



Appeal Decision

Hearing held on 21 June 2011

Site visit made on 21 June 2011

by Christina Downes Bsc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 June 2011

Appeal Ref: APP/L5810/A/11/2146561

Former Railway Tavern, 91 High Street, Hampton Wick, KT1 4DG

- 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 Mrs H Dutton-Waller against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 10/0593/COU, dated 4 March 2010, was refused by notice dated 3 August 2010.
 - The development proposed is conversion from public house to a single family dwelling.
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Decision

1. For the reasons given below the appeal is dismissed.

Procedural Matter

2. It was established at the Hearing that the application plans included some inaccuracies in the internal layout and also did not include elevations. A new set of drawings was provided which show more details of proposed room layouts and include minimal elevational changes to the rear. The Council confirmed that it had no objections to these plans being considered and they have thus been taken into account in this decision.

Main Issues

3. There are two main issues. The first is whether there is justification for the change of use of the appeal premises from a public house to residential purposes. The second is whether the use of the building as a single dwelling would result in an efficient use of land within the Neighbourhood Centre that would adequately meet local housing needs.

Reasons

Loss of the public house

4. The retention of community uses is supported by adopted and emerging local planning policy. In the London Borough of Richmond-upon-Thames Unitary Development Plan: First Review (UDP) saved Policy CCE 15 seeks to prevent the loss of cultural and entertainment facilities. The supporting text points out that such uses are often vulnerable to competition and that only after a reasonable period of marketing will an alternative use be contemplated. This policy thrust is continued in the Council's emerging Development Management Development Plan Document (DMDPD). Draft Policy DM TC 4 specifically refers to the change of use of public houses and includes a provision that an

alternative use should provide a community service or function. The supporting text indicates that evidence of marketing for at least 2 years is needed to demonstrate that a full range of appropriate uses has been investigated.

5. In the present case the marketing exercise commenced in June 2009 and ceased in March 2010 when it was purchased by the Appellant. This seems a very short period of time especially in the present difficult economic climate. There is very little information about how the marketing was actually carried out and whether the asking price was reasonable and realistic. There appears to have been no viability work undertaken and it appears that accounting information was requested by the Appellant but was not forthcoming from the selling agent. Whilst the indications suggest that the business was not being run properly prior to the sale this may well have been due to poor management. There are a number of other eating and drinking establishments in Hampton Wick which appear to be operating successfully. There is no evidence that a viable business model could not also be devised for the appeal premises.
6. However even if it is found that a public house could no longer be supported at this site it does not appear that alternative cultural or entertainment uses have been seriously explored. The Appellant has relied on the selling agents doing everything possible to market the premises but from the information available it is impossible to ascertain whether their efforts were directed towards finding a suitable use in terms of planning policy or obtaining the highest value land use for their client. For all of these reasons it is concluded that there is insufficient justification to support a change of use from a public house to residential. The proposal is contrary to saved Policy CCE 15 in the UDP and conflicts with the objectives of draft Policy DM TC 4 in the emerging DMDPD.

Housing need

7. Saved Policy HSG 11 seeks to encourage provision of small units on sites in town centres with good accessibility. A similar requirement is included in Policy CP14 in the adopted Core Strategy (CS). The increasing proportion of one person households is recorded in Paragraph 5.1.17 in the emerging DMDPD. Whilst the appeal site is within an area with a moderate Public Transport Accessibility Level (PTAL) this only provides a general indication of accessibility. It does not fully reflect the position of this particular site opposite the entrance to Hampton Wick railway station and adjacent to a bus stop with frequent bus services. The site is also within the local centre of Hampton Wick with its various shops and facilities and within easy reach of Kingston town centre. There is a mix of dwelling types within the locality and I saw small terraced houses, flats above commercial premises and family houses. The conversion of the premises to flats would therefore not be out of keeping with the character of the area.
8. The property is classified as a Building of Townscape Merit (BTM) and is within the Hampton Wick Conservation Area. It is a distinctive feature in the street scene and has historic interest as a tavern built in the mid 19th century with the coming of the railway. Its architecture is typical of this type and period of building and makes a positive contribution to townscape character and the conservation area. There is no doubt that the present owners would improve and restore the building as part of their proposal to convert it to a single family dwelling. However the main interest lies in its historical association and its

