
Appeal Decision

Site visit made on 16 September 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Appeal Ref: APP/L5810/W/20/3258053

8 St James's Cottages, Richmond-upon-Thames, Surrey TW9 1SL

- 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 Joyce House against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 20/218/FUL, dated 17 February 2020, was refused by notice dated 1 April 2020.
 - The development proposed is the change of use from residential/domestic to holiday let (to lift the 90 day restriction on holiday letting).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant indicates that the dwelling was in use as a holiday let for a period of 3 months in 2020 but this ceased after this period. Therefore, this use scheme has been treated as a proposal rather than as carried out.
3. It has also been argued that there is no record of the building being used as a dwelling, Use Class C3, and that it has been in continued use as a Use Class C1, that covers hotels, boarding or guest houses. However, the building has been built as a dwelling and there is a lack of supporting documentary evidence to determine the lawfulness of the building as Use Class C1. Therefore, the proposal has been treated as involving the loss of a dwelling which accords with the description in the application form.

Main Issues

4. The main issues are (a) whether or not the loss of a dwelling to a holiday let would be justified, having regard to local housing policy, (b) whether the proposal would preserve or enhance the character or appearance of the Central Richmond Conservation Area and (c) the living conditions of the occupiers of neighbouring dwellings, having regard to noise and disturbance.

Reasons

Residential unit loss

5. The appeal site comprises a two storey dwelling which backs onto commercial buildings. London Borough of Richmond Upon Thames Local Plan (LP) (2018) Policy LP38 states that existing housing should be retained. In this case, the housing would not be retained as it would be a holiday let. In this regard, a

holiday let dwelling would not serve the purpose of retaining existing housing because it would be for tourists rather than for residents of the borough.

6. The word 'should' indicates that an exception can be made and under the policy explanatory text, exceptions can be made to the presumption against the loss of housing but only if other policy priorities are met and wider benefits provided.
7. With the introduction of a holiday let use, the scheme would introduce a mix of uses in a street of dwellings used as permanent residences for occupiers. No party has disputed this. Paragraph 86 of the National Planning Policy Framework (the Framework) promotes the long-term vitality and viability of town centres by allowing them to respond to rapid changes in the retail and leisure industries and allowing a suitable mix of uses. However, housing for permanent occupation by residents also plays a role in achieving vitality and viability in a town centre. The Framework also requires proposals to make more efficient use of land but this change of use from a dwelling, as a permanent residence, to holiday let would bring about negligible benefits in terms of developing a land/building resource to its full capacity.
8. For all these reasons, the justification would not be exceptional, and the proposal would result in the unjustified loss of a dwelling contrary to Policy LP38 of the LP.

Character and appearance

9. The dwelling is a Victorian terraced dwelling within a row of 18 dwellings. The terraced row is a Building of Townscape Character. Being located within a town centre, the area has a varied character and appearance with residential and commercial uses. The terraced row backs onto a yard area serving a supermarket whilst it fronts onto some modern office buildings. The terrace and surrounding area lie within Central Richmond Conservation Area.
10. As the site is within a Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 has to be taken into account. It requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
11. The Council's Conservation Area No 17 appraisal details that the area was the site of a former village centre associated with the long established medieval Royal Manor House. On an important coaching route to London, the area has repeatedly been redeveloped although the original street pattern survives. Many 18th century buildings have been replaced piecemeal by mid to late 19th and early 20th century commercial architecture providing shops for the needs of the expanded local community after the arrival of the railway.
12. Consequently, the Conservation Area is varied in terms of building age, sizes and design. However, high quality materials and detailing prevail in many of the traditional buildings, including on shopfronts. There are also enclaves of quietness relative to the busy thoroughfares within the area, such as St James's Cottages terrace and St Mary's Magdalene's Church. It is all these historic and architectural qualities that are of significance and high value, and of special interest to the Conservation Area.
13. The proposal would not involve alterations to the external fabric of the building. Although occupation would be transient in nature, there is no evidence that

significant increased noise and disturbance would detrimentally erode the peaceful ambience of this part of the Conservation Area. The property is small limiting the potential for occupants and parking restrictions prohibit parking down the street. Two incidents have been brought to my attention with unneighbourly noise and disturbance when the dwelling was in holiday let use. However, incidents can happen with the use of the dwelling as a permanent residence and therefore, a significant change in the acoustic environment, through a holiday let, has not been proven.

14. Under the Framework, the dwelling and terrace would be a non-designated heritage asset. It is an attractive Victorian dwelling, and its architectural and historical qualities are of significance and importance. However, there would be no loss of significance as no external alterations would occur whilst occupation would still be with people, albeit visitors.
15. For all these reasons, the development would preserve the character and appearance of the Conservation Area according with Policies LP1, LP3, LP4 and LP8 of the LP.

Living conditions

16. The rear garden is small with wooden fences separating it from other neighbouring gardens and the terrace comprises Victorian properties with little or no sound proofing that reflects modern standards. The property has been let out to tenants in the past and local representations have detailed unneighbourly noise and disturbance associated with them and effects on their well-being and health. Local residents have also drawn my attention to two incidents with noise and disturbance associated with the letting use when it occurred.
17. However, the proposed use is a holiday let and therefore, any anti-social incidents associated with tenant letting cannot be taken into account. Moreover, it has not been demonstrated that holiday visitors would generate noise and disturbance that would be greater than its use as a permanent residence. For all these reasons, there would be no significant impact on the living conditions of the residents of the terrace. Accordingly, the proposal would comply with Policies LP8 and LP10 of the LP.

Conclusion

18. The proposal would not harm the character and appearance of the area, and the living conditions of local residents. However, there would be a loss of a permanent residence for people wanting to live in the area. The LP explanatory text explains that existing housing is valued in the borough due to the constraints of limited land supply and high land values. The text further states that housing targets for the Council will be challenging to achieve and any loss of existing units exacerbates this. As a result, there is a presumption against the loss of residential units and there are no compelling circumstances to justify an exception. Accordingly, the conflict with Policy LP38 would be overriding and there would be a conflict with the development plan taken as a whole. There are no material considerations to outweigh that finding and planning permission should be refused.

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR