

Appeal Decision

Site visit made on 31 January 2017

by Christa Masters MA (hons) MRTPI

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

Decision date: 2nd March 2017

Appeal Ref: APP/L5810/W/16/3157819

224-226 Hampton Road, Twickenham, Richmond-upon-Thames TW2 5NJ

- 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 Twickenham Assets against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 15/4349/FUL, dated 12 October 2015, was refused by notice dated 22 August 2016.
 - The development proposed is two storey side/rear extension, single storey front extension and rear extensions and basement level to facilitate the provision of 137.5sqm additional A1 (retail) floorspace to existing ground floor A1 retail store (no 226) and internal reconfiguration of first and second floors to provide an additional 2 bedroom flat (providing a total of 3 No.2 Bedroom flats). Associated access, cycle parking, refuse store and parking. Alterations to existing boundary wall.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A signed but undated Unilateral Undertaking (UU) has been submitted in order to address the Council's 4th reason for refusal relating to affordable housing. I shall return to this matter below.
3. The description of development was amended by the Council and the appellant has provided written confirmation accepting this amended description. I have therefore used the description as provided on the refusal notice as this provides a more accurate description of the proposal before me.

Main Issues

4. The effect of the proposal on:
 - The character and appearance of the area;
 - Highway safety and the free flow of traffic, including servicing, refuse storage and cycle parking;
 - Whether the proposal would provide satisfactory living conditions for the future occupiers of the proposed residential units;
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- Whether the proposal satisfactorily addresses development plan policy in terms of sustainable construction;
- Whether the proposal provides adequate affordable housing.

Reasons

Character and appearance

5. The appeal site comprises two ground floor retail units located within a terrace. No 224 Hampton Road is located within a key shopping frontage. There are two existing residential units above on the upper floors. Vehicular access to the site is located off Sixth Cross Road close to the signal junction with Hampton Road.
6. The surrounding area is mixed commercial and residential in nature. The site is located on a corner plot at the junction of Sixth Cross Road and Hampton Road. In townscape terms, there is an area of open space directly opposite the appeal site which is part of the Squires Garden Centre. Diagonally opposite the site is a bulky retail warehouse building occupied by Wickes. Finally, the corner of Hampton Road and South Road opposite the appeal site is a detached building occupied as a restaurant. Overall, the wider surrounding area has a varied urban grain with properties of varying heights and layouts. This is an important consideration, as acknowledged by policy DM HO 2 of the Development Management Plan (DMP) 2011 outlined below, given the sites corner plot location and visibility of the flank elevation in longer distant views along Sixth Cross Road.
7. The existing shopping parade has a pleasant uniform appearance. A majority of the shops have a standard glazed shopfront, however, the existing retail unit at No 224 has a bay window at ground floor level. No 226 is recessed back from No 224 as it forms an extension to the terrace however the property maintains the same ridge height. The unit is in my view seen as an established part of the street scene and the appearance of the area. The front extension proposed is in my view modest in scale. It would mean the continuation of the established building line present on the remainder of the terrace. On balance, taking into account the size and scale of the front extension, I disagree with the Council's assertion that the proposal would cause material harm to either the street scene or the host property.
8. Turning to consider the side extension, this would be proportionate to the established building height fronting Hampton Road. It would therefore appear appropriate in scale and form to the host property. It would also be proportionate in height and massing to the host property. It would be seen within the context of the existing commercial properties along the terrace and the Hampton Road elevation. From Sixth Cross Road, the rear and side extensions would be clearly visible as an extension to the property within both the immediate street scene and longer distance views from Sixth Cross Road. However, taking into account the proportions and scale of the extension as well as the existing character of the area, in my view the proposal would not result in material harm to the character and appearance of the area or the street scene generally. The street scene as indicated on drawing L(2-)010 rev H also indicates the boundary treatment which would appear here and as part of the existing built development in the area, the proposal would not result in material harm to the street scene overall.

9. The Council have raised specific concerns that the proposal reduces the separation gap between the properties along Sixth Cross Road. These are residential dwellings which are set back some distance from the road frontage. Whilst there can be no doubt that the rear extension would reduce this gap, an adequate separation distance would remain in the form of the car park and circulation space associated with the appeal proposal. Moreover, I have not been provided with any analysis which sets out the relevance of this gap to the street scape. In my view, the area comprises an existing rear car park and access to the commercial properties fronting Hampton Road. The reduction in this separation gap does not in itself result in material harm to the street scene or result in a cramped form of development.
10. I therefore conclude in relation to the first main issue, the proposal would not result in material harm to the character and appearance of the area. It would, as a result, accord with policies DM HO 2 and DM DC 1 of the DMP. Policy DM HO 2 advises that infill development must reflect the character of the surrounding area. Policy DM DC 1 is a design policy which advises that the Council will have regard to, amongst other things, the compatibility of proposals with the local character including the relationship to the existing townscape and frontages, scale, height, massing, proportions and form.
11. In addition, the proposal would also accord with policy CP7 of the Core Strategy (CS) 2009 which advises, amongst other things, that all new development should recognise distinctive local character and contribute to creating places of a high architectural and urban design quality. The Council have also referred to policy DM DC 5 of the DMP. However, this policy relates to matters concerning living conditions. I do not consider that this policy is directly applicable to the issue before me. Reference has also been made to the Supplementary Planning Document entitled House Extensions and External Alterations (2015) and Design Quality (2006). However, my attention has not been drawn to anything specific within these documents in relation to this main issue.

Highway safety and the free flow of traffic, including servicing, refuse storage and cycle parking

Access arrangements, trip generation & impact on adjacent roads

12. The Council have raised a number of general concerns regarding the assessment provided in relation to trip generation rates. Survey information has been provided for a Tesco convenience store at Heath Road and also a Sainsburys Local Store, The Green in order to establish likely trip generations for the foodstore. The Tesco store is noted as a larger store than the appeal proposal. This store provides a total of 14 off street parking spaces whereas the appeal site would only provide 6 spaces. From this information, the appellant has forecast trips for the appeal site of 11 arrivals and 2 departures in the weekday evening peak hour and 12 arrivals and 13 departures during the Saturday peak hour. This would result in approximately 1 vehicle movement every two and a half minutes at the busiest time. It is anticipated that a number of the vehicles using the store would be cars already on the highway network. Taking into account the sites location, I agree this would be the case.
13. The appellant has concluded the trip generation rates when distributed onto Sixth Cross Road, would be generally evenly balanced in both directions during

weekdays and Saturday peak hours. I am mindful of the existing access and the informal parking which exists for 5 cars. The proposal before me would increase this provision to a total of 9 parking spaces, of which 6 would be allocated to the retail use. On balance and based on the evidence presented on traffic generation, I am not convinced that the proposal would have a materially harmful effect in terms of trip generation.

14. The access is an existing access. The road is marked KEEP CLEAR to retain the access for the car parking and servicing although the proposal indicates this would need to be lengthened to cover the two way access proposed. It would appear that the Council's concerns in this regard relate to the retail element of the proposal and in particular, right turning vehicle movements to and from the site. The appellant has undertaken video surveys at the Sixth Cross Road/Hampton Road/South Road/Wellington Road junction during two identified peak periods in April 2016. These surveys observed the traffic movements from South Road to Sixth Cross Road as well as the adherence to the 'KEEP CLEAR' marking. The surveys concluded that in general the 'KEEP CLEAR' sign is generally well adhered to.
15. My own observations during the site visit also concur with this conclusion. This is particularly true as the vehicles are already slowing down to the approach to the traffic lights. The Council's remaining comments in relation to the access are general observations which are not supported with any detailed analysis or explanation. For example, the officer's report states that no further extension would be permitted to the existing cross over as it is already wide. No explanation is provided for this statement.
16. A Stage 1 Road Safety Audit was completed in May 2016. The Council have raised a number of concerns regarding the proposed design solution in terms of the suggested colour change to the public highway in relation to the cycle lane past the car park access. It states that it does not conform to relevant design guidelines. I have not been provided with any relevant extracts of the design guidelines to support this statement. However, the recommendation put forward is to install measures to increase awareness of the likelihood of turning vehicles and cyclist approaching. I am satisfied that the matter could be satisfactorily addressed by a suitably worded condition and accordingly, the proposed access would not result in harm to the free flow of traffic, cyclists and highways safety. A review of the 5 year accident data has been provided by the appellant which confirms there have been no accidents at the existing access in this 5 year period. Although the Council has queried the relevance of this information in terms of future risk, it nevertheless remains a record of past events.
17. In summary, I am satisfied that the works required to upgrade the existing cross over could be satisfactorily addressed by an appropriately worded condition. I am also of the view that adequate sightlines could be provided again through the use of an appropriately worded condition.

Car Parking Provision

18. The existing car park is an informal parking area with no allocated bays although the appellant states that this area at the rear of the site can accommodate 5 cars. Parking provision would increase to a total of 9 spaces including 1 designated disabled bay. My attention has been drawn to policy DM TP 8 of the DMP which refers to the maximum parking standards identified at

appendix 4 and also advises that proposals will need to demonstrate that the new scheme provides an appropriate level of off street parking. This is necessary to ensure an unacceptable impact on on-street parking conditions and local traffic conditions is avoided. 1 space per dwelling would be provided for the residential dwellings and there would remain a total provision of 6 spaces for the retail unit.

