be granted.

22. For the reasons given above I conclude that the appeal should be allowed.

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall in all respects accord strictly with drawing numbers: Affordable Housing Statement & Commuted Sum, CIL Form, Archadia Flood Risk Assessment, Archadia Design and Access Statement, Energy Report, National water standards statement and Archadia Planning Statement dated August 2020 and drawing numbers: JD011-3-01 REV P3, JD011-2-01 REV P2, JD011-1-01 REV P3, JD011-1-02 REV P2, JD011-0-02 REV P2, JD011-0-01 REV P2, JD011-2- 02 REV P2, JD011-1-03 REV P2, JD011-1-04 REV P2, Sustainability Checklist and Water Calculation received by the Local Planning Authority on 21 August 2020.
3. No part of the development shall be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof.
4. The development hereby approved shall achieve a 35% reduction in Carbon dioxide emissions beyond Building Regulations (2013) requirements.