
Appeal Decision

Site visit made on 4 October 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 18 November 2016

Appeal Ref: APP/L5810/W/16/3151789

27 Grove Terrace, Teddington, Richmond Upon Thames, TW11 8AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Andrew Everett (Everett property Consultants Ltd) against the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 15/4337/FUL, is dated 2 October 2015.
 - The development proposed is the construction of a detached house with amenity space and off street car parking following removal of trees & part removal/replacement of boundary fence.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a detached house with amenity space and off street car parking following removal of trees & part removal/replacement of boundary fence at 27 Grove Terrace, Teddington, Richmond Upon Thames, TW11 8AU in accordance with the terms of the application, Ref 15/4337/FUL, dated 2 October 2015, subject to the conditions in the attached Schedule.

Application for costs

2. An application for costs was made by Mr Andrew Everett against the London Borough of Richmond-upon-Thames. This application is the subject of a separate Decision.

Main Issues

3. The main issues are (i) whether the proposed development would preserve or enhance the character or appearance of the conservation area; and (ii) whether appropriate provision is made for affordable housing.

Reasons

Character and Appearance

4. The site is the side garden of a corner property within the Grove Conservation Area, an estate which was built for the employees of a subsidiary of the Royal Dutch Shell Company. The property to which the garden belongs and other similar properties in Grove Terrace are designated by the Council as Buildings of Townscape Merit (BTMs). The layout and design of the estate was completed in 1921 by Messrs Joseph and is based on garden suburb design principles. The original scheme was only partially completed, but no. 27 is one
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- of the 52 original 'Shell houses' which is set out in a series of small groups and occasionally pairs of properties in a two storey cottage style.
5. Properties in Grove Terrace are arranged in a linear fashion, mostly on regularly shaped plots, with small front gardens edged with posts and chains. The side garden of No 27 is on the edge of this arrangement. A gable end of a 1930s style semi is opposite the plot and Twickenham Road, a busy main road containing a huge variety of buildings and styles bounds the site. The garden is enclosed by a fence of some 1.9m and it has trees and other vegetation along the boundary which are visible over the fence. I consider the vegetation to positively contribute to the street-scene but most of the garden is enclosed and therefore, its contribution to "open space" within the conservation area is limited.
 6. I accept that the proposed dwelling would have a shorter rear garden than other dwellings but I do not consider this to be harmful in itself. Importantly, the development would retain the same building-line, and a similar depth of front garden as the row of dwellings within which it would sit. I note the Council's comments that No 27 has a side garden of a similar width to the house at the other end of the row, No 21. However, the settings of these two plots are very different; specifically that No 21 is in the heart of the estate. Furthermore, the 2 plots are not seen together. Therefore, I do not consider that the garden of the appeal site is important for the purpose of symmetry.
 7. The proposed dormer bungalow would be small and would be subservient to No 27, and therefore, the stature of this BTM would be preserved. The dwelling would respect the surrounding heights of buildings by being lower and not dominating them. In addition, it would maintain a simple form so that it would not visually compete with the Shell houses. That said, although the architectural proportions would differ to those of the Shell houses, the detailing and materials such as the timber door, recessed porch, timber framed windows, white painted brick, soldier course and clay tiles, would be similar. Overall, I consider that the siting, design, form, layout and size of the proposed dwelling would make for an attractive addition to the conservation area.
 8. I appreciate that a number of boundary trees would be removed but I note that the Council's arboriculture officer considers that this removal is acceptable due to the poor condition of the trees. Furthermore, as well as the proposed silver birch, appropriate replacement planting can be agreed with the Council as part of the landscaping scheme.
 9. I note the Inspector's comments in the previous appeal decision¹. Although she said that the resultant plot would be narrower and shallower than those of the adjoining semis, there are other plots on the estate of a similar width to that of the appeal site. Furthermore, the previous Inspector was considering a house of a very different design and scale which gave the size of the plot more relevance. In this case, due to the small scale of the proposal, I do not consider that it would be cramped. I note concerns in respect of the dormer but as it would be at the side and mostly screened by No27, I consider that it would look acceptable. I also consider that the small roof-lights would look reasonable.

¹ APP/L5810/A/12/2176864

10. I therefore conclude that the proposed dwelling would preserve the character and appearance of the conservation area. I find no direct conflict with the aims and objectives of Policy CP 7 of the Approved London Borough of Richmond Upon Thames Core Strategy (2009) (CS) or Policies DM HD 1, DM HD 3, DM HO2, DM DC 1 and DM DC 5 of the Approved London Borough of Richmond Upon Thames Development Management Plan (2011) (DMP) or the Supplementary Planning Document: *Buildings of Townscape Merit*. These policies together seek to preserve and enhance the significance of conservation areas and BTMs; secure high quality design within developments that connects positively with their surroundings, local character and townscape; and seek to ensure that infill development incorporates or reflects traditional architectural features. The Framework seeks to protect heritage and advocates local distinctiveness and good design and I find no conflict with these aims.
11. The Council has referred to Supplementary Planning Documents 'Small and Medium Housing Sites' and 'Design Quality' but I do not have these before me.

