



Appeal Decision

Site visit made on 19 October 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 03 November 2022

Appeal Ref: APP/L5810/W/22/3297072

6, Bushy Park Lodge, Sandy Lane, Teddington TW11 0DR

- 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 City Rivergate Ltd against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 21/4302/FUL, dated 15 December 2021, was refused by notice dated 7 March 2022.
 - The development proposed is change of use of a single unit of use class C1 (hotel) accommodation to a single dwelling unit within use class C3 (residential) with no associated operations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's first reason for refusal concerned a lack of planning obligation to secure an affordable housing contribution in conjunction with the proposed development. The appellant has since submitted a signed and dated unilateral undertaking as part of this appeal, which secures the affordable housing contribution (and associated monitoring fee) requested by the Council. The Council has reviewed the unilateral undertaking, and confirmed its agreement. The first reason for refusal has therefore been overcome, and this has not been considered further.

Main Issues

3. The main issues are therefore:
 - whether the loss of visitor accommodation would be acceptable with regard to development plan policy; and
 - whether the proposed dwelling could operate and function effectively alongside the remaining C1 accommodation.

Reasons

Loss of Visitor Accommodation

4. The appeal property is located on the northern side of Sandy Lane, and is currently used as serviced accommodation within use class C1. The accommodation is split over a number of floors, with each of the units benefiting from separate bathroom and kitchen facilities. The proposed

- development relates to the second and third floors of the building, and seeks to change the use of this accommodation to C3 (residential).
5. Policy LP43 of the Council's Local Plan (2018) (Local Plan) seeks to support the sustainable growth of the visitor economy for the benefit of the local area. To this end, the Policy says that any development which would result in the loss of visitor accommodation bedspaces will be resisted. This Policy reflects the objectives of Policy E10 of the London Plan 2021, which similarly aims to ensure a sufficient supply and range of serviced accommodation is maintained, to help safeguard London's visitor economy. Indeed, the London Plan seeks to secure an additional 58,000 bedrooms of serviced accommodation by 2041. Given the proposal would lead to a net loss of visitor bedspaces, it would contravene the content and objectives of these policies.
 6. Nonetheless, the appellant alleges that the Council's policy is based on out of date evidence, and that the requirement for visitor accommodation within its borough is now less than it was at the time the Local Plan was adopted. However, even if I accept the appellant's position on this point, the evidence base for the London Plan 2021¹ still demonstrates a need for 143 units of additional serviced accommodation within Richmond upon Thames, up to 2041. Whichever evidence base is relied on, a need for additional serviced accommodation in the local area therefore remains. Yet the appellant has provided no substantive evidence to demonstrate that this need, even at the reduced level, could feasibly be met within the Council's area during the plan period. Without this, there is insufficient justification to depart from the baseline policy position, that visitor accommodation should be safeguarded.
 7. Part of the Council's more recent evidence base² also highlights the potential of the area to attract greater demand from tourist visitors if cultural provision within the area is improved. Whilst at an early stage, paragraph 19.26 of the Council's emerging local plan goes further, and says "*protection of the existing stock of visitor accommodation is vital given the borough's rich visitor and cultural infrastructure*". Any depletion of the supply of visitor accommodation within the Council's area would undermine these objectives of preserving and enhancing the tourist offering within the Council's area. As such, there is continued merit to the content of Policy LP43, in terms of resisting the loss of existing visitor accommodation.
 8. Whilst I acknowledge the proposal would help contribute to the Council's housing stock, there is nothing within Policies H1, H2 nor H10 of the London Plan 2021 which suggests the provision of new housing should be at the expense of visitor accommodation, for which there is also scarcity of supply. The corresponding benefit in terms of additional residential housing would therefore be insufficient to outweigh the policy conflicts in this instance.
 9. On this basis, the proposed loss of visitor accommodation would not be acceptable when assessed against relevant development plan policy. Indeed, the proposal would conflict with Policy LP43 of the Local Plan and Policy E10 of the London Plan 2021, both of which seek to safeguard existing levels of visitor accommodation within the Council's area.

¹ Projections of demand and supply for visitor accommodation in London to 2050, GLA Economics (April 2017)

² Lichfields Richmond upon Thames Retail and Leisure Needs Study Phase 1 Update, 2021

Operation of Proposed Dwelling

10. The proposed development relates to the second and third floors of the building, which operate as a single duplex unit. It is accessed from the second floor of the property, and is the only unit of accommodation within the building on these two floors. As a result, it is well-separated from the other units of serviced accommodation on the lower floors. In turn, it could conceivably operate alongside the serviced accommodation, without undue risk of disturbance or interference.
11. Moreover, the appeal property functions as individual serviced units, without any substantive shared facilities. This means the units operate independently from one another, and therefore share a strong similarity to traditional residential accommodation, rather than a typical hotel use. In turn, the proposed change of use would be unlikely to make a tangible difference to the function and operation of the building as a whole.
12. I am therefore satisfied that the development could function effectively alongside the remaining C1 accommodation. In this regard, the development would be consistent with Policy LP43 of the Local Plan and Policy E10 of the London Plan 2021, as there would be no apparent harm to the remaining units of visitor accommodation within the building. However, this is a neutral factor, and would not be a benefit that could outweigh the harm arising from the loss of visitor accommodation.

Other Matters

13. In terms of the sequential test referred to in Policy E10 of London Plan 2021, this is geared towards the provision of new serviced accommodation within outer London, as opposed to the retention of existing visitor accommodation. As such, it is not directly relevant to the proposed development.

Conclusion

14. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR