
Appeal Decision

Site visit made on 24 October 2016

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 24th November 2016

Appeal Ref: APP/L5810/D/16/3155347

Bastians, Hampton Court Road, Hampton KT8 9BY

- 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 David Weston against the decision of the London Borough of Richmond Upon Thames.
 - The application Ref 16/1341/HOT, dated 31 March 2016, was refused by notice dated 8 July 2016.
 - The development proposed is described as 'Replacement front Garage door and widening garage door by 100cm (1m) to right hand side of existing (East)'.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement front garage door and widening garage door by 100cm (1m) to right hand side of existing (East) at Bastians, Hampton Court Road, Hampton KT8 9BY in accordance with the terms of the application, Ref 16/1341/HOT, dated 31 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16001_A20E01 – Existing, 16001_A20E01 – Proposed, 160623_GF1, 160623_GF2 and Location Plan 1:1250.
 - 3) The external materials to be used in the development hereby permitted shall match in colour, form and texture those of the existing building.

Application for costs

2. An application for costs was made by David Weston against the London Borough of Richmond Upon Thames. This application is the subject of a separate decision.

Main issue

3. The main issue is the effect of the proposal on highway safety, with particular regard to pedestrian safety.

Reasons

4. Hampton Court Road is a busy road, with on-street parking within designated bays. The appeal site (garage) has parking provision for at least 2 vehicles with direct access off Hampton Court Road by way of an existing dropped kerb/footpath crossing. The crossing does not restrict or impinge the use and
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operation of the on-street parking provision. There is also a single parking sign in the footway adjacent to the footway crossing. It is proposed to increase the width of the garage door by 1m; the capacity of the garage would remain unchanged.

5. I have carefully considered the Council's concern with regard to the potential increase in vehicle movements across the pedestrian footway. However, the proposal would only widen the access to the garage, rather than increase the capacity of the garage. Consequently, it is highly unlikely that an alteration to the width of the garage entrance would result in a material increase in vehicular movements entering or leaving the garage when compared to the existing situation. Furthermore, there is no substantive evidence before me that demonstrates that it would be necessary to increase the width of the dropped kerb and potentially alter the designated on-street parking provision to facilitate the proposed development. Moreover, even if the appellant sought to extend the dropped kerb at a later date; this would require the consent of the Local Highway Authority.
6. In reaching my decision I have considered the Council's representations in relation to the potential damage to the footway, however there is no evidence before me that demonstrates that the construction of the adjacent footpath is materially different to that of the existing footway crossing/dropped kerb.
7. Having reached the conclusions above, it is evident that the increase in width and replacement of the garage door would have a neutral effect on pedestrian safety. I therefore find that the proposal is consistent with Policies DM TP6 and DM TP7 of the London Borough of Richmond upon Thames Development Management Plan. I also find that there is no conflict with the National Planning Policy Framework.

Other considerations

8. The proposed development is located within the Hampton Court Green Conservation Area. It therefore rests with me as the decision maker to apply the intended protection for heritage assets as specified in section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Based on my observations and the evidence before me, the proposed alteration to the width of the opening and replacement of the garage door would not materially change the appearance of the building. Consequently, the proposal would preserve the character and appearance, and therefore the significance, of the Hampton Court Green Conservation Area.

Conditions and Conclusion

9. In addition to the standard implementation condition, it is necessary for the avoidance of doubt, to define the plans with which the scheme should accord. To ensure the satisfactory appearance of the scheme and to protect the character and appearance of the area, it is necessary for the materials used to match those of the original building.
10. For the above reasons and having regard to all other matters I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR