

Appeal Decision

Site visit made on 6 February 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 08 March 2017

Appeal Ref: APP/L5810/W/16/3163458

139-141 Station Road and 52-54 Oldfield Road, Hampton TW12 2HP

- 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 outline planning permission.
 - The appeal is made by Glenwood Homes Ltd against the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/3097/OUT, is dated 21 July 2016.
 - The development proposed is the demolition of existing garage/workshop and retail showroom and construction of ground floor offices with six flats on two floors over and two cottages all with associated car parking, cycle, refuse and recycling storage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application that led to this appeal was in outline with only access and layout for detailed consideration. Accordingly, I have considered the appeal on the same basis and assessed the plans as merely illustrative insofar as they refer to other reserved matters.
3. As the status of the application is clear from information elsewhere in the banner heading, I have omitted the phrase "outline with some matters reserved" from the description of development given above.

Background and Main Issues

4. The appeal is in respect of a planning application on which the Council failed to give notice within the prescribed period. However, I have been supplied with the Council's reasons for refusal of permission had it been able to determine the application within the statutory timescales. Both parties have also referred me to a previous appeal decision at the site which has been a material consideration in my assessment of the planning merits of the case¹. Consequently, I consider the main issues in this appeal to be firstly, the effects of the proposed development on the supply of employment land in the borough; secondly, whether the proposed development would provide an amount of external amenity space that would meet the day-to-day needs of its future occupants; thirdly, whether the proposed development makes adequate

¹ APP/L5810/W/15/3137700

arrangements for car parking; and fourthly, whether the proposed development makes acceptable arrangements for the provision of affordable housing.

Reasons

Site, surroundings and proposal

5. Set within a local and neighbourhood centre, the appeal site comprises a garage and attached fireplace and doors showroom. Across from Hampton Station, and fronting Station Road, the structures on the appeal site are set back from the highway, following the building line of the generally taller, and more architecturally detailed buildings to its sides. The pattern of uses along Station Road is mixed, with some commercial elements at ground floor intermingled with dwellings both at ground and upper floors. The showroom element has a dual aspect, with a yard that opens out onto Oldfield Road, which is generally of a more residential character than Station Road. The proposed development, as described above, seeks to demolish the existing buildings, and re-develop the appeal site to supply a mixed residential and office use.

Employment Land Supply

6. Policy CP19 of the Richmond-upon-Thames Core Strategy (adopted April 2009) (the Core Strategy) seeks to retain land in employment uses for business, industrial or storage and requires mixed use schemes to retain the level of existing employment floorspace. Policy DMEM2 of the Richmond-upon-Thames Development Management Plan (adopted November 2011) (the DM Plan) states that the use of employment land for other purposes will only be permitted where marketing evidence has been provided. A sequential test prioritises alternative employment uses of the floorspace ahead of mixed use schemes.
7. The site is currently occupied and in a mix of uses, with the garage in use class B1 accounting for in the region 180 SqM, and the showroom use occupying around 629 SqM. An element of the showroom use is workshop space; however, I saw on site that this is ancillary to the main use. The Council and appellant supply differing estimates of the appeal scheme's proposed amount of office floorspace from around 128 SqM to around 146 SqM.
8. I consider that, whilst it is a commercial use, the showroom would not be an employment use for the purposes of the development plan which is directed to business, industrial or storage and not retail uses. Even so the proposed development would result in an overall reduction in employment space on the site, and the appellant has produced no substantive marketing evidence to justify this overall reduction for the purposes of the development plan. Moreover, I have been supplied with no viability evidence to suggest why another scheme could not provide an equivalent level of employment floorspace to that currently occupying the site. Although I am mindful that the appeal site is within an area of mixed use for the purposes of Policy DMTC2 of the DM Plan, the scheme would not maintain or improve the amount of employment floorspace as a result of the proposed mixed use. Consequently, the proposed development would clearly be at variance with the development plan policies in these regards.

