

Appeal Decision

Site visit made on 21 March 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 6 April 2017

Appeal Ref: APP/L5810/W/16/3166941

19a Windmill Road, Hampton Hill, Middlesex TW12 1RF

- 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 Clive Jaques against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 15/1593/FUL, dated 31 March 2015, was refused by notice dated 2 June 2016.
 - The development proposed is a proposed dwelling – as per previous permission granted 14/6/2001 Ref 01/0401.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted a further drawing (Ref No: 21513/30) showing a revised roof arrangement for the proposed dwelling of a design similar to that which I am advised formed part of a previous approval dating back to 2001. However, the appellant has confirmed that the content of this revised drawing has not been put before the Council, and I cannot therefore be certain that it has been subject to appropriate publicity and notification. In the interests of fairness to all parties therefore, I have considered the appeal on the basis of the plans and proposals considered by the Council.

Main Issues

3. The main issues are the effect of the proposed development upon:
 - The character and appearance of the existing building and the surrounding area;
 - The living conditions of future occupiers of the proposed dwelling, with particular reference to internal living accommodation; and
 - Whether or not the proposal would make adequate provision for affordable housing.

Reasons

Character and Appearance

4. 19a Windmill Road is one of eleven houses built in a back-to-back terrace style with communal amenity and landscaped areas to the front and rear of the building. It differs from the other 10 units however, in that it has no
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corresponding unit to its rear, that space instead occupied by two car parking spaces. As a consequence of its reduced depth compared to the other units, it has a lower ridge line and appears more as an extension to the main block rather than an integral part of it.

5. The proposed dwelling would simply fill in the gap behind No. 19a, broadly replicating its external form. At the rear, it would mimic the existing front elevation of that property with an area of pitched roof and a first floor window with peaked gable above that projects above the eaves into the roof space. From the front, the proposal would be indistinguishable behind the existing form of No. 19a.
6. However, rather than following the existing roofline of the building, the pitched roof would be truncated at a point level with the existing ridge of No.19a. From here, rather than replicating the roof style of that property, the scheme proposes an area of flat roof extending between the existing ridge of No. 19a and the ridge of the proposed dwelling.
7. Whilst this would ensure that the proposed dwelling would be largely hidden from view from viewpoints directly opposite the appeal site, the flat roof would be visible in longer views from the northwest along Windmill Road and across the adjacent railway cutting. Although the amount of intervening vegetation and screening will vary depending upon the season, the flank elevation of No. 19a is clearly visible, and from this aspect the truncated gable elevation and the horizontal emphasis of the flat roof would appear at odds with the more conventional form of the existing building, becoming more evident the closer to the appeal site one becomes.
8. In order to relocate the two parking spaces that would be lost to the development, the existing roadside shrub bed would be reworked and reduced in its depth, thereby increasing closer views of the incongruously jarring gable elevation. Whilst the appellant has suggested an alternative roof design, that was not the scheme before the Council and I therefore afford it limited weight.
9. Thus, the proposed dwelling would result in an incongruous and jarring form of development at odds with the prevailing form, character and appearance of the adjoining terrace and the surrounding area. The proposal would therefore fail to achieve the high standard of design quality sought by policies DM DC1 of the Local Development Framework: Development Management Plan (DMP), and CP7 of the Local Development Framework: Core Strategy (CS), and one of the National Planning Policy Framework's (the Framework) core planning principles.

Living Conditions

10. It is stated that the proposed dwelling would broadly reflect the scale, form and internal layout and dimensions of No.19a and the other existing dwellings that form part of this development. Whilst I have not been provided with floor plans showing the layout of the other units for comparison, I have no reason to doubt that this may be so.
11. However, it is not disputed that the amount of internal living accommodation falls significantly below the Nationally Described Space Standard (NDSS) for a one bedroom two storey dwelling. Whilst it may well be the case that the existing dwellings also provide internal living spaces that fall below current NDSS levels, they pre-date the development plan, the Framework and the

NDSS. Together, these seek to ensure that all new development provides internal living accommodation of an appropriate amount and quality in order to avoid instances of poor standards of living accommodation.

12. The proposal would fall significantly short of the NDSS, and marginally short of the requirements of the Council's Residential Development Standards Supplementary Planning Document (SPD) and I have not been provided with any other factors that would support a deviation from the NDSS. I conclude therefore that the proposal would fail to provide an adequate standard of accommodation for future occupants of the proposed dwelling, contrary to DMP policy DM HO4, the SPD and the NDSS. The proposal would also be at odds with the Framework which seeks to ensure a good standard of amenity for all future occupants of land and buildings.

Affordable Housing

13. DMP policy DM HO6 states that on sites capable of accommodating less than ten units, a financial contribution towards affordable housing commensurate with the scale of development will be required. CS policy CP15 which indicates that some form of contribution towards affordable housing will be expected on all new housing sites.
14. The Council has stated that there is evidence that affordable housing need within the Borough remains substantial and that small sites make a significant contribution to housing supply. It is on this basis that it is stated that they will continue to seek contributions towards affordable housing provision through continued implementation of DMP policy DM HO6. Although the appellant has stated a willingness to enter into a binding agreement to secure a financial contribution towards affordable housing, no such agreement, obligation or undertaking has been submitted with the appeal.
15. However, the Court of Appeal issued judgment in the case of Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441 on 11 May 2016. This confirms that the policies in the Written Ministerial Statement of 28 November 2014 (WMS) relating to contributions towards affordable housing and tariff-style planning obligations on small scale development should be treated as a material consideration in the determination of appeals. The development plan, which is comprised of the CS and the DMP, has statutory status under Section 38(6) of the Town and Country Planning Act 1990 but the WMS is a material consideration of more recent date.
16. The approach set out within the WMS, which is reiterated in the Planning Practice Guidance (PPG), provides clarification on national policy and is to be read alongside the Framework. The WMS is therefore a significant and more recent expression of Government policy on affordable housing contributions from small sites than the development plan, and is a significant material consideration in the determination of this appeal.
17. Therefore, whilst the proposal is in conflict with DMP policy DM HO6 and CS policy CP15 in that it makes no contribution towards local affordable housing provision, in light of the above and guidance on the matter in the PPG which sets out the change in Government policy on affordable housing contributions, I consider that a contribution towards affordable housing is no longer required.

The absence of a binding agreement to secure a financial contribution towards affordable housing does not, therefore, count against the proposal.

Other Matters

18. Third parties have raised concerns regarding parking provision and traffic generation arising from the development. However, the proposal is for a one bedroom dwelling and the rearrangement of the parking area would mean that there would be no net reduction in car parking spaces. Other objections to the proposal have also been raised, including regarding access to, and across, land around the appeal site, outdoor amenity space. However, in all instances I note that such matters did not form part of the Council's reasons for refusal, and I have not been presented with any compelling evidence to lead me to conclude otherwise. These matters have not therefore been determinative in this instance.

Conclusion

19. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR