



Appeal Decision

Site visit made on 2 July 2025

by **M Chalk BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/L5810/W/25/3358930

2 The Terrace, 136 Richmond Hill, Richmond, TW10 6RN

- 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 Kim Jabbour against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref is 24/1481/FUL.
 - The development proposed is reconfiguration of existing flats to provide 1 x 3 bed flat, with associated annexe flat, and 1 x studio together with alterations to rear lower ground floor fenestration and installation of ASHP
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Decision

1. The appeal is allowed and planning permission is granted for reconfiguration of existing flats to provide 1 x 3 bed flat, with associated annexe flat, and 1 x studio together with alterations to rear lower ground floor fenestration and installation of air source heat pumps at 2 The Terrace, 136 Richmond Hill, Richmond, TW10 6RN in accordance with the terms of the application, Ref 24/1481/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The council's decision notice cited 3 reasons for refusal, which included the absence of a legal agreement to secure an appropriate contribution towards offsite affordable housing and the absence of sufficient information to demonstrate that the proposed air source heat pumps would not create adverse noise to the detriment of neighbouring properties.
3. The appeal included a development viability assessment which concluded that the appeal proposal fell below the benchmark land value above which affordable housing contributions are required. This assessment was independently reviewed, and the review supported its conclusions. The council have accepted the review's findings and are no longer seeking an affordable housing contribution from the proposed development. The assessment found a substantial gap of more than £767,000 between the residual land value and the benchmark land value. Given this, I see no reason to disagree with the council.
4. The appeal also included a noise impact assessment report which concluded that noise from the pumps would be sufficiently below the background sound level to be considered as a low likelihood of adverse impact. The council have accepted that this could be controlled by condition. Given that the volume of the pumps is not projected to exceed 35dB(A) at the nearest sensitive receptor, which is a low level of sound, I agree with this conclusion.

5. The council's emerging Local Plan is at examination stage. I have no information about the extent of any unresolved objections to the relevant policy 14 which addresses the loss of housing but given its advanced state its policies attract moderate weight in the determination of this appeal.

Main Issue

6. The main issue in the determination of this appeal is therefore the effect of the proposed development on the supply of housing, having regard to local and national policy.

Reasons

7. The appeal proposal would convert 3 existing flats (2x2 bed, 1x1 bed) into 2 flats (1x4 bed, 1x1 bed), an overall loss of 1 dwelling. Policy LP38 of the Richmond Local Plan 2018 states, amongst other things, that existing housing should be retained whilst proposals for reversions and conversions should assess the suitability of the property and design considerations. Policy 14 of the emerging Local Plan states likewise and further adds that proposals should avoid a detrimental impact on existing housing supply. Policy 14 further adds that redevelopment of existing housing should normally only take place where, amongst other criteria, the proposal will result in demonstrable environmental, transport or parking benefits. The supporting text to LP38 contains similar language regarding benefits relating to the reversion of houses converted into flats back into a single family dwellinghouse and also seeks street scene benefits.
8. The identified policies also seek, amongst other criteria, the preservation of local character, the provision of a satisfactory standard of accommodation, that replacement housing be provided at existing or higher densities and that it has first been demonstrated that the existing housing is incapable of improvement or conversion to a satisfactory standard to provide an equivalent scheme. No other conflict has been identified with the remaining criteria of either policy. Given the specific nature of the proposed housing mix, limited external alterations and as the same number of bedrooms would be provided, I am satisfied that no other conflict would exist.
9. The appeal proposal would result in a smaller 1 bed unit, but it is not disputed that this would still meet the requirements of the Nationally Described Space Standard (the Space Standard). The larger unit would significantly exceed those requirements, but these are minimums. The development would overall provide a good standard of accommodation for the occupiers of both units. Furthermore, one of the bedrooms to the existing ground floor flat is smaller than required in the Space Standard, suggesting that flat provides a poor standard of accommodation.
10. The development would deliver environmental benefits through the inclusion of air source heat pumps which would result in a reduction in emissions from the properties. There would also be a small reduction in parking demand from the development. Given the relatively small scale of the proposal these would amount to modest, but nevertheless demonstrable, benefits.
11. The loss of a dwelling would result in a detrimental impact on the borough's existing housing land supply. However, both the existing and emerging policies state that existing housing should rather than must be retained. The identified benefits qualify the development as an exception of the sort recognised under policy LP 38 and its supporting text, and emerging policy 14. The proposed

development would therefore not conflict with policy LP 38 of the Richmond Local Plan, nor policy 14 of the emerging Local Plan.

12. The council's most recent figures for housing land supply show that there is a supply not greater than 4.93 years. The most recent housing delivery test figures show that the council has only delivered 60% of its target for new homes in the last 3 years, failing to meet its target in any of those years. This adds weight in favour of dismissing the appeal, especially given the government's objective of significantly boosting the supply of homes. Nonetheless, the development would comply with the existing and emerging policies and there would be no overall loss of bedrooms. In this instance the degree of harm does not indicate that a decision should be made otherwise than in accordance with the development plan.

Other Matters

13. The appeal site lies within the Richmond Hill Conservation Area, which is typified by varied and high quality terrace houses, such as the appeal property. No harm has been identified to its character or the appearance from the proposed development, nor to its significance as a designated heritage asset. Given the minimal external works proposed, which would amount to the discreet siting of air source heat pumps at lower ground level, I see no reason to disagree.

Conditions

14. The council have provided a listed of suggested conditions which I have considered against national planning practice guidance.
15. I have imposed conditions relating to the commencement of development (1) and the approved plans (2) for the sake of certainty. Conditions relating to external materials (3) and the storage of bicycles and refuse (4, 5) would ensure that the finished appearance of the development would be acceptable, and that the needs of future occupiers are met.
16. Conditions relating to the control of carbon dioxide emissions (6) and water usage (7) would ensure a more sustainable form of development. A condition requiring compliance with the submitted Fire Safety Statement (8) is necessary in the interests of the safety of residents.
17. A condition requiring that noise from the air source heat pumps be limited (9) is necessary to prevent disturbance to neighbouring occupiers. Finally, a condition limiting use of the annexe solely to purposes ancillary of its host dwelling (10) is reasonable to ensure that the annexe is not occupied independently, as the layout and access of the property would not be suitable for that.
18. The council also suggested a condition requiring that the development achieve BREEAM Domestic Refurbishment Rating 'Excellent'. However, no reasoning or policy basis for this is provided, so it is not clear that such a condition would meet the tests of necessity and reasonableness set out in national guidance.

Conclusion

19. For the reasons set out above, the appeal is allowed.

M Chalk

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing nos 00288_136RH_PL05.0 Proposed Basement Floor Plan, 00288_136RH_PL05.1 Proposed Ground and First Floor Plans, 00288_136RH_PL08.1 Proposed Fire Strategy Floor Layout, 00288_136RH_PL06.1 Proposed Front Elevation, 00288_136RH_PL06.2 Proposed Rear Elevation, 00288_136RH_PL07.2 Existing Sections A, B, C and D and 00288_136RH_PL07.1 Proposed Sections X and Y.
3. No new external finishes (including fenestration), including works of making good, shall be carried out other than in materials to match the existing, except where indicated otherwise on the submitted application form and/or approved drawings.
4. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 00288_136RH_PL05.0 Proposed Basement Floor Plan for bicycles to be stored and that space shall thereafter be kept available for the storage of bicycles.
5. No dwelling shall be occupied until refuse 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. The approved facilities shall be installed and be retained thereafter.
6. The dwellings hereby approved shall achieve a reduction in carbon dioxide emissions of not less than 35% beyond Part L of the Building Regulations requirements (2021).
7. The dwellings hereby approved shall not be occupied other than in accordance with the water consumption targets of 105 litres or less per person per day, and 5 litres or less per head per day for external water use.
8. The development must be carried out in accordance with the provisions of the submitted Planning Fire Safety Statement dated July 2024.
9. The air source heat pumps hereby approved shall not be implemented other than in accordance with the recommendations outlined in the Noise Impact Assessment by ES Acoustics Ref. 20937.PNIA-RPT.01 and dated 7 November 2024. Prior to the occupation of the approved dwellings a compliance report shall be undertaken to demonstrate that this has been achieved, and the results submitted to and approved in writing by the local planning authority. If any further mitigation is required to demonstrate the above compliance, a scheme shall be outlined including timeframe for implementation and implemented in accordance with those approved details. The air source heat pumps shall thereafter be retained in accordance with the approved details.
10. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the ground and first floor flat that it forms part of.

End of schedule