

Appeal Decision

Site visit made on 2 May 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 22nd June 2017

Appeal Ref: APP/L5810/W/16/3163747
204 Stanley Road, Teddington TW11 8UE

- 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 Steven Weatherstone of Marchmont Properties Limited against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 15/5012/FUL, dated 9 November 2015, was refused by notice dated 13 September 2016.
 - The development proposed is the demolition of the existing two storey building and construction of a two storey residential block to form no.1 self-contained two bedroom flat and no.3 self-contained one bedroom flats with associated refuse storage, secure bicycle spaces, amenity space and motor vehicle parking spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are :
 - (i) the effect of the development on the character and appearance of the area;
 - (ii) the provision of affordable housing; and
 - (iii) the effect of the development on the living conditions of the occupiers of the adjoining property with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal site is located on the south-west corner of Stanley Road and Shacklegate Lane. Whilst there is a variety of differing property styles in the area, most buildings are two storey in scale, albeit that some properties have accommodation within the roof, including gable features fronting onto the streetscene. The site is currently occupied by an end terrace two storey commercial premise with a flat above. The commercial premise was not occupied at the time of my site visit. The rear yard is an open area where vehicles can currently park.
 4. The appeal development has clearly referenced some of the design features from the surrounding buildings. However, the sheer scale and width of the two gables fronting onto Shacklegate Lane would have a significant and over dominating effect on the streetscene. Furthermore, this combined with the
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awkward flat roof section between the two gables would lead to an impression of the overdevelopment of the site.

5. The presence of soft landscaping to the street frontage is a feature of the existing development along Shacklegate Lane. However, the proximity of the proposed building to the pavement boundary would leave little opportunity for any soft landscaping to help blend the development into the surrounding area. Whilst this is not a determinative factor on its own, it adds to the overall harm of the proposed development.
6. Turning to the length of the proposed building as a result of the rearward projection from Stanley Road, this aspect of the development would be seen in the context of the terraced development along the south side of Shacklegate Lane. Consequently, I consider that this element of the development would not in principle give rise to any harm to the character and appearance of the area. However, this does not outweigh the harm I have already identified.
7. My attention has been drawn to several other developments in the vicinity of the site, including a planning permission at 139-141 Stanley Road¹, and developments at 133, 184 and 206 Stanley Road. From the limited information before me, none of these developments are of a scale and mass comparable to the appeal proposal as they have roofs sloping away from the road with gable features and/or dormer windows. The exception to this is the side extension at No 133. However, this has a lesser streetscene impact than the two proposed gable walls in the appeal development. Moreover, each development must be considered on its own merits.
8. For the above reasons, the proposal would result in significant harm to the character and appearance of the area in conflict with Policy CP7 of the London Borough of Richmond upon Thames Local Development Framework Core Strategy (2009) (CS), Policy DM DC1 of the London Borough of Richmond upon Thames Local Development Framework Development Management Plan (2011) (DMP) and the Design Quality Supplementary Planning Document (2006) which seek, amongst other matters, to ensure that new development contributes to creating places of a high architectural and urban design quality.

Affordable housing

9. Policy CP15 of the CS outlines that some form of contribution towards affordable housing will be expected on all new housing sites. On sites of 10 units or less, a financial contribution to the Affordable Housing Fund commensurate with scale of development will be sought. The level of the contribution is set out through Policy DM HO6 of the DMP and the Supplementary Planning Document on Affordable Housing (AHSPD) (2014).
10. In this case the development would result in a total of four residential units. The AHSPD sets out that an affordable housing contribution should be calculated on the gross development size as opposed to the net development. Consequently, there should be a 20% affordable housing element (equivalent to 0.8 of a unit). The Council have indicated that a payment of £71,832 would be an acceptable financial payment towards the provision of affordable housing elsewhere.

¹ 09/2207/FUL

11. Following the Court of Appeal's judgement of 11 May 2016, wherein the Secretary of State successfully appealed against the judgment of the High Court of 31 July 2015, it follows that considerable weight should be given to the Secretary of State's Written Ministerial Statement (WMS) of 28 November 2014 and the updated Planning Practice Guidance which indicates that planning obligations of this type should not be sought from development of this limited scale.
12. The determination of planning applications should be made in accordance with the Development Plan unless material considerations indicate otherwise. The WMS is clearly a material planning consideration for which I attach great weight to as it represents the clearest and most up-to-date expression of national planning policy.
13. However, from what is before me, there is substantial local evidence of the need for affordable housing. Whilst I have attached considerable weight to the WMS, this does not outweigh the need for affordable housing as required by the above Development Plan policies.
14. In the absence of a legal agreement to secure the necessary appropriate financial contribution towards the provision of affordable housing the proposal would be in conflict with Policy CP15 of the CS, Policy DM HO6 of the DMP and the AHSPD.

Living conditions

15. The revised proposal would project in the region of 5.5 metres from the first floor flat window of 202 Stanley Road which is angled slightly towards the proposed development. There is also a flue stack sited immediately adjacent to that window.
16. The Council have stated that this would not meet the guidelines they normally use for extensions which project beyond habitable room windows. Any projection should not have a projection greater than 3 metres. This standard appears to have been taken from the House Extensions and External Alterations Supplementary Planning Document (2015). Whilst the principles outlined in this document apply to the consideration of the effect on the living conditions of the occupiers of the first floor flat at No 202, this document is not particularly relevant to the consideration of new residential development. I have therefore given it little weight.
17. In respect of the developments impact on light, the Council have provided very little evidence to demonstrate that the occupiers of No 202 would suffer any loss of light. Notwithstanding that, given the distance which the proposed building extends beyond the rear of No 202, and its overall height at that point, it will inevitably lead to the loss of some daylight to the first floor flat.
18. However, given the extent of the rearward projection (which would be at the same level as the flat) and that it is proposed to paint/render that elevation white I consider that only limited harm would arise from the development. In addition to the above, given the location of the proposed development on the north side of No 202 there would be no loss of sunlight.
19. Turning to the effect of the development on outlook, the proposal would block views from the window to Shacklegate Lane. However, the loss of this view is, to my mind, not significant. Given the length and relative height of the

proposed building at that point, it would not be overbearing to the occupiers of No 202.

20. For the above reasons, the proposal would not result in harm to the living conditions of the occupiers of the first floor flat at 202 Stanley Road and the development would therefore accord with Policy DM DC5 of the DMP which seeks, amongst other matters, seeks to ensure that new development does not harm the living conditions of the occupiers of neighbouring residential properties.

Other matters

21. The Appellant has also raised concern over the informative on the Council's decision notice in respect of paragraphs 186 and 187 of the National Planning Policy Framework, the pre-application discussions, the amount of revisions to the proposal, and the lack of dialogue with senior Officers. However, these are procedural matters that have very little bearing on the planning merits of the development before me.

Conclusion

22. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR