

Appeal Decision

Site visit made on 24th April 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 25 May 2017

Appeal Ref: APP/L5810/D/17/3170648

29 Marlborough Road, Richmond, TW10 6JT.

- 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 and Mrs Stewart against the decision of the Council of the London Borough of Richmond-Upon-Thames.
 - The application Ref: 16/2365/HOT dated 13 June 2016, was refused by notice dated 9 December 2016.
 - The development proposed is landscaping of front garden and provision of two parking spaces and alterations to dropped kerb.
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Decision

1. The appeal is allowed and planning permission is granted for landscaping of front garden and provision of two parking spaces and alterations to dropped kerb, at 29 Marlborough Road, Richmond, TW10 6JT, in accordance with the terms of the application Ref: 16/2365/HOT, dated 13 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan: Scale 1:500; Drawing No: 14/07/PP55 Revision No 3+sightline dims: Presentation Plan for Front Garden; Drawing No: 14/07/PP54 Revision No 2: Presentation Plan for Front Garden; Drawing No 14/07/5.01: Front Garden Survey-Existing.
 - 3) The concertina gates/railings shall not be installed other than in accordance with precise specifications indicating the design, materials and position thereof, to be submitted to and approved in writing by the local planning authority.
 - 4) The refuse enclosure and bicycle storage indicated on the submitted plans shall not be installed other than in accordance with further specifications to be submitted to and approved in writing by the local planning authority.
 - 5) Prior to commencement of development and notwithstanding the detail submitted with the planning application, a tree planting scheme shall be submitted to and approved in writing by the local planning authority. This shall include details of the numbers, size, species, positions, planting
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methodology and a timescale for implementation, including a 5 year maintenance and management programme.

- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the approved timescale for implementation and maintenance and management programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order (with or without modification), no structure, plant, tree or other obstruction more than 0.6 metres in height (other than the concertina gates/railings hereby approved), shall be erected or planted within the visibility splays indicated on Drawing No: 14/07/PP55 Revision No 3+sightline dims.

Main Issues

2. The main issues in this appeal are (1) whether the proposal would preserve or enhance the character or appearance of the St Matthias Conservation Area (CA) and its impact on the Building of Townscape Merit (BTM) and (2) its implications for pedestrian safety.

Reasons

3. The appeal site is an attractive villa style residence which is designated a BTM. It stands within the South Eastern section of the CA within a street of similar villa style houses of commanding scale, typically of three storeys with basements and featuring bay windows, cornice and quoin detailing in white painted stucco, set against mellow brown brickwork. The attractive architecture and presence of mature trees in front gardens, together with relatively light traffic flows, lends a pleasant and relaxed atmosphere to the area.
4. Just over half the frontage of the appeal property is marked by a low brick wall with terminal pillars and black painted railings above. The remainder of the frontage is open, affording access to a vehicle parking space and a pedestrian path to the front door of the house to one side. Behind the wall and railings is an informal planted area, beyond which the ground levels fall to a sunken area in front of the basement.
5. The proposals would see the frontage wall and railings removed and replaced with concertina railings to a height of 1.2 metres. The vehicle hard standing would be enlarged to two spaces with a small bin store with green roof to one side. A cycle shed, also with a green roof would be constructed in the sunken section of the garden.
6. The front brick wall is around 30cm or less in height and the existing railings appear to be a modern addition. As such, I do not consider they are a notable feature that merit retention. The proposed new boundary treatment would be a more lightweight structure, but not markedly so compared with the existing situation and it would nonetheless perform a function of enclosure to the front garden in a not dissimilar fashion. Indeed, it would extend across the entire site

frontage which is not currently the case with the existing boundary. Whilst its precise detail and finish have not been submitted, this could be dealt with by the imposition of a condition as suggested by the Council. I also saw two other examples of concertina style front boundary railings at my visit further to the North along Marlborough Road and these serve to demonstrate that they can have a satisfactory finished appearance.

7. The enlarged vehicle hard standing would result in the loss of a small crab apple tree, a larger prunus on the south eastern corner of the frontage and some yew trees set back in the front garden. Whilst the Council maintain that these have some amenity value as a group, this appears to me to be limited; both the prunus and crab apple have distorted crowns as a result of previous pruning and the yew trees which are not particularly attractive specimens, currently obscure the frontage of the property, which as a BTM has significant amenity value. The removal of the trees would open up the frontage and allow clearer views of the attractive façade to the appeal property. Moreover, some replacement planting is proposed and this could be secured by condition. The proposed green roofs to the bin and cycle stores would introduce further greenery to the front garden.
8. With respect to the enlarged hard standing, I saw several examples nearby where similar hard standings have been undertaken in a less than sympathetic fashion, for example with tarmac or concrete surfacing. In this respect, I note the St Matthias Conservation Area Statement refers to pressure on the area from the loss of front boundary treatments and front gardens for car parking. However, in this case a high quality finish of granite setts is proposed, with York stone paving around the perimeter laid in a random pattern. This would present an attractive appearance, which would complement the appearance of the property. I have also found that the existing front boundary treatment is not so notable as to merit retention and the removal of the aforementioned trees would open up views of the property façade, which is of particular merit.
9. For these reasons, I conclude on the first main issue that the proposal would leave the character or appearance of the CA unharmed and indeed, there would be a slight improvement through opening up views of the BTM. It follows that I find no conflict with the advice in the National Planning Policy Framework, Policy CP7 of the Local Development Framework Core Strategy (2009), Policies DM DC 1, DM HD 1, DM HD 3 and DM TP 9 of the Local Development Framework Development Management Plan (2011) (DMP), together with the advice in the Supplementary Planning Documents: *House Extensions and Alterations* (2015), *Buildings of Townscape Merit* (2015) and *Front Garden and Other off Street Parking Standards* (2006). These seek to secure high quality design which respects local townscape, contributes positively to its surroundings, conserves and enhances the character and appearance of CA's, protects and enhances BTM and discourages forecourt parking where this would detract from the streetscape or setting of the property.
10. In relation to the second main issue, the Council maintain that the proposed concertina gates (particularly when folded back) would impinge on the sight lines of the frontage parking area, as would the proposed Acer Griseum tree. However, the precise position of any replacement tree planting can be secured through the imposition of an appropriate condition, as can specifications of the concertina gates/railings.

11. Moreover, I saw at my visit that the sight lines from the existing parking space are currently impeded by both a tree and the closest brick pillar. With this in mind, it seems to me that the proposals would present an improvement to the current sight lines. Moreover, given the numerous other vehicle crossings in the immediate vicinity, I consider that pedestrians negotiating the footway would of necessity do so with care and this, given with the very slow speed of emergent vehicles, means the proposal would not present a hazard to pedestrians. I am also not persuaded that allowing a single additional vehicle to park within the appeal site would appreciably increase vehicular movements across the pedestrian footway and this would not in any event, weigh against the proposals, given my finding that such movements would be safe.
12. Whilst the Council cite the length of the vehicles depicted on the submitted plans as 4.2 metres, the actual depth of the hard standing is appreciably larger, to the extent it would accommodate most standard domestic vehicles. As such and bearing in mind the suggested condition requiring precise specifications of the gates/railings to be submitted for approval, I am not persuaded that vehicles parked thereon would interfere with their closure.
13. The Council also suggest that drivers may struggle to leave the site without over running the edges of the crossover. However, it is clear to me that the size of the proposed hard standing and crossover would ensure that this manoeuvre could be carried out effectively. Moreover, the *Front Garden and Other off Street Parking Standards* SPD states that a 3.5 metre width crossover is considered suitable to enable two vehicles to park on a forecourt, given that the additional 0.5m ramped sections either side will give an overall crossover width of 4.5m.
14. For these reasons, I conclude on the second main issue that the proposal would not prejudice pedestrian safety. Accordingly, I find no conflict with Policy DM TP 6 of the DMP, or the advice in the SPD: *Front Garden and Other off Street Parking Standards* (2006), which seek to ensure that new development does not adversely impact on the pedestrian environment. Policy DM TP 8 refers to parking standards at Appendix 4 which have not been supplied. I thus have no evidence to suggest that the terms of this policy are not met and it is not part of the Council's case that the actual level of parking proposed is deficient, which is the thrust of the policy, to avoid an unacceptable impact on on-street parking and local traffic conditions.

Overall planning balance

15. I have found in relation to the first main issue that the proposal would result in a slight enhancement to the character or appearance of the CA and BTM. Thus, both the statutory test at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (to preserve *or* enhance the character or appearance of the CA) and the higher requirement in the aforementioned Policy DM HD 1 (to conserve *and* enhance their character and appearance) would be met. This weighs in favour of the appeal. Added to this is the improvement to pedestrian sight lines offered by the proposals. Taken together, these two factors lead me to conclude that the appeal should succeed.

Conditions

16. The Council suggest several conditions. That confining the permission to the submitted plans is necessary for certainty. Conditions detailing further specifications of the concertina gates/railings, the refuse enclosure and cycle storage structures and replacement landscaping are necessary to secure a satisfactory finish, in the interests of the appearance of the CA. A condition requiring pedestrian visibility splays to be kept clear is necessary to ensure pedestrian safety. I have simplified the wording of the landscaping conditions, omitting reference to occupation of any part of the development which is irrelevant and also the unfinished sentence at bullet point 4.

ALISON ROLAND

INSPECTOR