- external appearance, especially the front elevation. There is no reason why a suitable scheme could not be devised that respected these elements but included one or more smaller residential unit.
9. There is no on-site parking and there are kerbside controls along this section of the main road. Within the controlled parking zone the Council has indicated that the demand for permits is over subscribed. However in view of the good public transport provision travel needs could realistically be met without the need for a car. Of course there is no guarantee that future occupiers would not own a car but it is reasonable that they should not be eligible to apply to the Council for a parking permit. This could be controlled through a Planning Obligation. Such a restriction is not uncommon in new developments within accessible areas such as this and there is no evidence that it would render the units unmarketable.
 10. There is no dispute that the Council is meeting its strategic housing requirements. The Appellant has sought to show that the need is for family houses rather than for smaller flats. There is no doubt that the property would provide an attractive family sized home with a garden to the rear. However the information shows that there is a high proportion of small households in need. Recent planning policy in the CS and DMDPD indicates that such needs are still pertinent and should be met in central and accessible locations. The appeal site is in one such location where smaller units could be ideally provided.
 11. It is appreciated that there have been a number of flatted developments within the locality including Sandy Lane off Park Road. An increase in the number of households inevitably results in more demand for services and infrastructure but such factors should be taken into account in the policy making process and relevant mitigation provided where appropriate. There is no evidence that smaller units at the appeal site would unacceptably burden existing local resources. For all of these reasons it is concluded that the use of the building as a single dwelling would not result in an efficient use of land within the Neighbourhood Centre that would not adequately meet local housing needs. The proposal is thus contrary to Policy HSG 11 in the UDP and Policy CP14 in the CS. It also conflicts with Policy DM HO 4 in the emerging DMDPD.

Conclusions

12. I have taken account of all other matters raised including a large number of letters in support for the appeal proposal. It is appreciated that this is not a commercial venture and that it seeks to secure a home to meet the Appellant's future family requirements. I have no doubt that the BTM would be carefully restored with original features respected and reinstated and minimal changes to the exterior. The character and appearance of the conservation area would be enhanced and the relevant UDP policies complied with. However these factors do not outweigh the serious harm that would be caused both in terms of the loss of the existing community facility and also in terms of the loss of the opportunity for the provision of small units to meet local housing needs. These are overriding objections and therefore the appeal does not succeed.

Christina Downes

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr J Lloyd BSc MSc MRTPI	Managing Director of James Lloyd Associates Ltd
Mr M Jones RIBA	Principal of Michael Jones Architects
Mrs H Dutton-Waller	Appellant
Mr Waller	

FOR THE LOCAL PLANNING AUTHORITY:

Ms J Prendiville MSc	Planning Officer for the Council of the London Borough of Richmond-upon-Thames
Ms S Tamplin DipTP PGDipArchCons MRTPI IHBC	Team Leader of Appeals and Enforcement for the Council of the London Borough of Richmond-upon-Thames

INTERESTED PERSON:

Mr J Austin	Public Affairs Officer of the Richmond and Hounslow Branch of the Campaign for Real Ale
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DOCUMENTS

- 1 Council's letter of notification of the Hearing and list of persons notified
- 2 Letter of support from Mr G Evans, Borough Councillor for Hampton Wick
- 3 Status of the Development Management Development Plan Document (DPD)
- 4 Extracts from the Development Management DPD showing proposed changes prior to and during the examination hearings.

PLANS

A (1/3)	Application plans
B (1/16)	Plans submitted with the appeal