The Planning Inspectorate

Appeal Decision

Site visit made on 11 September 2018

by Caroline Jones BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2018

Appeal Ref: APP/L5810/W/18/3195762
Land near Sunnyside Reservoir, Lower Hampton Road, Sunbury on Thames TW16 5PR

- 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 David Taylor against the decision of the Council of the London Borough of Richmond-upon-Thames.
- The application Ref 17/1178/FUL, dated 24 March 2017, was refused by notice dated 25 September 2017.
- The development proposed is to replace 2 derelict storage buildings and associated hard standing with two 4 bedroom detached houses.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr David Taylor against the London Borough of Richmond-upon-Thames. This application is the subject of a separate Decision.

Preliminary Matters

3. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018 and replaces the first Framework published in March 2012. The main parties have had an opportunity to comment on the revised Framework and its relevance to the determination of this appeal. References to the Framework in this decision therefore reflect the revised Framework.

Main Issues

4. The main issues are :

    - The effect of the proposed development on the character and appearance of the area;
    - Whether the proposal makes adequate provision for affordable housing; and
    - The effect of the proposal on employment land supply.

Reasons

Character and appearance

5. The appeal site is a roughly rectangular parcel of land accessed from Lower Hampton Road. The site is largely undeveloped, with the exception of a storage container and two small garages, and at the time of my site visit was somewhat overgrown. It is bound by Sunnyside Reservoir to the east, a tree planted embankment to the north and residential development to the west and south. The surrounding residential development comprises in the main of substantial properties, well-spaced, set back from the road in generous plots. This together with the presence of mature landscaping and trees gives the area a green and spacious character.

6. Combined with the overall height and bulk of the proposed development, the presence of two detached dwellings set closely alongside each other and to their boundaries would appear discordant and overdeveloped in the immediate context of their surroundings. The frontage carports and the extent of the area required for access, manoeuvring and parking would exacerbate this harm. The proposal would be at odds with the spacious, well-spaced form of buildings in the immediate vicinity and would result in an incongruous form of development that would diminish the green and spacious character and appearance of the site and area.

7. The proposed design and use of materials would not be out of keeping with the varied character of the nearby properties. Nor do the existing buildings enhance the visual amenity of the area and I have had regard to concerns of fly tipping at the site. However these matters do not outweigh the fundamental incongruity of the proposed development. I also note the appellant's willingness to work proactively with the Council to increase the spacing between the properties and reduce their overall height. However, I must determine the appeal on the basis of the plans submitted with the application and considered by the Council.

8. I therefore conclude that the proposal would have an adverse impact on the character and appearance of the area and find conflict with Policy LP1 of the RLP and Supplementary Planning Documents 'Small and Medium Housing Sites' (2006) and 'Front Garden and Other Off –Street Parking Standards' (2006). These require, amongst other things, high quality design that respects, contributes and enhances the local environment and character.

Affordable housing

9. Policy LP36 of the RLP, together with the Council's Supplementary Planning Document Affordable Housing (2006) (SPD) set out the Councils approach to securing affordable housing contributions. They seek some form of affordable housing contribution from all new housing developments including on sites of 9 units or less. The policy does not accord with the restriction on affordable housing contributions from small sites originally set out in the Written Ministerial Statement (November 2014) (WMS) and now incorporated into paragraph 63 of the Framework.

10. The appellant submitted a completed commuted sum calculation as required by the SPD. However, the appellant disputes the need for such a contribution given the size of the development and national policy. A number of decisions

have been drawn to my attention to support this assertion although as they predate the Framework and the RLP they attract limited weight. As paragraph 64 of the Framework relates to major development it is not relevant to the appeal scheme.

11. The RLP was very recently adopted and Policy LP36 was found sound when the WMS was in force. In the 'Report on the Examination of the RLP' the Inspector, whilst being mindful of the weight to be attached to national policy, concluded that the evidenced local circumstances of the Borough exceptionally warranted the content of LP36. The Council has also provided substantial evidence which demonstrates a significant and unmet need for affordable housing which supports the continued implementation of the Council's policies requiring contributions to affordable housing provision. I have not been provided with any evidence to the contrary.

12. It has not been put to me that the development could not proceed if such a contribution were required nor is there an obligation to secure such contributions and the proposal thereby conflicts with Policy LP36. Having regard to the evidence before me, the Framework does not justify a decision other than in accordance with the development plan in this instance. I therefore conclude that the proposal would fail to adequately provide for affordable housing.

Employment land

13. Policy LP40 and LP42 of the RLP maintain a presumption against the loss of employment land in all parts of the borough and LP42 only permits the loss where it can be demonstrated that there is no longer a demand for an industrial based use and there is not likely to be in the foreseeable future. The appeal site is not a designated employment site but was previously owned by Thames Water and was used as operational land in conjunction with the adjacent reservoir.

14. The appellant disputes that the site should be classified as employment land given that the majority of the site is not developed and that the now largely dilapidated buildings only take up a very small part of the site. The appellant submits that its use as an operational site ceased many years ago having become vestigial to Thames Water and was sold off with the previous owner utilising the site for the grazing of goats.

15. On the other hand, the Council has provided very little evidence to support their contention that the site has been recently been used for employment purposes and this was borne out by what I saw at my site visit. Therefore, on the basis of the information before me I find that the appeal site does not constitute employment land to which the relevant policies should be applied.

16. I therefore conclude that the proposal would not have an adverse impact on the supply of employment land in the borough and find no conflict with Policies LP40 or LP42 of the RLP in this regard.

Other Matters

17. There is a dispute between the parties as to whether or not the site lies within the Green Belt. The appellant has submitted evidence of a long and complex history in relation to this matter. The Inspector dealing with the recent Local

Plan Examination did not conclude that any main modifications were required when presented with similar evidence. Whatever finding I might make in relation to this matter the outcome of the appeal would not be affected given the harm identified. Even if I were to conclude that the proposal was not inappropriate development, this would be a neutral factor neither weighing for or against the proposal and the appeal would still fail for the reasons given above. Therefore, in order to reach my decision it is unnecessary for me to adjudicate on this point.

18. I have had regard to the appellant's arguments in relation to the Government's support for self-builds. Whilst recognising the potential benefit there is no mechanism before me to ensure that the proposal is constructed in this manner. I have also had regard to the paragraphs in the Framework relating to windfall sites and the substantial weight to be given to the value of using suitable brownfield land within settlements for homes. However, the Framework also states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Overall, the harm identified with respect to the character and appearance of the area and the lack of a contribution towards affordable housing outweigh these matters.

19. The appellant has drawn my attention to a recent decision made by the Borough of Spelthorne on land to the west of the appeal site. However, I have very limited details before me including the background or circumstances which led to this decision. Furthermore, I note the permission relates to only one dwelling and was considered against a different set of policies. I cannot therefore make direct comparisons and this case does not justify granting permission for the appeal scheme.

Conclusion

20. Whilst I have found no harm in relation to the supply of employment land, I have identified harm in relation to the character and appearance of the area and the lack of a contribution towards affordable housing and found conflict with the development plan in these regards. Whilst a number of potential benefits have been put forward, these are not sufficient to outweigh that conflict or the harm identified.

21. For the reasons given above I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR