
Appeal Decision

Site visit made on 24 June 2019 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen BA (Hons) BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/L5810/D/19/3228117
84 Church Road, Teddington TW11 8EY

- 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 Adam Webster against the decision of London Borough of Richmond Upon Thames.
 - The application Ref 18/4153/HOT, dated 17 December 2018, was refused by notice dated 11 February 2019.
 - The development is 'provision of vehicular access to the front garden of 84 Church Road'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in the appeal are:
 - The effect of the development on the character and appearance of the area which is within the Church Road Conservation Area; and
 - The effect of the development on highway safety on Church Road.

Preliminary Matters

4. The appeal site is located within Church Road Conservation Area (CA). The CA was designated on the 20 February 2019, after the Council's Decision Notice. As part of the appeal process, the opportunity was given to both parties to provide comments on the designation in relation to the appeal and I have taken those comments into account. As is my statutory duty, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
5. The appellant has submitted two amended plans (Proposed Front Elevation V1.2 and Proposed Plan View V1.2) which show an additional pillar and pedestrian gate to the front boundary. The changes shown are minor and do not have a significant effect on the nature of the development. There seems no reason why accepting these plans should prejudice the Council's position, or

that of any other party, and they have therefore been taken into account in this decision.

6. Notwithstanding the amended plans, vehicular access to the front garden has already been provided at the appeal property. The appeal is therefore for retrospective planning permission.

Reasons for the Recommendation

Character & Appearance

7. The CA covers a relatively small area, focussing on the southern end of Church Road. It contains a mixture of Edwardian and Victorian, mainly 2 storey commercial and residential properties. The CA has a good number of street trees which, along with planted front gardens of many residential properties, adds positively to the street scene.
8. One of the 'Problems and Pressures' within the CA identified in the information provided by the Council is the loss of boundary walls and garden space in residential areas for hard standing, vehicular parking, front lightwells and hard surfacing. It is clear from the amended drawings submitted by the appellant that effort has been made to create a more enclosed feel with the addition of a pillar and pedestrian gate, and it appears that, from the photos provided, the front garden was untidy before any works commenced. Nonetheless, it was an enclosed and planted garden and it is considered that its loss and the creation of the vehicular access, which includes a large area of hard surfacing, is out of character with the CA as a whole and as a result has an adverse effect on the character and appearance of the CA. The development therefore fails to preserve or enhance the CA.
9. On this basis, the proposal is contrary to Policy LP1 of the Local Plan (July 2018) which seeks to ensure all development respects, contributes to and enhances the local environment and character, and Policy LP3 of the Local Plan which requires all proposals in CAs to preserve, and where possible, enhance the character or appearance of the CA.
10. The proposal is also contrary to the Supplementary Planning Documents 'Front Garden and Other Off-Street Parking Standards' (September 2006) which aims to ensure parking in front gardens maintains as much enclosure as is practical through the retention, where possible, of existing walls, fences, railings or hedging, the minimisation of hard, impermeable surfacing and the provision of gates and generous planting. It is considered that the proposal, as shown in the plans submitted with the appeal, would still provide little enclosure and the resultant visual permeability to a predominately gravelled surface would be harmful to the character and appearance of the CA.
11. The harm to the CA would be less than substantial and in such instances paragraph 196 of the Framework states that such harm should be weighed against the public benefits of the proposal. However, although there would be a private benefit to the appellant from an off-street parking space, the development would not significantly reduce parking stress or congestion on Church Road. Consequently there would be no public benefits to weigh against the harm to the CA.

Highway Safety

12. It is noted that the Council have a number of concerns relating to highway safety. It is clear that there is not sufficient space for turning within the site and that a vehicle would have to enter or exit the space in a reverse gear. It was observed on site that there was a high level of on-street parking nearby, but little traffic flow. There are a number of speed calming measures, including an existing speed bump indicating that speed is controlled along this section of Church Road. The vehicular access is in an environment where drivers will be travelling at slow speeds and will generally be aware that there could be hazards, it is therefore considered that the need to reverse upon entry or exit would not cause a significant risk to other road users.
13. With regard to the Council's concern that the development would fail to provide the minimum adequate pedestrian visibility, the design, including railings and siting of landscaping away from the boundary wall allows clear visibility of the footway and the risk to pedestrians is considered to be minimal.
14. The amended drawings submitted by the appellant address the error raised by the Council that an existing manhole was not shown in the correct location. Though the Council have commented that the development would impact the manhole, it is not clear how. As no further information has been provided on this matter, this issue has not been considered further.
15. It is noted that the Council have concerns regarding timing of the Parking Survey undertaken by the appellant. However, there is no reason to believe that a significantly different finding would occur if the survey was re-commissioned at a different time. I am therefore satisfied that the Parking Survey is sufficient for the purposes of understanding the impact of the development on parking, which I consider is minimal as the provision of an off-road parking space would lessen the effect of the loss of on-street parking.
16. In light of the above, it is not considered that the development is contrary to Policy LP 44 of the Local Plan which seeks to ensure that new development does not have a severe impact on the operation, safety or accessibility to the local or strategic highway networks.
17. With regard to Policy LP 45 of the Local Plan, this policy seeks to resist the provision of front garden parking unless it can be demonstrated that, among other things, there would be no harmful impact on the character of the area, including the streetscape or setting of the property. In this case, it has been found that there is harm to the character of the area and so it is contrary to this policy, albeit there would be no harmful impact on highway safety.

Other Matters

18. In support of the appeal, the appellant has provided extracts from two similar planning applications on Church Road. The examples provided relate to cases where it has been decided that highway safety should not be a reason for refusal. Notwithstanding the fact that no harmful impact on highway safety has been found in this case, neither of the examples are for properties located within the Church Road CA and they are therefore not comparable to this case.
19. The reasons for the appellant wishing to have off-street parking are understood and the support from the neighbouring properties are noted, however these considerations do not outweigh the harm identified.

Conclusion and Recommendation

20. The absence of harm to highway safety, is outweighed by the harm that has been found in relation to the effect of the vehicular access on the character and appearance of the CA. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Elizabeth Davies

APPEALS PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR