
Appeal Decisions

Site visit made on 29 November 2016

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS DipTP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 February 2017

Appeal A: APP/L5810/C/3145386
68 Lonsdale Road, Barnes, London SW13 9JS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr D Scott and Miss C Forlani against an enforcement notice issued by the Council of the London Borough of Richmond-upon-Thames.
 - The Council's reference is 16/0051/EN/UBW.
 - The notice was issued on 20 January 2016.
 - The breach of planning control as alleged in the notice is the demolition of the front boundary treatment on the land comprising a brick wall, pillar and fence.
 - The requirements of the notice are to reinstate the boundary treatment to its original form prior to its demolition and make good any damage arising for compliance.
 - The period for compliance with the requirements is 3 calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Appeal B: APP/L5810/W/16 /3146613
68 Lonsdale Road, Barnes, London SW13 9JS

- 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 Scott against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 15/2378/FUL, dated 28/May 2015, was refused by notice dated 5 January 2016.
 - The development proposed is a drop kerb to the front of 68 Lonsdale Road.
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Procedural Matters

1. The work includes the removal and replacement of the wall and the council has amended the description of the planning application to partial demolition of front boundary treatment and creation of dropped kerb to provide off-street parking, which the appellant has adopted in the appeal form. I will also use this as the description of the development.
2. The planning appeal drawings show the wall without the railings that have been constructed.

Decisions

Appeal A

3. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under

section 177(5) of the 1990 Act as amended for the development already carried out, namely the demolition of the front boundary treatment on the land comprising the brick wall, pillar and fence to the front of 68 Lonsdale Road on land at 68 Lonsdale Road, Barnes, London SW13 9JS referred to in the notice, and subject to the conditions in Annexe A.

Appeal B

4. The appeal is allowed and planning permission is granted for partial demolition of front boundary treatment and creation of dropped kerb to provide off-street parking at 68 Lonsdale Road, Barnes, London SW13 9JS in accordance with the terms of the application, Ref 15/2378/FUL, dated 28/May 2015, subject to conditions 1 - 3 in Annexe A.

Main Issues

5. The main issues are:

- The effect on the character and appearance of the surrounding area.
- The effect on highway safety.

Reasons

Character and Appearance

6. The development plan includes the Local Development Framework Core Strategy [CS] and the Development Management Plan [DMP]. CS Policy CP7 relates to maintaining and improving the local environment.
7. DMP Policy DM HD1 indicates that new development should conserve and enhance the character and appearance of the area. DMP Policy DM HD3 notes that the council will seek to ensure and encourage the preservation and enhancement of Buildings of Townscape Merit and will where possible protect their significance, character and setting. Alterations and extensions should be based on an accurate understanding of the significance of the asset, including the structure, and respect the architectural character and detailing of the original building.
8. DMP Policy DM DC1 relates to design quality and indicates that new development must be of a high architectural and urban design quality based on sustainable design principles. Development must respect local character, including the nature of a particular road, and connect with and contribute positively to its surroundings based on a thorough understanding of the site and its context. DMP Policy DM TP9 notes that parking vehicles in front gardens will be discouraged, especially where this would result in the removal of architectural features such as walls, gates and paving or of existing trees and vegetation or where it would detract from the streetscape or setting of the property or where there would be pedestrian or road safety problems.
9. The Castelnau Conservation Area includes the Castelnau classical villas, the villas of Lonsdale Road and the linked village centre. It was designated in recognition of the architectural and historic value of the continuous groups of buildings along Castelnau in a setting of fine trees. The conservation area has been extended a number of times. I consider that the significance and special architectural and historic interest of the area relates to the buildings, particularly the classical villas and their layout, with the relationship to the

roads, boundary treatment and front gardens being important. Problems and pressures identified in the conservation area description include the loss of front boundary treatments and front gardens for parking and identifies opportunities for enhancement as including the retention of front boundary treatments and the discouragement of the increase in the amount of hard surfacing in front gardens.

