

Appeal Decision

Site visit made on 25 October 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 7 November 2016

Appeal Ref: APP/L5810/W/16/3154401

19 Nylands Avenue, Kew, Richmond upon Thames, TW9 4HH

- 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 A Bryson against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/0449/FUL, dated 5 February 2016, was refused by notice dated 8 July 2016.
 - The development proposed is the demolition of the existing house and outbuildings and the erection of three 2-storey houses with off street parking, landscaping and access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon (i) the character and appearance of the area; (ii) the living conditions of adjoining occupiers in respect of outlook; and of the future occupiers of the development in respect of amenity space; (iii) highway safety; and (iv) sustainability in terms of building construction.

Reasons

Character and Appearance

3. The street is characterised by detached and semi-detached family sized houses with generous, maturely landscaped front gardens which give a well-spaced, pleasant and quiet residential ambience to the area.
 4. The existing dwelling is somewhat of an anomaly in the street scene as it is closer to the road and significantly wider than the surrounding properties. This results in the plot having a more dominant and less spacious appearance in the street-scene than its surroundings.
 5. That said, the proposed development would be significantly wider and even closer to the street frontage than the existing building. This layout would look even more out of character with the street-scene than the existing development. The resultant incongruity would be exacerbated by the plot being subdivided into 3 terraced dwellings with uncharacteristically small front gardens. Whilst the proposed elevational design of the building would be more attractive than that of the existing dwelling, this would not overcome the harm resulting from its layout.
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6. I therefore conclude that the proposed development would harm the character and appearance of the area. Consequently, it would conflict with Policy CP 7 of the Approved London Borough of Richmond Upon Thames Core Strategy (2009) (CS) and Policies DM HO2 and DM DC 1 of the Approved London Borough of Richmond Upon Thames Development Management Plan (2011) (DMP) and the Council's Supplementary Planning Document (SPD): "Small and Medium Housing Sites", 2006. These policies together seek to secure high quality design within developments that connects positively with their surroundings, local character and townscape. It would also conflict with the National Planning Policy Framework which encourages good design.

Living Conditions

7. The side of the proposed 2-storey building would face the rear of Number 1 Pensford Avenue. I appreciate that the building would be closer to the boundary, and deeper than the existing dwelling on the site. However, it would be some 15m from the rear elevation of No 1 which is in excess of the 13.5m minimum distance recommended in the SPD: Small and Medium Housing Sites. Furthermore, there is tall dense boundary planting between the 2 sites which would screen much of the proposed building. Therefore, I consider that the proposal would not unduly enclose the garden on No 1, neither would it be overbearing upon, or visually intrusive from, the outlook from within this neighbouring property.
8. I now turn to garden size. The explanation to Policy DM HO4 suggests that a minimum total private amenity space of 70 SqM for 3 bedroom houses should be provided. The Council notes that the centre house would have 67 SqM total private amenity space. I consider that even with the slight shortfall, the amenity space would be sufficient to grow plants, dry washing, sit out and provide a space for children's play. Therefore, I consider that enough private amenity space would be provided.
9. I therefore conclude that the proposed development would not harm the living conditions of adjoining occupiers or the living conditions of its future occupiers. Consequently, I find no conflict with DMP Policies DM HO 2, DM HO 4 or DM DC 5, or the SPDs "Small and Medium Housing Sites" and "Residential Development Standards". In combination, these policies seek to protect the living conditions of neighbours and future occupiers by providing appropriate external private amenity space and preventing visual intrusion. Furthermore, I find no conflict with the National Planning Policy Guidance which says that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Highway Safety

10. The drive of Plot 3 would be alongside the tall and dense boundary treatment of the adjoining property and this would block visibility when reversing off the drive. Even if cars reversed slowly, the severe lack of visibility would present an undesirable risk of danger to pedestrians, particularly small children. I note that there is a similar problem associated with the drive to the house opposite but this does not make the proposed drive acceptable.
11. The appellant has submitted an amended plan deleting the car parking space to Plot 3. However, numerous neighbours have objected to the proposal on the grounds of lack of off-street parking provision and as they have not had an

opportunity to comment on the amended plan I base my decision on the plan refused by the Council. I note that car parking was not an issue in the previously dismissed appeal¹ but that does not remove the requirement for consultation on subsequent proposals.

12. I therefore conclude that the proposed development would harm highway safety. Consequently it would conflict with DMP Policy TP 2 and the Council's SPD: "Front Garden and Other Off-Street Parking Standards", the aims and objectives of these are to protect highway safety and provide pedestrian sightlines at the property boundary with the public highway.

Sustainable Construction

13. The appellant submitted an Energy Statement which details how energy saving and water conservation measures could be incorporated into the design. I consider these measures to be satisfactory. This is also a matter that I could have covered by condition had I been allowing the appeal. Therefore, I conclude that the proposed dwellings would be sustainable in terms of their construction.
14. I therefore find no conflict with the aims and objectives of CS Policies CP1 and CP2 and DMP Policies DM SD 1 and DM SD 2, and the Council's SPD: "Sustainable Construction Checklist". These policies seek to reduce carbon dioxide emissions and to conserve water.

Other Matters

15. The proposal would add 2 houses to local housing supply but whilst this is a benefit of the scheme it does not outweigh the harm to the character and appearance of the area. I have considered all other matters raised, including the representations from neighbours but none outweigh the conclusions I have reached.

Conclusion

16. Although I find no harm to living conditions or to the objectives of sustainable construction, I do find harm to the character and appearance of the area and to highway safety. Due to the harm that I find and the consequent conflict with development plan policy, I dismiss the appeal.

Siobhan Watson

INSPECTOR

¹ APP/L5810/A/14/2222809