
Appeal Decision

Site visit made on 25 October 2017

by G Rollings BA(Hons) MA(UD) MRTPI

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

Decision date: 20th November 2017

Appeal Ref: APP/L5810/W/17/3179700

21 Conway Road, Whitton, Richmond upon Thames, TW4 5LL

- 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 Mrs S Sandhu against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/4622/FUL, dated 5 December 2016, was refused by notice dated 17 February 2017.
 - The development proposed is the construction of three new dwellings following demolition of existing dwelling, including new access drive and car port.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of surrounding occupiers, with regard to outlook;
 - The effect of the proposed development on highway safety;
 - The effect of the proposed development on local biodiversity; and
 - The appropriateness of the proposed affordable housing contribution.

Reasons

Character and appearance

3. The appeal site accommodates a bungalow with large front and rear gardens. To the south along Conway Road are other detached houses similarly set back from the road. Other detached and semi-detached homes set on large plots abut the site to the rear, whereas development to the north consists of houses arranged in short terraces on relatively small plots. One such row of houses, 23-29 Conway Road, adjoins the property and is set substantially closer to the road than the existing dwelling on the appeal site.
4. The Council's adopted *Development Management Plan* (2011) (DMP) Policy DM HO 1 requires redevelopment of existing housing to demonstrate that it is incapable of improvement or conversion to provide an equivalent scheme.

Three new dwellings are proposed to replace the one existing on the site, and given the comparatively small size of the bungalow, its renovation and enlargement to provide a similar volume of housing to that proposed, is not realistic.

5. Other requirements of Policy DM HO 1 include avoidance of impacts on local character, which I will now consider. The appeal proposal incorporates the construction of a new dwelling at the front of the property, set closer to the road than the existing bungalow, to align with the neighbouring dwelling at No. 23. A driveway would run past this dwelling to serve a semi-detached pair of two-storey dwellings close to the site's rear boundary, and all dwellings would have allocated parking as well as rear gardens.
6. The redevelopment of the site would result a substantially larger proportion of the site being occupied by buildings or hardstanding than at present. Although the neighbouring dwellings to the south and rear share the site's present large garden coverage, other nearby dwellings with a higher density have garden coverage similar in proportion to that proposed. Consequently, given this mixed pattern of development, I do not consider that the proposed site coverage would be out of character with the surrounding area. I also observed newer surrounding development with car parking located to the rear of street-facing buildings, or in small cul-de-sac or mews-type layouts. The proposed layout would not be dissimilar in character, and although restricted to one plot, the layout would not appear overly cramped or restricted in comparison with these.
7. The proposed front dwelling would be located close to the road when compared with the existing bungalow, and taking into account the curve of Conway Road, it would be the closest building to the street. The resulting difference in the front setback of the proposed dwelling and that of 19a Conway Road, to the south, would be significant, but would replicate and replace the existing prominence of No. 23. Its effect would be manifested in the prominence of the front dwelling's southern side elevation, which would be clearly visible from the road, across the front gardens of properties to the south of the appeal site.
8. The proposed front dwelling would incorporate a partial 'catslide' roof feature that would effectively reduce the impression of its massing from the southern view. Despite its slightly reduced street setback when compared with No. 23, the overall impact of the new dwelling would be less than that of No. 23, which it would replace in the view from the southern approach along Conway Road. The proposed dwelling would incorporate side openings which would contribute to a less bulky appearance than the flank wall of No. 23, and would represent an improvement to the current view.
9. I therefore conclude that the proposed development would not have a harmful effect on the character and appearance of the area, would have proper regard to the existing pattern of development, and be appropriate to the street scene. There would be no conflict with the aims of the Council's adopted *Core Strategy* (2009) Policy CP7, or DMP Policies DM DC 1, DM HO 1, DM HO 2, which together require new development to achieve a high design quality and have regard to the surrounding pattern of development and local distinctiveness, amongst other considerations.

Living conditions

10. The Council has expressed concern regarding the position of the new dwellings with regard to the outlook of occupiers of No. 19a, which is directly to the south of the appeal site. The proposed front dwelling would be set to the front of No. 19a, adjacent to its front garden, with the proposed rear dwellings adjacent to No. 19a's rear garden.
11. In both cases the new dwellings would be clearly visible from the internal areas of No. 19, as well as its respective gardens. The proposed front dwelling would be set away from the boundary between the appeal site and No. 19a, by the new driveway, and its impact would be further lessened by its part-catslide roof, which would minimise the impact of its height. Thus although the dwelling would be visible in outlook across the front garden of No. 19a, it would not result in any unreasonable enclosure of immediately overbearing effects.
12. The proposed rear dwellings would be built closer to the shared boundary, with their full height of two storeys aligned alongside the rear garden of No. 19a. Their siting, scale and massing result in a partial overbearing of the rear garden and, coupled with their immediate position in future rearward views from the internal areas of No. 19a, would result in a sense of enclosure for its occupiers. This would result in harm to the living conditions of the occupiers of No. 19a, and is therefore inappropriate.
13. The proposed rear houses would be visible from other surrounding dwellings, to various extents. However, there would be sufficient separation between the proposed houses and other properties, to avoid significant harm to the outlook of occupiers of other properties. Although their views would be affected, the loss of a view is not a planning consideration. Nonetheless, due to the effects of the proposed development on the outlook of occupiers of No. 19a, I conclude on this issue that it would harm their living conditions, and would conflict with Core Strategy Policy CP7 and DMP Policies DM HO 2 and DM HO 3, which together require development to respect the amenity of existing surrounding occupiers, amongst other considerations.