19. The appellant has provided evidence regarding a parking accumulation assessment at the Tesco Store on Heath Road. They have also set out estimated parking demand at the appeal site based on the TRICS database. This states that peak demand for the proposed convenience store would be 3 cars. The Council have raised concerns regarding the survey information presented. However, there is no convincing evidence before me to suggest that the level of parking proposed would have an adverse effect on highways safety. On the basis of the evidence presented, I am satisfied that the proposal would provide sufficient car parking to accord with the development plan policy in this regard.

Cycle parking provision

20. The reason for refusal refers also to the provision of sub standard cycle parking provision. I note that policy DM TP 7 seeks to maintain and improve conditions for cyclists and new development should not adversely impact on the cycling network or cyclists. Appendix 4 of the DMP identifies that the proposal would require the provision of 3 cycle parking facilities. The appeal proposal would provide for 4. The detailed design of the cycle parking could be controlled by a suitably worded condition. As such, I am of the view that the level of provision proposed would be acceptable and accordingly, the proposal would accord with policy DM TP 7 of the DMP in this regard.

Refuse storage

21. The reason for refusal refers to the provision of sub-standard refuse and recycling facilities. The officer's report advises that the refuse storage proposed for the retail unit at 224 is not considered to be a satisfactory location however no explanation for this statement is provided. From the plans presented, it would appear that an appropriate area has been allocated for refuse storage purposes at the site.

Servicing and Deliveries

22. Deliveries at the store would require the temporary use of 3 of the designated parking bays. The delivery management plan states that the 3 parking bays effected would be made available through the use of cones for the delivery. However, I have no details regarding how this would work in practice. I also have no details about how the issue of pedestrian safety would be addressed whilst servicing is taking place. This is particularly important as manoeuvring the delivery vehicle also indicates that access to the remaining parking bays could be restricted. The delivery vehicle could also potentially block the only designated pedestrian access to the car park. Taking all of these matters into account, this element of the proposal could result in material harm to pedestrian safety.
23. Furthermore, the tracking plans provided within the report which detail the auto track of an estate car and auto track of a 10m ridged delivery vehicle are

not based on the corresponding layout as shown on drawing L (00) 010 REV N. As such, I have no evidence to demonstrate that the proposal can provide safe access to the allocated parking bays when delivery vehicles are required to access the site.

24. Policy DM TP 2 notes that all applications should be accompanied by a transport assessment and the supporting text at paragraph 5.4.7 goes on to note that such assessments should include servicing arrangements, including timings. The appellant states there would be an average of 12 deliveries per 7 day week as well as daily deliveries for perishable items. However, I have no indication as to how long each delivery would take or the suggested times for deliveries. I note the suggested conditions provided by the Council concerning staff on premises and times of servicing. The appellant has stated that deliveries would take place during quieter shopping periods although has provided no specified times.
25. Taking into account the hours of operation which the appellant has stated to be between 0700 to 2300, I am concerned that delivery times could coincide with potential occasions when, based on the parking demand set out at table 4.9 of the highways evidence, there could be 12 vehicles arriving and 12 departing the site.
26. Bringing all of these matters together, I therefore conclude on the second main issue, the proposal has failed to demonstrate that adequate servicing and deliveries can be accommodated at the site. The proposal would have an adverse effect on highways safety and the free flow of traffic. It would as a result, conflict with policy DM TP 2 of the DMP. It would also conflict with policy DM TP 6 which seeks to, amongst other things, protect the walking and pedestrian environment by ensuring that new development and schemes improve the safety and security of the pedestrian environment where appropriate. In addition the proposal would not comply with guidance contained in paragraph 32 of the Framework which suggests that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that development can only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
27. However, I have also found that the proposal would provide an acceptable solution in terms of car parking provision, refuse and cycle storage and access arrangements. As such, the proposal would accord with policy DM TP 1 which relates to matching development to transport capacity, as well as policies DM TP 7 and DM TP 8 outlined above.

Whether the proposal would provide satisfactory living conditions for the future occupiers of the proposed residential units

28. There is no dispute between the parties that two of the three flats would fail to meet the minimum floorspace standards as defined by the Nationally Described Space Standards. Whilst I note the appellant has suggested that flexibility is applied to the standards as the apartments are duplex apartments, these are minimum space standards. They do not fall into the 1 storey dwelling category. I accept that the proposal is only marginally short, nevertheless this is not to my mind sufficient reason to allow a proposal which would clearly conflict with the development plan policy on this issue.

29. I also note that none of the units would have any designated amenity space provision. This is also an indication that the proposal would fail to provide a satisfactory standard of accommodation for the future occupiers of the units concerned. It is in conflict with policy DM HO 4 outlined above. The appellant states the site is within a short distance of a number of publicly accessible amenity spaces. The appellant goes on to state that the situation is not uncommon in town centre locations. However, I have not been provided with any specific examples to support this statement. Moreover, these observations are not to my mind sufficient justification to allow a development which would quite clearly conflict with the development plan on this issue. Whilst I note the grounds of appeal state at paragraph 7.38 that shared amenity space could be provide at first floor level, this does not form part of the appeal proposal before me. The weight I can attach to this statement is therefore limited.
30. I therefore conclude on this main issue the proposal would fail to provide a satisfactory standard of accommodation for the future occupiers of the dwellings. It would as a result conflict with policy DM HO 4 of the DMP which specifies that all new housing development is required to comply with external and internal space standards. The Council have also referred to policies CP7 of the CS as well as policy DM DC 1 of the DMP in connection with this issue however based on the policy wording, I am not convinced these policies are directly applicable to this issue.
31. It would also be in direct conflict with the Framework and in particular, one of the core planning principles identified at paragraph 17 which advises, amongst other things, that proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Sustainable Construction

32. Policy DM SD 1 states that all development should include measures capable of mitigation and adapting to climate change. Policy DM SD 2 advises that new development will be required to conform to the Sustainable Construction Checklist Supplementary Planning Document (SPD) 2011.
33. The appellant has submitted a document entitled Sustainable Construction Checklist and Energy Statement dated October 2005. This sets out the appellant's detailed approach to sustainability matters. A number of conditions have been suggested by the Council to cover matters including air source heat pump, water use and carbon emissions as required by policy CP2 of the CS. On this basis and in the absence of any evidence to the contrary on this matter, I agree with the appellant's view that the outstanding matters outlined within the officer's report could be adequately addressed by appropriately worded conditions.
34. Overall, I conclude the proposal would satisfactorily address the requirements of policy DM SD 1 and DM SD 2 of the DMP as well as policies CP1, CP2 and CP3 of the CS. Policy CP1 is a general policy concerning sustainable development, policy CP2 relates to the reduction of carbon emissions and policy CP3 relates to climate change and adapting to the effects.

Whether the proposal makes an appropriate contribution towards affordable housing

35. Supplementary Planning Document – Affordable Housing (SPD) 2014 advises that in accordance with policy DM HO 6 of the DMP, the Council will seek the maximum reasonable amount of affordable housing, having regard to the borough-wide target and the individual circumstances of the site. On sites capable of less than 10 units gross, a financial contribution to the affordable housing fund commensurate with the scale of development will be required. In the case of this appeal, the proposal would result in the net gain of 1 additional residential unit.
36. Policy CP15 of the CS advises at 15B that some contribution towards affordable housing will be expected on all new housing sites, and that on new build housing on sites below the threshold of capable of ten or more units, a financial contribution to the affordable housing fund should be made commensurate with the scale of development. The policy wording refers specifically to new build housing schemes. As the proposal relates to an extension to an existing property, I am not convinced that this policy is directly applicable to the appeal proposal.
37. Notwithstanding the above, the Written Ministerial Statement of 28 November 2014 (WMS) has been incorporated into the Planning Practice Guidance. It notes that there are specific circumstances where contributions for affordable housing should not be sought from small scale development. These include developments of 10 units or less. The Council state that there is an acute need for affordable housing in the Borough and that all sites need to contribute. However, these are not in my view exceptional circumstances supported by the PPG or the WMS.
38. To conclude, I do not consider such a contribution would be required in this instance and a financial contribution as sought by the Council is not necessary to make the appeal proposal acceptable in planning terms.

Other matters

39. Concerns have been expressed regarding the effect of the proposal on the access lane to the rear of the property. In particular, reference has been made to a covenant prohibiting obstruction. Concerns have also been expressed that the existing access is blocked by delivery vehicles and customer parking. Ensuring that there is no obstruction to this right of way is a management issue for the landowners concerned.
40. Concerns have also been expressed regarding the effect of the proposal on the retail mix of the remaining retail parade. The Council have concluded that the proposal would accord with policy CP8 of the CS in this regard as the development is appropriate to the role of the centre. I can see no reason to disagree with this conclusion. It has also been suggested that a lift is installed to serve the 3 flats proposed. However, taking into account the size and scale of the development, I have not been provided with any planning policy justification to support such a suggestion.

Conclusion

41. The proposal would cause no harm to the character and appearance of the area. I have also concluded that no contribution would be necessary in relation

to affordable housing and that sustainability matters could be satisfactorily addressed by appropriately worded conditions. The refuse, cycle storage, access arrangements and car parking provision would also be acceptable. However, the proposed servicing and delivery arrangements would result in material harm in terms of highways and pedestrian safety and the free flow of traffic. The proposal also fails to provide a satisfactory standard of accommodation for the future occupiers of the residential units.

42. For the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Christa Masters

INSPECTOR