9. I note that in the previous appeal decision regarding the site, the Inspector did not set a minimum requirement for replacement floorspace and considered a scheme that would have supplied 297 SqM of employment floorspace would meet the requirements of the development plan. However, the proposed development in the current case would supply a substantially reduced amount of employment floorspace and this is a consideration that clearly differentiates it from that previously refused scheme. I note the Inspector's comments on the design of the previously dismissed appeal scheme, in particular that its scale could hem in Nos 48-50 Oldfield Road in a manner harmful to the living conditions of their occupants, and that a reduction in the scale of the scheme could avoid this outcome. However, whilst these considerations could help to justify the design of the proposed buildings, they do little to justify the overall reduction in employment floorspace that would be contained therein.
10. I note that the proposed development could provide a balance of uses similar to other properties along Station Road, and that some of the servicing arrangements of the appeal building are currently on Oldfield Road, which otherwise is predominantly residential. I am also aware that the current uses at the site have a reasonably low employment density, and that the proposed use could provide an improved quality of employment space, in spite of the reduction of overall quantity. Redevelopment of the site could have positive effects on the centre. However, whilst these matters weigh in favour of the development, they do so to a limited degree that would not outweigh its conflicts with the development plan.
11. No substantive viability or marketing evidence has been produced which would justify the reduction in the supply of employment land caused by the proposed development. Consequently, the proposed development would clearly conflict with Policy CP19 of the Core Strategy and DMEM2 of the DM Plan insofar as they relate to the retention of employment land in the Borough.

Amenity Space

12. Each of the proposed cottages would be provided with around 30 SqM of amenity space. This would fall short of the minimum requirement set out in the supporting text of Policy HO4 of the DM Plan which is 40 SqM. Moreover, the proposed spaces would be of a considerably limited depth. Taken together, the limited area and depth of the gardens would provide an inadequate amount of amenity space that would fail to meet the various day-to-day needs of the occupants of the proposed dwellings. Furthermore, due to their area and depth the rear gardens would also be in stark contrast to the generally more generous plotting of rear gardens in the adjacent dwellings along Oldfield Road, and as a result the proposed development would not form part of a prevailing pattern, and would not meet this exception to Policy HO4.
13. I note that some other properties in the surroundings have similarly sized amenity spaces to the ones proposed, however, I have been supplied with no detail of the planning history of these, or the amount of accommodation that the dwellings provide. I am also aware that the level of amenity space proposed is a result of the placement of off-street parking within the scheme, the site's positioning between two road frontages, and that an alternative layout may not be able to supply the same amount of dwellings on previously developed land. Whilst cognisant of these site specific constraints, and national policy drivers, I consider that they do not, taken together, justify a departure

from the clearly defined minimum requirement set out in the development plan.

14. Consequently, due to the limited depth and area of the mooted rear gardens the proposed development would not provide an amount of external amenity space that would meet the day-to-day needs of its future occupants. As a result it would conflict with Policy HO4 of the DM Plan and the Residential Development Standards Supplementary Planning Document (adopted March 2010). Taken together, and amongst other things, the policy and guidance seek to ensure that new developments provide families with direct access to private, useable, functional and safe space of a sufficient size.

Parking

15. The proposed development would make no parking spaces available for the offices which would fall below the development plan requirement of one space per unit. The cottages that faced Oldfield Road would each have a single parking space in front of the dwellings. Parking for the proposed flats would be provided in a courtyard to the rear of the proposed buildings with an access onto Station Road.
16. At the time of my site visit, whilst admittedly only a snapshot, parking was more or less at capacity along Station Road in the immediate environs of the appeal site, including forecourt parking in front of the garage and car showroom. Given the mix of uses and the appeal site's adjacency to Hampton Station, I have no reason to believe that what I observed was an unusually high level of parking, and indeed both the appellant and Council make reference to high parking demand in their appeal statements.
17. The proposed office space would create a modest amount of additional demand for parking; however, additional on-street parking space would be created by the removal of the extensive dropped kerb and forecourt that currently exists at the appeal site. Moreover, and notwithstanding its relatively low Public Transport Accessibility Level rating, the property is a stone's throw from the railway station and bus stops, indicating that other modes of transport could reduce reliance on the private car for the occupants of the appeal scheme. Consequently, I consider that the lack of parking for the commercial element of the scheme would not lead to undue pressure for off street spaces that would be harmful to either highway safety or the convenience of road users.
18. Oldfield Road is a narrow one-way street of a residential character. I saw that the rear of the appeal site is currently a yard with an extensive highway crossover across it. A car and van were parked on the yard at the time of my site visit, and it was clear that the yard was in use to facilitate deliveries to, and despatches from, the showroom. Whilst cars were parked on both sides of the road, a wide highway crossover serving two properties is more or less immediately across the road from the appeal site, which would limit the potential for cars to park on-street there. Thus, although I note that the proposed parking bays would not be at 90° to the road as required by the Front Gardens and Other Off Street Parking Standards Supplementary Planning Document (adopted September 2006) (the Parking SPD), they would result in a parking arrangement not unlike the one currently pertaining on the site. Moreover, the proposed residential use would be unlikely to increase the frequency of traffic movements from the site onto Oldfield Road to any material degree. Furthermore, the swept path analysis submitted with the appellant's

transport evidence demonstrates the feasibility of manoeuvres into and out of the site. Consequently, I consider that no significant harm to highway safety would occur as a result of the use of the proposed residential parking spaces on Oldfield Road.

