



Appeal Decision

Site visit made on 20 January 2026

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 4th February 2026

Appeal Ref: APP/L5810/C/23/3327761

68 Richmond Road, London, TW1 3BE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Robik Mirzaia against an enforcement notice issued by Richmond Upon Thames London Borough Council.
 - The notice was issued on 3 July 2023.
 - The breach of planning control as alleged in the notice is a material change of use of part of the ground floor premises from restaurant use to a self-contained residential flat.
 - The requirements of the notice are (i) Cease the use of the rear of the ground floor as a self-contained residential flat (referred to as “68E Richmond Road”); and (ii) Remove all kitchen, bathroom and toilet fixtures and fittings, and any other fixtures or items associated with the residential flat; and (iii) Remove from the Land all materials, rubble, and debris resulting from compliance with steps (i) and (ii) above.
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use of part of the ground floor premises from restaurant use to a self-contained residential flat at 68 Richmond Road, London, TW1 3BE as shown on the plan attached to the notice and subject to the following condition:
 - 1) Unless within 4 months of the date of this decision a scheme for ensuring the development complies with policy LP36 of the Richmond upon Thames Local Plan is submitted in writing to and approved by the local planning authority the use of the site for residential purposes shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limit specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

2. Although ground (c) was included on the appeal form no evidence for this ground was provided and I am treating it as withdrawn.

The Appeal on Ground (a)

3. There is no reason why policy D6 of the London Plan cannot be applied retrospectively. Its purpose is to ensure high quality residential conversions. The main problem identified by the Council is lack of outlook and light to the rooms. D6 section D requires “*sufficient daylight and sunlightthat is appropriate for its context*”. This is a ground floor flat conversion, although it is to the rear of the restaurant fronting Richmond Road, which restricts the opportunities for windows.
4. Three bedrooms have been created, two small ones for children, each lit by a small velux and a larger bedroom for the appellant, lit by a large velux. I visited on a cloudy day with occasional sunny intervals. The two small bedrooms are quite dimly lit but the main bedroom has plenty of light. The kitchen/diner/lounge is ‘L’ shaped. The kitchen end has a large window with a semi-obscured view over a wall and fence to the sky while there is a large velux over the centre of the room and another smaller velux over the shorter leg of the ‘L’. The kitchen window is south facing and while I was there plenty of daylight was streaming into the living area.
5. Otherwise the quality of the conversion seems to be high, and there is a window to the bathroom as well. In terms of living conditions I consider the flat is just about acceptable. The lack of light to the bedrooms is less important than to the living area which seemed to be well lit. It does not, therefore, seem to be contrary to policy D6.
6. Documentation concerning the BREEAM and sustainable construction standards have been supplied and there is nothing to suggest they do not meet the requirements of LP20 and LP22 of the Local Plan. There is a small outside area where waste bins and recycling are located, along with cycle storage which would seem to satisfy policy T5 of the London Plan. The area is well served by public transport (it is in a PTAL Zone 5 which has high accessibility) which along with the cycle storage would seem to satisfy LP44 of the Local Plan.
7. LP45 requires adequate car parking or, if a car-free development is proposed a travel plan. The appellant has offered to limit future car parking permits but does point out that the reduction in covers in the restaurant to enable the flat conversion reduces parking demand. This seems a reasonable argument to me, the demand for one small flat would be minimal and easily offset by less casual visitors to the restaurant.
8. Finally LP36 requires an affordable contribution to be made which the appellant says he has agreed with the Council verbally. The payment of this contribution can be secured by condition. Consequently, I shall grant planning permission for the flat conversion and quash the notice.

Simon Hand

INSPECTOR