



Appeal Decision

Site visit made on 23 May 2024

by S Edwards BA MA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2024

Appeal Ref: APP/L5810/W/24/3336654

1 Palace Gate, Hampton Court Road, Richmond Upon Thames, Hampton KT8 9BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr H Ross of Signet Hotels against the decision of Richmond Upon Thames London Borough Council.
- The application Ref is 23/1619/FUL.
- The development proposed is described as 'Change of Use from the Residential (C3) use into Hotel (C1) and a Listed Building Consent for removal of kitchen and pantry furniture and fixtures, and installation of en-suite shower room and free-standing bath in Suite 1 (long room)'.

Decision

1. The appeal is allowed and planning permission is granted for change of Use from the Residential (C3) use into Hotel (C1) at 1 Palace Gate, Hampton Court Road, Richmond Upon Thames, Hampton KT8 9BN in accordance with the terms of the application, Ref 23/1619/FUL, and the plans submitted with it, and subject to the conditions in the attached schedule.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) published in December 2023 sets out the Government's planning policies for England. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The main parties had the opportunity to address the revisions to the Framework during the course of the appeal.
3. The description of development in the banner heading above is taken from the application form. However, in my decision, I have omitted the reference to the works associated with the Listed Building Consent application, which has followed a separate process.
4. The Council's Reason for Refusal refers to Policy H9 of the London Plan (March 2021), which seeks to promote efficient use of the existing housing stock. The Council has confirmed that this policy was quoted in error, and the Reason for Refusal should have instead referred to Policy H8. I have considered the appeal on this basis.

Main Issue

5. The main issue is the effect of the proposal on the Council's supply of housing.

Reasons

6. 1 Palace Gate forms part of a group of historic buildings situated directly opposite the Grade I listed Hampton Court Palace. The site comprises a Grade II listed two-storey building possibly dating from the 18th century, which includes ground floor commercial premises currently in use as a café and separate residential accommodation above.
7. The presented evidence suggests that the original use of the appeal premises was as a butcher's shop. Whilst the historic shopfront has been replaced and the building has been subject to numerous alterations and extensions, it holds considerable architectural and historic interest by virtue of its association with Hampton Court Palace and traditional construction methods showing how it evolved over the centuries. The appeal building makes a positive contribution to the significance of Hampton Court Green Conservation Area, which is primarily derived from its rich collection of historic buildings and attractive landscape, providing a delightful setting on the approach to Hampton Court Palace.
8. Policy H8 of the London Plan makes it clear that the loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace. As the appeal scheme would result in the permanent loss of an existing dwelling and is not proposed to be replaced, it conflicts with this policy.
9. Policy LP38 of the London Borough of Richmond upon Thames Local Plan – July 2018 (LP) sets out a presumption against the loss of housing units, largely because existing housing is valued in the borough due to the constraints of limited land supply and high land values. There is also a presumption that the potential for retaining and refurbishing existing buildings should firstly be assessed, before considering other options.
10. The appellant's submissions include a Certificate of Lawful Use recently granted by the Council¹, confirming his intention to use the appeal premises as short-term visitor accommodation for 90 nights per year. There is a real prospect that the appeal premises would be used for that purpose in the event that this appeal fails. In such circumstances and having regard to the available evidence, it is therefore unlikely that the appeal premises would revert to residential use. Consequently, the presented fallback position is an important material consideration that carries significant weight in my decision.
11. Whilst LP Policy LP38 seeks to protect existing housing, the supporting text advises that exceptions may be considered if other policy priorities are met and wider benefits provided such as an increase in employment uses, affordable housing, etc. The proposed change of use would enable the creation of four additional bedrooms for the neighbouring Mitre Hampton Court Hotel, and thus accord with the aims of LP Policy LP43, which seeks to encourage the provision of visitor accommodation within the Borough.
12. As noted above, the site lies directly opposite Hampton Court Palace, which this policy recognises as one of the area's unique, historic and cultural assets connected via the River Thames, and in proximity to Hampton Court train station. In this context, the provision of additional tourist accommodation

¹ Local Planning Authority Reference DC/JPH/23/2715/PS192/PS192.

resulting from the proposal would therefore support the sustainable growth of the visitor economy for the benefit of the local area. It is also of note that the proposed scheme would generate additional employment opportunities within the hotel complex.