19. For the reasons given above, the proposed development would not cause any material harm to highway safety or the convenience of road users and would thus make adequate arrangements for parking. Accordingly, whilst the proposed development would be at variance with the Parking SPD, it would meet the requirements of Policy CP19 of the Core Strategy; and Policies EM1 and TP8 of the DM Plan. Amongst other things, and taken together, these policies seek to ensure that the scale of new development is compatible with the level of existing public transport accessibility and avoids unacceptable impacts to on-street parking and local traffic conditions. The lack of material harm caused by the proposed development in these terms would justify a departure from the advice of the SPD in this instance.

Affordable Housing

20. In failing to provide a mechanism to secure an affordable housing contribution the proposed development would conflict with Policy HO6 of the DM Plan and Policy CP15 of the Core Strategy. I have also been supplied with a copy of the Pre-publication Local Plan Policy LP36, which the proposed development also would conflict with in this regard. Whilst I note that the Council's Cabinet have adopted Policy LP36 for development management purposes, and that consultation on the Local Plan took place in the late summer of 2016, I am unaware whether outstanding objections to the policy exist, and this, combined with the relatively early stages of plan preparation lead me to attach Policy LP36 only limited weight.
21. I am conscious of the national planning policy as expressed in the Written Ministerial Statement of 28 November 2014 (the WMS). This states that for developments of ten dwellings or less affordable housing contributions should not be sought. This is a clear and unambiguous statement of national planning policy, and whilst it does not supplant the statutory status of the development plan, is a material consideration to which I attach very significant weight. Moreover, the WMS and the related updates to the Government's Planning Practice Guidance postdate the adoption of the development plan and SPD. I am mindful that the policy in the WMS allows for some exceptions to its general coverage, although these are directed to rural areas, and thus do not apply to the appeal site.
22. I have also been referred to recent appeal decisions in the Borough by both parties², where the matter of affordable housing contributions on small sites has been an issue, and have had regard to them; however, each case has to be assessed on its own merits.
23. I note that the evidence base³ for the emerging Local Plan demonstrates a considerable annual shortfall of affordable housing and that a substantial proportion of the Borough's overall housing supply is delivered on smaller sites. The Council also comment that delivery of housing on small sites, as evidenced

² APP/L5810/W/16/3155064; APP/L5890/W/16/3143164; APP/L5810/W/15/3137291; APP/L5810/W/16/3152828; APP/L5810/W/15/3157389

³ The Draft Strategic Housing Market Assessment; Annual Monitoring Report 2014/15

by the Annual Monitoring Report has continued in spite of the requirement for affordable housing contributions. I note too that the relevant policies allow for viability testing of schemes to ensure that affordable housing contributions do not undermine delivery of sites. These are all matters that carry some weight in favour of the adopted and emerging Policies; however, in the overall planning balance they are demonstrably outweighed by the very significant weight that I attach to the national policy expressed in the WMS in this instance.

24. Whilst the proposed development is clearly at variance with the development plan policies relating to the provision of affordable housing on small sites, it would not conflict with the national policy expressed in the WMS. For the reasons given above, the WMS is a material consideration that outweighs the development plan in this instance and as a result I consider that an affordable housing contribution would not be necessary to make the development acceptable in planning terms, and thus would not constitute a reason to dismiss the appeal.

Other Matters

25. I have had regard to comments about the current buildings and uses on the appeal site and how the proposed development could improve the streetscene, and the outlook of the occupiers of adjacent properties. However, as the appearance, landscaping and scale of the scheme are reserved matters, this is a consideration that only carries limited weight in the overall balance.
26. The proposed development could avoid harm to the living conditions of the occupants of adjacent dwellings. However, this indicates merely an absence of harm caused as a result of the scheme rather than a positive benefit.
27. Thus these matters either taken together or individually do not outweigh my findings in respect of the main issues.

Conclusion

28. The proposed development would make adequate arrangements for parking, and its failure to provide a mechanism to secure affordable housing contributions would not constitute a reason to dismiss the appeal. However, these aspects of the scheme are demonstrably outweighed in the overall planning balance by the proposed development's conflict with the development plan in terms of the reduced amount of employment land it would supply, and its failure to provide adequate amenity space sufficient to meet the day-to-day needs of its future occupants.
29. No material considerations have been advanced sufficient to outweigh the conflicts with the development plan in terms of employment land or amenity space, and thus I conclude, for the reasons given above, and having regard to all other matters raised, that the appeal should be dismissed.

G J Fort

INSPECTOR