
Appeal Decision

Site visit made on 28 March 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 20 April 2017

Appeal Ref: APP/L5810/W/17/3166557

4 Sixth Cross Road, Twickenham TW2 5PB

- 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 Ms Allamand against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/2765/FUL, dated 7 July 2016, was refused by notice dated 30 September 2016.
 - The development proposed is demolish garaging and build new two storey two bedroom eco dwelling with associated parking and landscaping. Vehicle turntable on existing access road for ease of egress in forward gear.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I understand that the Local Plan Review has undergone pre-publication consultation but I am not aware of the exact stage it has reached and the extent of outstanding objections or whether the policies concerned will be considered as consistent with the National Planning Policy Framework (the Framework). Consequently, in accordance with paragraph 216 of the Framework I give it very limited weight.

Main Issues

3. The main issues are:
 - the effect of the proposed dwelling on the character and appearance of the surrounding area;
 - whether the proposed development makes adequate provision for affordable housing in the locality;
 - the effect of the proposed development on trees; and
 - the effect of the proposed dwelling on highway safety with regard to the adequacy of parking provision, turning facilities, refuse, recycling and cycle storage.
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Reasons

Character and appearance

4. 4 Sixth Cross Road comprises a terraced two storey house with long front and rear gardens and an access to the rear that leads along the back of neighbouring terraced and semi-detached dwellings to Twining Avenue. To the rear of the garden and facing directly down the access drive is a single storey garage building. Dwellings within the vicinity of the site have large rear garden areas with some single storey outbuildings, including other garages facing toward the access, with flat or low pitched roofs. There are a number of trees in the vicinity and taller buildings in the wider area, but the overall character of the surroundings is of open gardens with low buildings.
5. The proposal would provide a two storey dwelling with a flat roof at the end of the rear garden, with the first floor projecting above the parking and bike store areas that would be located at the end of the drive. Within this area of open rear gardens and single storey outbuildings, the proposed two storey dwelling would be prominent and would appear incongruous and an alien feature amongst the surrounding rear gardens.
6. The proposed dwelling would be an attractive and distinctive building, but this would not overcome the incongruity of the building above the surrounding development within these rear gardens.
7. For these reasons, I conclude that the proposed development would cause harm to the character and appearance of the surrounding area. As such, it would be contrary to Policy CP7 of the London Borough of Richmond-upon-Thames Core Strategy (CS) and Policy DM DC1 of the Development Management Plan (DMP) that seek to ensure development is of a high architectural and urban design quality that recognises the distinctive local character of the area. In addition, Policy DM HO3 of the DMP seeks to protect back gardens from loss in order to maintain local character and where they contribute green space to the living conditions of residents.

Affordable housing

8. Policy CP15 of the CS and Policy DM HO6 of the DMP require a financial contribution from small schemes that provide new housing toward an Affordable Housing Fund that provides additional affordable housing to meet the needs of households in the Borough. This policy is consistent with the Framework paragraphs 47 and 50 that require local planning authorities to meet the full, objectively assessed needs for market and affordable housing and, where they have identified that affordable housing is needed, set policies for meeting this need, which can include financial contributions if they are robustly justified. The application should be determined in accordance with the development plan unless there are material considerations which indicate otherwise.
9. The Written Ministerial Statement of 28 November 2014 (WMS) comprises a material consideration of considerable weight that states '*for sites of 10-units or less ... affordable housing and tariff style contributions should not be sought.*' The Council have sought to justify why this should not outweigh Policy CP15 of the CS and Policy DM HO 6 of the DMP, including providing appeal decisions references APP/L5810/W/16/3151789 and APP/L5810/W/16/3155064 that

related to new dwellings within the London Borough of Richmond-upon-Thames.

10. My attention has been drawn to other appeal decisions that have come to alternative conclusions, including one in another Borough that is not directly comparable. Appeal reference APP/L5810/W/16/3148614 relates to conversion of a dwelling to two flats in Twickenham and that Inspector concluded there was comprehensive evidence to demonstrate the need for affordable housing, but that the WMS outweighed local policies in that instance. It is for the decision maker to weigh the circumstances of the case with relevant policies in light of material considerations, including local circumstances.
11. The Council provide evidence confirming that small sites make a significant contribution to housing supply, with the supply of large sites fluctuating, but completion rates from them frequently low. As a result, they confirm that they are reliant on small site contributions to meet their substantial requirement for affordable housing.
12. In the light of this evidence, contributions from small schemes toward the delivery of affordable housing in Richmond-upon-Thames, such as that proposed, contribute significantly to the ability of the Council to meet its requirements for affordable housing. I conclude that, on the evidence presented, there are particular circumstances to suggest Policy CP15 of the CS and Policy DM HO6 of the DMP should outweigh the WMS in this instance.
13. I note that the resulting dwelling may be a low cost market property, but this would not overcome the need to provide contributions toward affordable housing. The appellant questions the expenditure of the affordable housing fund but I do not have sufficient evidence to prove that it is not being spent appropriately. Reference is made to the viability of the scheme, taking account of the particular circumstances of the appellant, who would develop the property for their own occupation. However, limited information has been provided as to viability so I am unable to assess this further.
14. The appellant has suggested that such contributions could be provided by condition should the appeal be allowed. However, it is only possible to apply such a condition in exceptional circumstances in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk¹. As the proposed development is a small scheme for a single dwelling, such circumstances do not apply in this case.

Trees

15. There are a limited number of trees in the gardens surrounding the proposed development, such that although those trees adjacent to the proposed dwelling are of low quality, they do contribute to the character and appearance of the area. Alongside the appeal, the appellant submitted a detailed Arboricultural Impact Assessment that confirms the trees adjacent to the proposed building can be retained and suitably protected and maintained during construction.
16. Given the recommendations within that Arboricultural Impact Assessment, I conclude that the trees would be adequately protected such that they could be retained during and after construction of the dwelling. As such, the proposed

¹ PPG reference ID: 21a-010-20140306

development would comply with Policies DM DC4, DM OS5 and DM HO3 of the DMP that seek to retain and protect trees where practicable.

Highway safety

17. Access to the proposed dwelling would be along the existing access drive to the rear of dwellings fronting Sixth Cross Road, including amended access to 20 Sixth Cross Road following grant of planning permission for the new dwelling attached to it. This provides access to the garage at the rear of the property that is currently used for parking, although there is separate access and parking to the front of the existing dwelling. The parking is a considerable distance along the existing access drive that is of limited width. It is suggested that there is space to turn on the access drive, but a motorised car turntable is also proposed.
18. To the end of the parking space is provision for cycle, bin and refuse storage that meet Council requirements in terms of quantity of storage. However, there would be limited space to remove bicycles and bins from these locations when a car is parked in the designated space, particularly if gates were erected in front of the parking area as shown on the proposed floor plans. In addition, the bin storage is located some distance from the road.
19. Whilst some manoeuvring may be required to remove bicycles and bins, this would take place on the access drive rather than the surrounding road network. Equally, whilst there is limited space for vehicles to turn on the site, this would not alter the current situation where the occupier of 4 Sixth Cross Road uses the access drive to park in their garage. Consequently, I do not accept that the proposed development would adversely affect highway safety on the surrounding roads as suggested by the Council.
20. For these reasons, I conclude that the layout of the proposed dwelling would not affect highway safety. As such, it would not be contrary to Policies DM TP6, DM TP7 and DM TP8 of the DMP and the Framework that seek to provide cycling facilities and off street parking to provide for the needs of development and protect the pedestrian environment.

Other matters

21. My attention has also been drawn to Policy DM DC5 of the DMP that relates to the effect of development on living conditions of neighbouring occupiers. Given the distance of the proposed building to the closest dwellings, it would not be overbearing or visually intrusive to occupiers of those dwellings. I note that a number of neighbours have written in support of the proposed development, but this would not outweigh the harm that I have identified.
22. I note the appellant wishes to continue living in this community and provide a dwelling that better meets their needs than the existing property, including meeting Lifetime Homes standards. This is not an uncommon scenario and, while I have sympathy to the circumstances described, they are not sufficient to outweigh the harm and policy conflict identified. The proposed dwelling would contribute a dwelling to the supply of housing within the locality. However, the benefit of one extra dwelling can only carry limited weight compared with the identified harm to the character and appearance of the surrounding area and lack of provision of contributions toward affordable housing.

Conclusion

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

AJ Steen

INSPECTOR