13. LP Policy LP43 requires visitor accommodation and facilities to be accessible to all, and states that at least 10% of hotel bedrooms should be wheelchair accessible. As noted above, the appeal premises are located at first floor level. The hotel rooms would be accessed from the ground floor via an existing staircase, and would therefore not be wheelchair accessible. The Heritage Appeal Statement of Case explains that the installation of a lift could compromise some of the listed building's historic fabric and planform. Having regard to the available evidence, I find that there is a high likelihood that the interventions required to make the rooms wheelchair accessible would cause harm to the listed building's special interest.
14. Whilst it is regrettable that these facilities would not be provided as part of the proposal, this has been appropriately justified in this instance, due to the listed nature of the appeal building. Furthermore, the appellant's submissions confirm that there are wheelchair accessible bedrooms and facilities within the main part of the hotel. Additionally, the supporting text of Policy E10 of the London Plan, which sets out the strategy for visitor infrastructure, recognises the need not only for standard wheelchair accessible rooms, but also rooms suitable for other people. These include rooms for people who could benefit from additional access features and rooms suitable for people who require assistance or need to be near a carer. I am satisfied that the imposition of a condition requiring the appellant to submit an accessibility statement would address the aims of the development plan policies in this respect.
15. The appeal scheme would result in the loss of existing housing and thus conflict with Policy H8 of the London Plan. However, the harm resulting from the loss of housing would be outweighed by the economic benefits associated with the proposal, which would support the sustainable growth of the visitor economy. This conclusion is based upon the particular circumstances of the proposal, including the location and listed building status of the appeal premises. I have also had regard to the fact that the Council is presently able to demonstrate a five year supply of deliverable housing sites. Overall, I therefore find no conflict with LP Policies LP38 and LP43, and Policy E10 of the London Plan, as well as the aims of Section 11 of the Framework, which seeks to ensure that planning decisions make effective use of land.

Other Matters

16. No external alterations are proposed as part of the development, and no concerns were raised by the Council regarding the effect of the proposal on the special interest of the Grade II listed premises, nearby listed buildings and the Hampton Court Green Conservation Area. Having considered the presented evidence, there are no reasons for me to take a different approach. I am therefore satisfied that the appeal proposal would preserve the special interest of these heritage assets.

Conditions

17. I have considered the conditions suggested by the Council, making minor amendments where necessary, to ensure compliance with the relevant tests as

set out in paragraph 56 of the Framework and the Planning Practice Guidance². In addition to the standard time limit, I shall impose a condition specifying the relevant drawings which the development must accord with, in the interests of certainty and to provide clarity. A condition requiring compliance with the Fire Strategy is considered necessary to make sure that the development incorporates relevant fire safety measures, and to ensure compliance with Policy D12 of the London Plan.

18. I have included the Council's suggested condition requiring an accessibility statement, to ensure that the development provides facilities for all users. A condition requiring access, parking and servicing arrangements for the site is considered necessary to preserve highway safety. No external lighting is proposed as part of the development, and I do not therefore consider that the condition suggested by the Council meets the test of necessity.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, the appeal is allowed.

S Edwards

INSPECTOR

² Paragraph: 003 Reference ID: 21a-003-20190723.

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 2132-200 (Proposed Site Plan), 2132-201 (Proposed Ground Floor Plan), 2132-202 (Proposed First Floor Plan), 2132-203 (Proposed First Floor Inverted Ceiling Plan), 2132-204 (Proposed Elevations).
- 3) The development must be carried out in accordance with the provisions of the Fire Strategy Statement, prepared by GBP Architects, dated 09 June 2023, and retained as such thereafter.
- 4) The premises shall be used for hotel accommodation and for no other purpose (including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 5) No part of the development hereby permitted shall be occupied until details of the accessibility statement, including relevant details and drawings, have been implemented and retained thereafter, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The statement must include information on how the visitor accommodation contained in the application site would be made accessible to all users, or how the Mitre Hotel as a whole, including the appeal site, would provide sufficient accessible parking and accommodation to meet policy requirements.
- 6) No part of the development hereby permitted shall be occupied until the access arrangements, parking provision for bicycles and vehicles, and servicing requirements (including staff, deliveries and the storage of disposal of refuse/waste) have been implemented, in accordance with details that shall have first been submitted to and agreed in writing by the Local Planning Authority, and retained thereafter. The space laid out for cars to be parked and bicycles to be stored shall at no time be used other than by occupiers/visitors to the premises.

END OF SCHEDULE