
Appeal Decision

Site visit made on 19 June 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/L5810/W/18/3217770
217 Kingston Road, Teddington TW11 9JN

- 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 Midco Holdings Ltd against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 18/2033/FUL, dated 15 June 2018, was refused by notice dated 21 August 2018.
 - The development proposed is erection of a two storey detached building comprising 7 self contained flats to the site frontage and a two bedroom detached dwelling to the rear of the site with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) the effect of the proposal on the character and appearance of the area, (b) the impact on the living conditions of future and adjoining occupiers, (c) the adequacy of the site access and parking arrangements, (d) the impact on a protected tree and (e) whether or not the proposed development would make adequate provision for affordable housing.

Reasons

Character and appearance

3. The appeal relates to rectangular site of considerable depth that has been cleared of all buildings. Land levels fall gently from the Kingston Road frontage then rise gently towards the rear of the site. To the north is a terrace of houses with 2 storeys fronting Kingston Road and accommodation on 3 levels at the rear including within outriggers. These houses have short rear gardens. To the south is a 3 storey residential building with an access abutting the appeal site leading to a garage courtyard. The surrounding area is mainly residential in character, but there are shop units on the ground floor of multi-storey buildings to the south on the opposite side of Kingston Road. There are 2 storey detached and semi-detached houses in Holmesdale Road to the south and Munster Road to the north that have long back gardens that adjoin the rear part of the appeal site.
4. The proposal involves a frontage building of flats and house towards the rear of the site. The backland siting of the house would be unusual in its immediate context, but there are examples of two tiers of development close by, for

example at 220 Kingston Road. The house would be low-lying being partly submerged and would have a green roof. Its bespoke design would be appropriate to its siting to the rear of the site and would constrain the building's perception from adjoining dwellings. The house would not adversely affect the character of the area and its limited scale would respect the factors for assessing backland development set out in Policy LP39 of the London Borough of Richmond-Upon-Thames Local Plan (2018) (LP).

5. The frontage building would follow the building line along Kingston Road and would have an attractive design and massing respectful of adjacent buildings. Its rear wall would align with the rear of the adjacent terrace to the north but would be set deeper into the site than the former building. The rear part would include an outrigger that would broadly reflect the massing of outriggers to the terrace to the north, but would differ in some details including the depth of the main element before the set in to the outrigger, a higher ridge to the outrigger and in the provision of lightwells and a terrace at first floor level. Notwithstanding, these design differences, the frontage building would broadly respect the local grain of development on Kingston Road and would be sympathetic to the character of the local area.
6. However, the space between the two buildings would be dominated by car parking with minimal amenity space for the occupiers of the frontage building and little scope for landscape measures. The appellant has referred to Paragraph 123 of the National Planning Policy Framework (the Framework) that encourages the efficient use of sites. But the central part of the site would have a cramped layout and appearance that would not reflect the urban design quality and site layout considerations set out in Policy LP1. There would also be conflict with Paragraph 127 of the Framework and with the Council's Supplementary Planning Document on Small and Medium Housing Sites (2006) both of which promote visually attractive layouts with appropriate and effective landscaping.

Living conditions

7. Several flats would have private amenity space in the form of a lightwells or terraces, but the shared amenity space would be small in relation to the size of the building and dominated by a covered cycle stand and a fence to the parking area. The appellant points out that the shared amenity space would be in accordance with the Council's Supplementary Planning Document on Residential Development Standards (2010) which states "*a minimum of 5 sqm of private outdoor space for 1-2 person dwellings plus an extra 1 sqm should be provided for each additional occupant*". Nonetheless, this stipulation is for a minimum provision and the shared amenity space would not be in accordance with Policy LP35 that requires amenity space to be functional and of a sufficient size to meet the needs of the likely number of occupiers. The garden area for the house at the back of the site would be satisfactory.
8. The size of the flats and the house would exceed the Nationally Described Space Standards and most rooms would have a satisfactory outlook. But the second bedrooms to flats 2 and 6 on the ground and first floor levels would face on to the flank wall of the main part of the terraced house at 215 Kingston Road at a distance of only about 2m. Whilst there would not be a requirement for obscured glazing given the featureless nature of the facing wall, these windows would be north facing and the rooms they serve would have poor

levels of daylight and outlook. In this respect the proposal would have a poor design quality contrary to Policy LP1 considerations that include the space between buildings.

