
Appeal Decision

Site visit made on 10 October 2016

by Gareth W Thomas BSc(Hons), MSc(Dist), PgDip, MRTPI

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

Decision date: 21st October 2016

Appeal Ref: APP/L5810/W/16/3151324
54 Heathside, Whitton, Hounslow TW4 5NN

- 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 Mr D Coventry against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 15/2628/FUL, dated 16 June 2015, was refused by notice dated 7 January 2016.
 - The development proposed is for repositioned access to No.54 Heathside and erection of 1 no. new 2 bed dwelling, parking provision and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects of the development on:
 - The character and appearance of the development
 - The living conditions of the occupiers of the adjacent neighbouring property
 - Highway safety; and
 - Whether the proposed development should contribute towards the provision of affordable housing.

Reasons

Character and appearance

3. The appeal proposal lies on the southern side of Heathside in a suburban area of Hounslow and consists of a narrow frontage which provides off-street parking for No.54 but a very long rear garden area that has been fenced off from the remainder of No.54. The proposal would see the erection of a two bedroom dormer bungalow with a reconfigured parking area that would provide two spaces for the existing property No.54 and one space for the proposed dwelling.
 4. Policy DM HO 2 of the Development Management Plan (DM) (2011) requires infill development to reflect the character of the surrounding area, including plot width, spacing between dwellings, and dwelling height. DM Policy DM DC 1 states that proposals should, amongst other things, respect local character, including the nature of a particular road, and connect with, and contribute
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- positively, to its surroundings based on a thorough understanding of the site and its context.
5. Dwellings either side consist of a two storey detached dwelling house on the eastern side and a single storey dwelling to the west. Both have hipped roofed arrangements that are a fairly consistent feature of many of Heathside properties. The properties here generally occupy spacious plots, which contribute to the overall character of Heathside. The appellant states that there is no prevailing architectural form in this neighbourhood and cite several examples of developments in the vicinity, including deep variations between single, two and three storey developments. This includes a similarly designed dwelling at No.47 opposite although built several years ago. The appellant has also undertaken an exercise involving an assessment of frontage widths in the local area.
 6. Whilst there are similarities particularly at No.47, the other schemes cited by the appellant do not form part of the immediate site context. Moreover, the details of those schemes are not before me and it is unclear how similar the site circumstances are to the current appeal or whether there were other material considerations that were pertinent to those developments. In any case, each scheme is determined on its individual planning merits and other than at No.47, none of the other examples quoted are sufficiently comparable for me to conclude that these developments have materially altered the prevailing character that I observed at this location.
 7. A previous appeal¹ for a dwelling to the rear of No.54 was dismissed on the basis of undesirable backland development. However, in dismissing the appeal, the Inspector opined that the location of the site was highly sustainable; I agree with that opinion.
 8. Although the appellant's analysis is a useful indicator of plot ratios, it fails to recognise the differences in the enormous variety of architectural styles that exist in this neighbourhood and the way that dwellings relate to each other and respond to the street scene. The proposed dwelling in my view would be shoehorned into the available space between the two dwellings. Its appearance to the street would be that of a steeply pitched narrow gabled bungalow that would create an unacceptable terracing effect to this part of the street. This would unbalance the symmetry of Nos. 50 and 54 and would appear out of kilter to its context.
 9. Taking all the above into account, I conclude that the proposed development by reason of its design, form and scale would cause material harm to the character and appearance of the area. It would therefore be contrary to DM Policies DC1 and HO2, and would conflict with the Council's Core Strategy Policy CP7. These policies seek to ensure that new development, particularly infill development of this type recognise distinctive local character that reflects the surrounding area in terms of scale, height, massing and proportions, amongst other things. The proposal would also conflict with the Council's Residential Development Standards SPD which seeks to ensure that new houses are of high quality designs that are appropriate to their context. All these policies are consistent with the National Planning Policy Framework

¹ APP/L5810/A/13/2203668

(Framework) in terms of the need for developments to display a high quality design that reinforces local distinctiveness.

Living conditions of existing occupiers

10. Policy DM DC5 states that new development should seek to protect the adjoining properties from amongst other matters, unreasonable loss of privacy. The Council's single concern relates to the impact that roof lights located within the side sloping roof facing No.50 would have on privacy levels. However, the particular roof lights which serve the bedroom areas are secondary windows. Had I been in a position to support this appeal, a condition requiring these roof lights to be glazed with obscure glass and be non-openable would have overcome any concern of this nature. Consequently, I do not consider that the proposed development would be contrary to Policy DM DC5 in this regard.

Highway safety

11. Presently, part of the front garden to No.54 closest to the neighbouring property No.50 is concreted which provides two off-street parking spaces. This would be extended across the front garden to No.54 and the existing front dwarf boundary wall removed to provide an additional parking space.
12. Policy DM TP7 relating to the provision of appropriate cycle access and secure cycle storage provision has been met. Similarly, the provision of three parking spaces would meet the requirements of Policy DM TP8. However, the Council point out that Policy DM TP9 discourages parking within front gardens where the use of the access would create a road or pedestrian safety problems. In this case, the Council considers that the spaces should be paired. This would thus provide space between the pairing to enable pedestrians to stand whilst vehicles manoeuvre. It would also provide sufficient space for street furniture and utility boxes to be accessed. Finally, it would help to maintain existing, useable on-street parking spaces. The Council points out that two of the spaces would provide less than the required 1.0m separation distance between the car space and the front door, which would also be contrary to the Council's Supplementary Planning Guidance: Front Garden and Other Off-street Parking Standards.
13. The Council explains that the absence of a parking survey and Transport Statement would mean that the development would fail to comply with Policies DM TP2 and TP6, which are precautionary policies that seek to protect and enhance pedestrian safety and convenience.
14. The Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe and the Written Ministerial Statement (WMS) dated 25 March 2015 highlights that local parking standards should only be imposed where there is clear and compelling justification.
15. In this case the site is located in an acknowledged sustainable location and at the end of the cul de sac where there appears to be adequate off street parking facilities as well as reasonable level of on-road provision. Although the Council believes that a parking accumulation survey should determine likely parking demand associated with the proposal, there is no compelling evidence to show that on street parking has or would have a severe adverse effect on road safety or the free flow of traffic. Moreover, given the site's location, on a relatively

quiet residential cul de sac, the slavish adherence to standards would not be essential and the development would be unlikely to cause highway safety problems or inconvenience.

16. Accordingly, the proposal would not harm highway safety or the convenience of other road users and the above policies are not seriously compromised.

Affordable housing

17. CS Policy CP15 requires a contribution towards the provision of affordable housing from all small sites, and the level of contribution expected from sites of less than 10 residential units is set out in DM Policy DM HO6.
18. Planning Practice Guidance (PPG) makes clear that there are specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought. This follows the order of the Court of Appeal dated 13 May 2016 which gives legal effect to the policy set out in the Written Ministerial Statement (WMS) of 28 November 2014 and should be taken into account. These circumstances include that contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000sqm.
19. The appeal scheme falls squarely within this definition. The PPG and the WMS are considerations to which I attach substantial weight to outweigh the contravention of the CS and DM policies. I conclude that there is no requirement for the development subject of this appeal to provide affordable housing.

Conclusion

20. Although I have found in favour of the appellant on three of the four main issues, nevertheless, the absence of such harms would not outweigh or negate the significant harm that I have identified in respect of the first main issue.
21. For the reasons given above and having regard to all other matters raised, this appeal is dismissed.

Gareth W Thomas

INSPECTOR