Highway safety

14. The site has a low public transport accessibility level (PTAL) and the Council considers the proposed provision of five parking spaces to be adequate. Although cycle parking provision has not been specified on the appeal plans, given the provision of outdoor space and potential for sheltered provision, its inclusion could be exceptionally required by a planning condition, were I to allow the appeal.
15. The shared driveway to the proposed rear dwellings would not provide separate pedestrian access. No segregation or speed-limiting methods have been specified. Although further details could be provided via planning condition, I have insufficient detail before me to demonstrate that the proposed width would be sufficient to allow safe passage for both vehicles and pedestrians. Given that this would be the sole access to the two rear dwellings, I am not convinced that the design proposed development would provide appropriate access or have proper regard for the safety of future occupiers.
16. Visibility splays would be required at the entrance of the site. However, the proposed access is sited on the boundary of the property, and any proposed

splay would affect the property at No. 19a. The inclusion of a planning condition to require a splay would therefore be unreasonable, and the lack of a splay allowing sufficient visibility between drivers of vehicles leaving the property and other road users would potentially be detrimental to highway safety.

17. The Council has raised additional concerns regarding the provision of manoeuvring space for vehicles. I do not have sufficient evidence before me to demonstrate that vehicles would be able to safely manoeuvre within the site, so that they could exit in forward gear, and I therefore share these concerns. Considering these matters together, I conclude that the proposed development would have potentially harmful effects on highway safety, and would conflict with DMP Policies DM TP 2 and DM TP 6, which require an assessment of the impact of development on the transport network, amongst other considerations.

Biodiversity

18. Much of the site is currently open, and although I saw evidence of past clearing, it remains as permeable ground. A large hedge along the rear of the site's northern boundary is the main vegetation feature. The Council's DMP Policy DM OS 5 requires new development to enhance existing and incorporate new biodiversity features and habitats into the design of buildings, including appropriate landscaping schemes that aim to attract wildlife and promote biodiversity.
19. Although the proposed development would provide some garden space for the new dwellings, there would be a substantial loss when compared with the existing site coverage. Given the location of the proposed rear dwellings, it is likely that at least some of the hedge would be removed. I acknowledge the appellant's position that information to address this loss could have been provided had the Council requested it, but the onus is on the appellant to demonstrate compliance with the development plan. Given the absence of information, I cannot be certain of the development's contribution to local biodiversity, or indeed that there would be an avoidance of harm.
20. I therefore conclude that the proposed development would potentially lead to conditions that would be detrimental to local biodiversity, and would conflict with DMP Policy DM OS 5 for the reasons set out above. It would also conflict with Core Strategy CP4 and DMP Policies DM DC 4 and DM HO 3, which seek enhancement of landscape features and consideration of biodiversity, amongst other matters.

Affordable housing

21. I have taken into account the Council's representations on this issue, which include apparent tensions between the advice set out in the Written Ministerial Statement (WMS) issued by the Minister of State (Communities and Local Government) on 28 November 2014 – which is reflected in updated Planning Practice Guidance (PPG)¹ – and the Council's existing and emerging development plans. In particular, I note that *Local Plan Publication Version for Consultation* (2017) Policy LP 36 expects developments of fewer than ten

¹ PPG Reference ID: 23b-031-20161116; revision date: 16 November 2016.

dwellings to provide a financial contribution to the provision of affordable housing.

22. The emerging local plan has been is currently being examined but the Inspector's findings have not yet been issued. In the interim, it does not carry the full weight of adopted policies, but its late stage of consideration means that it carries significant weight in my decision. In conjunction with the current Local Plan, these policies provide clear evidence of local need for affordable housing, incorporating contributions from smaller sites. Although the WMS also carries significant weight in my decision, the Act requires decisions to be made in accordance with the development plan, unless material considerations demonstrate otherwise. Taking into account appeal decisions for proposals of a similar nature², I consider the requirement for a commuted sum to be justified.
23. The appellant has not challenged the requirement to provide a commuted sum. However, a planning obligation to this effect has not been provided. Given that I have found the Council's approach to be reasonable, the absence of a completed obligation means that the development would make no contribution to meeting the Council's affordable housing requirement. I therefore conclude that the proposed development would not make an appropriate contribution to affordable housing, and would conflict with Core Strategy Policy CP4 and DMP Policies DM DC 4 and DM OS 5, for the reasons set out above.

Other issues

24. I note the appellant's argument that the proposal would make best use of the site, but this consideration does not mitigate the harmful impacts of the proposed development and its conflict with the adopted development plan for the area. I also acknowledge that the appellant has raised concerns with the Council's handling of the application, but my decision has been based solely on the planning merits of the case.
25. I have given regard to the supplementary planning documents referred by the Council, which are *Design Quality* (2006), *Front Garden and Other Off Street Parking Standards* (2006), *Small and Medium Housing Sites* (2006), and *Affordable Housing* (2014).

Conclusion

26. I have found that although the proposed development would not harm the character and appearance of the area, it would result in harm or potential harm to the living conditions of surrounding occupiers, highway safety, biodiversity and the provision of affordable housing, and this harm outweighs any other considerations. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Rollings

INSPECTOR

² Appeal Ref: APP/L5810/W/16/3142005; decision date 31 August 2016
Appeal Ref: APP/L5810/W/16/3155064; decision date 18 November 2016.