9. The house at 215 Kingston Road is set at a slightly lower level than the appeal site. The inner rear wall windows facing the outrigger are located close to the boundary with the appeal site and serve a kitchen at ground floor level and bedrooms for the two floors above. The appellant has submitted a daylight, sunlight and overshadowing report that concludes that adjoining occupiers would not be adversely affected by the proposed development in relation to these considerations. In respect of daylight, there would be a reduction in the vertical sky component for the nearest windows at no.215 but this is classified as negligible. The comparison is to the former building at the site that had a square footprint without an outrigger adding to the overall depth. The report does not assess the windows at no.215 most likely to be affected by sunlight loss due to their north-easterly orientation.
10. Notwithstanding these conclusions, given the proximity and massing of the main part of the frontage building to the south of the nearest windows at no. 215, and the massing of the outrigger beyond this, my findings are that the proposal would result in an unneighbourly and overbearing effect. The impact would be contrary to Policies LP1 and LP8 in relation to protecting the amenity and living conditions for occupants of adjoining and neighbouring properties.

Access and parking

11. The location of the parking area centrally within the site between the two buildings would be appropriate given the expediency of providing a significant building to the frontage. The low volume and low speed of traffic using the access road should not adversely affect pedestrian safety and the proposed traffic light system to give preference to vehicles entering the site would enable any conflict with vehicles leaving the site to be resolved. The existing access on to Kingston Road is adjacent to the access serving garages at the rear of 219 Kingston Road and would be retained. I am satisfied that there would be sufficient visibility to safeguard highway and pedestrian safety. A planning condition could be used to depict and secure appropriate visibility splays.
12. Similarly, a condition could be used to locate positions for the storage of refuse and recycling bins and their siting on bin collection days to ensure adherence to the Council's Supplementary Planning Document on Refuse and Recycling (2015). The provision of a covered cycle parking area would satisfy the requirements of Policy LP44 in relation to sustainable travel choices and there would be no conflict with Policy LP45 in relation to on site parking.

Trees

13. There is a sycamore tree in the back garden to 4 Munster Road that abuts the boundary to the appeal site. It is a young tree with a good shape and amenity value and is subject to a Tree Preservation Order. The appellant's Arboricultural Report (AR) at paragraph 4.5 notes that a sycamore is "*not a good tree to park beneath in summer due to the sticky sap secreted by aphids*". Portrayal of the tree's canopy on the site plan shows that it would partially overhang 3 parking spaces. The canopy spread over parking spaces would be likely to increase with the growth of the tree. There would appear to be some confusion arising on the degree of pruning proposed for the tree arising from the different numbering of

trees adjacent to the site on the site plan and in the AR which is based upon a different site layout. The appellant has confirmed that is not the intention to prune the sycamore back to the boundary.

14. A hard surfaced area for parking and manoeuvring would cover almost half the root protection area for the sycamore. There is the potential for root severance and soil compaction that would be harmful to the tree's health. However, the AR proposes a porous surface using the No-Dig Method in accordance with BS 5837 recommendations. This should ensure protection for tree roots. Any conflict with Policy LP16 that requires the protection of existing trees which deliver amenity and biodiversity benefits would not be so great as to warrant dismissal of the appeal on this issue.

Affordable housing

15. Policy LP36 requires a contribution to affordable housing from all small sites in accordance with details set out in the Council's Affordable Housing Supplementary Planning Document (2014). Whilst the threshold for seeking contributions is below those set out in Paragraph 63 of the Framework, the Local Plan is recently adopted, and the policy reflects the particular need for affordable housing in Richmond. The requirement for a contribution from the proposal towards affordable housing therefore attracts weight.
16. The appellant has submitted a Viability Report which concludes that because the calculated land value benchmark exceeds the residual value that the proposal is not viable to deliver affordable housing or indeed CIL. The report claims to have established the land value benchmark based upon existing use value plus a premium and taking account of costs in accordance with Government guidance. However, the Council would not appear to have verified these conclusions through an independent review; its report makes reference to a viability assessment for an earlier proposal at the site. The former building on the site has now been demolished. It would be appropriate for the level of contribution, if any, to be agreed following collaboration between the parties in relation to present circumstances.
17. The site has a regular shape, is relatively flat and does not present any abnormal costs, such as land contamination to be borne, that would indicate that no contribution could be made towards affordable housing. On the basis of the evidence before me, I am not able to conclude that there should not be a contribution. Moreover, as the proposal is to be dismissed in relation to other considerations, there may be revisions to the proposal that would warrant updates to the viability assessment. The proposal is not accompanied by a legal agreement to make a contribution to affordable housing and would thereby be contrary to Policy LP36.

Conclusion

18. The proposal would have a harmful effect on the character and appearance of the area and on living conditions of future and adjoining occupiers. For the reasons given, and having regard to all other matters raised by interested parties, the appeal is dismissed.

Rory MacLeod

INSPECTOR