10. The proposal for the removal of part of the front wall and on-site parking is directly related to problems and pressures as identified in the conservation area statement and is in conflict with the aims for enhancement. It also directly conflicts with DMP Policy DM TP9. I fully support the policy and its aims in the conservation area, but a rational approach is also necessary, taking account of what has occurred in the vicinity of the proposal and the effect it would have in relation to the conservation area and building of townscape merit. In this case, the appellant notes that such works have occurred elsewhere and I accept there are a substantial number of houses that have had drives formed through front walls with on-site parking in the row of houses. While that does not make it automatically acceptable, I do not consider that maintaining this wall, particularly with the previous poor design and arrangement, is of benefit to the conservation area or the building of townscape merit.
11. Removal of the poor quality and poorly designed wooden fence and its replacement with metal railings has been a big improvement to the appearance of the boundary, but I acknowledge the council's concerns relating to the gaps created by the openings and particularly that there would be an 'isolated pier left, and as it stands, it would not be acceptable and should be refused. However, to my mind this could be resolved by controlling the means of enclosure, specifically the provision of appropriate gates to complete the enclosure and this is a matter that can be considered by the Council under proposed conditions. To my mind, with appropriate gates and the improved design of the boundary, the conservation area would be enhanced. While the railings are not shown on the planning drawings and the arrangement without them would be unacceptable, the provision of the railings can be required under the proposed condition and I have considered the application on that basis.
12. While some of the front area would be used as a drive, much of the garden remains and given that this is consistent with the vast majority of the other buildings adjacent it would not be inconsistent or harmful to the appearance of this part of the conservation area. It would also be neutral in its effect on the building of townscape merit which would still make a substantial contribution to the character and appearance of the surrounding area. There is also a condition proposed that can control landscaping. Overall, the proposal would not conflict with CS Policy CP7 and DMP Policies DM HD1, DM HD3, DM DC1 & DM TP9.

Highway Safety

13. The vehicular entrance is close to the side boundary of the property, which has a fence about 2m high. There is also a large tree close to the footpath. Therefore there is very limited visibility along the footpath to the left when leaving the site, whether in forward or reverse. There is some very limited visibility to the right, but this is restricted by the piers in particular. The visibility does not accord with the council's guidance for new entrances and

such visibility could not be achieved to the left, as sight lines would be over neighbouring land.

14. However, the footpath is fairly wide here and therefore pedestrians would not have to walk close to the front boundary walls of properties. As noted above, there are a considerable number of properties with vehicular entrances onto the street and many of these have similar visibility restrictions. I consider that pedestrians using the street would be well aware of these entrances and this would to some extent mitigate the risk to safety if this entrance. However, the vehicular entrance with limited visibility does increase the risk to highway safety to a small extent.
15. The proposal would provide off-street parking for two cars. It would also mean that some on-street parking space would be lost at the vehicular entrance. The appellant has undertaken a parking survey which indicates there is not significant parking stress within 200m of the appeal site. It is also unlikely that the arrangement would result in less parking overall in the area, given the two on-site spaces and limited impact on the street parking.
16. Overall, I do not consider that the proposal would have a material effect in relation to parking capacity, but there would be a small potential impact on highway (pedestrian) safety.
17. The Council has proposed a condition related to highway safety, but as the works are complete I do not consider that this is necessary and it would not be reasonable if the condition required removal of what is being applied for or part of it and I consider what has been constructed is not unreasonable. I also do not consider that there is a need for reference to drawings as the development has been completed. There is a need for a condition to require implementation of the works required, otherwise reinstatement of the original wall would be required.
18. Overall, given that drives crossing the footpath in this area are numerous, that the small impact in risk to highway safety is not sufficient to justify refusal of the appeals.

Graham Dudley

Inspector

Annexe A - Conditions

Hard and Soft Landscaping

1. (A) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; surface water attenuation details; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing utility services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant; a programme or timetable of the proposed works.
2. (B) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); detailing the quantity, density, size, species, position and the proposed time or programme of planting of all shrubs, hedges, grasses etc, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with BS 3936:1986 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS 4043: 1989, Transplanting root-balled trees; and BS 4428:1989, Code of practice for general landscape operations (excluding hard surfaces).
3. (C) All hard and soft landscape works shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the surrounding area.

4. The development hereby permitted shall be removed, then reinstate the boundary treatment to its original form prior to its demolition and make good any damage arising from compliance within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
 - i) within 2 month of the date of this decision a scheme for the gates and other landscaping shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) if within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made, by the Secretary of State.
 - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