Affordable Housing

12. Policy CP15 of the CS seeks some form of contribution towards affordable housing from all new housing developments including on sites of 10 units or less. Where it is not proposed to provide affordable housing on site, Policy DM HO6 of the DMP and the Affordable Housing Supplementary Planning Document provide for a financial contribution to the affordable housing fund on sites proposing less than 10 units.
13. Nonetheless, the Written Ministerial Statement (WMS) of 28 November 2014 regarding contributions for affordable housing states that for developments of 10 units or less, and which have a combined gross floor-space of no more than 1000sq.m, no affordable housing or tariff style contribution should be sought. This is now reflected in paragraph 31 of Planning Practice Guidance - Planning Obligations.
14. That said, the Council has provided evidence that small sites make a significant contribution to housing supply and that the completion rate from large sites is low. Therefore, the Council is reliant on contributions from small sites to meet local affordable housing need. The Council has also identified a large deficit in affordable homes. The appellant has not disputed the Council's evidence in this respect.
15. The statutory position is that planning applications have to be determined in accordance with the development plan unless material considerations indicate otherwise. I have therefore had regard to the WMS and the Planning Practice Guidance as material considerations and given them great weight. However, this does not outweigh the significant and substantial weight which I attach to the local evidence of affordable housing need.
16. I therefore consider that an affordable housing contribution is necessary in the interests of the Council's housing strategy. No evidence has been put to me to suggest that such a contribution would render the proposed development unviable. Therefore, the contribution provided for in the appellant's submitted unilateral undertaking (UU) is reasonable and necessary to make the appeal proposal acceptable. The Council has seen the UU and says it is happy with it.

17. Therefore, I conclude that the proposed development would make an appropriate contribution to affordable housing and I find no conflict with CS Policy CP15, Policy DM HO6 of the DMP or the Affordable Housing SPD.

Other Matters

18. I have considered all other matters raised including the representations received from interested parties. I note concerns in respect of car parking in relation to the narrow road. The development would provide one off street space which I consider is sufficient for a small one-bedroom dwelling and I therefore consider that there would be no material harm to highway safety.

Conditions

19. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary, in the interest of precision, to define the plans with which the scheme should accord. In the interests of character and appearance conditions are necessary in relation to trees, materials, and landscaping. A construction management condition is necessary in the interests of the living conditions of neighbours. Details of bin stores and cycle stores are required under the landscaping scheme. I have removed Permitted Development rights for outbuildings as it is necessary in the interest of the character and appearance of the conservation area. Conditions are attached in the interests of internal accessibility and energy/water saving but the energy saving required does not exceed what Government Policy allows for. Provision of car parking is necessary in the interest of highway safety.
20. I have not imposed conditions which repeat Building Regulations as they do not meet the test of necessity. I have not imposed the visibility sight lines condition as it does not meet the test of precision and as an Article 4 Direction exists, walls, gates and fences are controlled so these should not block sightlines anyway. As the development is small scale involving only a small number of trees, it is not necessary to require a "pre-start" meeting or a tree planting scheme. The proposed replacement tree(s) can be included in the landscaping scheme. It is not necessary to remove permitted development rights for extensions and alterations because the Article 4 Direction already achieves this.

Conclusion

21. For the reasons above, the appeal is allowed subject to the conditions below.

Siobhan Watson

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL5 _02; _04; _05; _10; _11; _12; _13; _13; _15; _16; Arboricultural Report to BS 5837:2012 for Simon Brown Architecture, 11 February 2013 by Crown Consultants.

- 3) No development shall take place, including any works of demolition, until a Construction Management Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the construction period.
- 4) No construction shall take place until samples of all external facing and roofing, materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 5) The building shall not be occupied until all external joinery has been provided in painted timber. It shall remain as such thereafter.
- 6) The dwelling shall not be occupied until the car parking space has been provided in accordance with the approved plans. It shall remain available for parking thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garages or other outbuildings shall be erected other than those expressly authorised by this permission.
- 8) The dwelling hereby approved shall be constructed to Lifetime Homes standards as shown on the approved plans and as described in the Design & Access Statement.
- 9) Before construction of the dwelling is commenced, details of energy saving measures to demonstrate that the building will achieve a minimum improvement in dwelling emission rate of 19% over the 2013 Building Regulations target emission rate, will be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved details and the building shall retain its level of energy efficiency thereafter.
- 10) Before construction of the dwelling is commenced, details of water saving measures to demonstrate how the building could achieve water consumption targets of 110 litres or less per person per day, will be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved details and the building shall retain its level of water efficiency thereafter.
- 11) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) boundary treatments;
 - ii) finished levels;
 - iii) hard surfacing materials;
 - iv) planting;
 - v) minor artefacts and structures including full details of the bin and cycle storage shown on the approved plans;
 - vi) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 12) The development shall be carried out in accordance with the approved Arboricultural Method Statement contained within Section 6 of the *Arboricultural Report to BS 5837:2012 for Simon Brown Architecture, 11 February 2013 by Crown Consultants*. The tree protection fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered.