



Appeal Decision

Site visit made on 4 April 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2023

Appeal Ref: APP/L5810/W/22/3291434

Pinpoint House, 1A Rosedale Road, Richmond TW9 2SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3 of Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Lochailort Investments against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 21/1925/GPD15, dated 25 May 2021, was refused by notice dated 26 July 2021.
 - The development proposed is change of use of the existing office to create three dwellings.
-

Decision

1. The appeal is allowed and prior approval granted under the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of the existing office to create three dwellings at Pinpoint House, 1A Rosedale Road, Richmond TW9 2SX in accordance with the application Ref 21/1925/GPD15, dated 25 May 2021, and subject to the following conditions:
 1. The development hereby permitted shall be carried out in accordance with the following approved plans and document: Drawings P003, SK010, SK020, SK021, SK010 C and Daylight Statement – October 2021, Ref: 200/EP rev-.
 2. No dwelling hereby permitted shall be occupied until a scheme for cycle storage has been submitted to and approved in writing by the local planning authority. Thereafter, the approved scheme for cycle storage shall be implemented prior to occupation of any of the dwellings hereby approved and retained in perpetuity for the life of the development.

Preliminary Matters

2. The description of the proposal on the application form refers to 'associated amenity space' Because no amenity space is being provided, for the purposes of my Decision and in the interests of clarity and precision, I have taken the description of the proposal from the Council's decision.
3. During the appeal, an amended drawing was submitted (reference: SK010 C). This drawing shows the retention of an existing rooflight which was proposed to be removed. This limits any external alterations arising from the proposal. I have therefore accepted this amended drawing as a substitute for the proposed drawing (reference: SK010 B) originally submitted with the application. I have

proceeded with the appeal on this basis and do not consider that the interests of any party have been prejudiced by my having done so.

4. A prior approval appeal should not be determined, expressly or otherwise, on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004 or as though the development plan must be applied. Development plan policies may be relevant in prior approval cases, but only insofar as they relate to the matters, and only as evidence to support (rather than being the basis of) the planning judgment to be made.

Background and Main Issue

5. The appeal property comprises a single storey, detached building, which is occupied for office use.
6. Schedule 2, Part 3 of Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO') permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule, subject to certain conditions and limitations.
7. Paragraph O.2 of the GPDO indicates that Class O development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required for certain matters.
8. The Council has raised objections with regard to prior approval matters: (a) transport and highways impacts of the development and (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.
9. In respect of the latter, during the appeal, the appellant provided a Daylight Statement, prepared by Schroeder Begg. This shows that each habitable room would benefit from more than the minimum standards referred to in the British Research Establishment publication 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice.' This satisfies the Council's concerns regarding access to natural light and I have also considered the submissions and have no reason to disagree. Therefore, the proposal would satisfy the requirements of Paragraph O.2(1)(e) of Class O, Part 3 of Schedule 2 of the GPDO.
10. Accordingly, the main issue is whether the proposal accords with requirement O.2(1)(a) transport and highways impacts of the development of Class O, Part 3 of Schedule 2 of the GPDO.

Reasons

11. The appeal site has good accessibility to public transport with a high Public Transport Accessibility Level score of 5, making it suitable to be designated car-free. It is also located within Car Parking Zone ('CPZ') area N, with operational hours of 10:00 - 16:30, Monday to Saturday. This CPZ is in high demand for parking permits. Therefore, to mitigate against any impact on, on-street parking the submitted Unilateral Undertaking ('UU') dated 22 August 2022, includes an obligation to preclude occupiers of the proposed dwellings from obtaining parking permits.

12. The Council has confirmed that the UU is acceptable. I have also taken account of the UU and I am satisfied that as a consequence of this, the proposal would not add to parking stress in the area.
13. With reference to standards within The London Plan (2021) the Council asserts that the proposal generates a requirement for 4 cycle parking spaces. For the reasons already stated, the development plan, which includes any standards therein, is not determinative in this prior approval appeal. Nevertheless, this lends support to the Council's requests for cycle storage facilities. Indeed, the provision of such facilities would promote a sustainable mode of travel which is relevant in determining transport and highways impacts.
14. There are existing cycle storage facilities external to the building and although the appellant may now have control over this area, this does not form part of the curtilage to the building as shown on the plans submitted with the application. Irrespective, I am satisfied that there would be sufficient space within the proposed dwellings to incorporate the suggested level of cycle storage. Accordingly, this could be secured by a planning condition if the appeal were to succeed.
15. For the above reasons, the proposal does not raise any significant highway and pedestrian safety issues and therefore would not result in any unacceptable transport and highways impacts. Accordingly, the proposal is acceptable with regard to Paragraph O.2(1)(a) of Class O, Part 3 of Schedule 2 of the GPDO.
16. Consequently, I find no conflict with policies LP44 and LP45 of the London Borough of Richmond Upon Thames Local Plan (2018) and the London Plan (2021) insofar as these are relevant to matters relating to transport and highways impacts.

Other Matters

17. In addition to the prior approval matters set out above, there are others which relate to contamination, flooding risks and impacts of noise from commercial premises on the intended occupiers of the development. Although concerns have been raised about external noise effecting the occupiers of the proposed development, I have no technical evidence to substantiate this.
18. I have noted issues raised by third parties about a range of matters, including the size and quality of the proposed accommodation with regard to space standards and the lack of outdoor open space, along with concerns over construction activity. However, as these do not specifically relate to matters for prior approval, these are outside the scope of this appeal and my Decision.

Conditions

19. Paragraph W (13) of the GPDO allows for the grant of prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. For the reasons already given, I have imposed a condition requiring the details and provision of cycle storage facilities.
20. Given that the proposal is for a change of use of an office building, I am not persuaded that the Council's suggested condition in relation to the remediation of any contamination which may be encountered is necessary.

21. Whilst the Council has suggested a condition requiring details for refuse arrangements, this does not relate to the subject matter of the prior approval. Therefore, I have not imposed this condition.
22. Any prior approval granted under Article 3(1) and Schedule 2, Part 3, Class O of the GPDO is subject to the condition that it must be completed within a period of 3 years of the prior approval date. As such, the Council's suggested condition relating to the timescale for implementation is not required.
23. The GPDO also requires that the development must be carried out in accordance with the details provided in the application. Because I have accepted an amended drawing and for the avoidance of doubt, a condition listing the approved drawings and document is necessary. In light of this, the Council's condition specifying the number of proposed dwellings is not required.
24. The Council's suggested condition relating to parking permit restrictions is not necessary because this matter is covered by the submitted UU.
25. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

26. For the reasons given above, I conclude that the appeal should be allowed, and prior approval be granted.

M Aqbal

INSPECTOR