



Appeal Decision

Site visit made on 10 September 2019

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2019

Appeal Ref: APP/L5810/W/19/3231325

Lakeside, 3 Queen Elizabeth Walk, Barnes, London SW13 9SA

- 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 U Harvey against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 18/3660/FUL, dated 1 November 2018, was refused by notice dated 14 March 2019.
 - The development proposed is demolition of the existing house and redevelopment of the site to provide a new five bedroomed house and associated site works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development on Metropolitan Open Land;
 - Whether appropriate provision would be made for affordable housing; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

3. The proposed development is within Metropolitan Open Land (MOL) which the London Plan 2015 (LP) gives¹ the same level of protection as the Green Belt. The National Planning Policy Framework (the Framework) states that the essential characteristics of Green Belts are their openness and their permanence.
4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as

¹ Policy 7.17 Metropolitan Open Land

inappropriate in the Green Belt, subject to a number of exceptions including the limited infilling, or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. As stated previously, the London Plan requires that these considerations also apply to MOL.

5. The appeal site currently contains a modest bungalow. The appellant considers that there is no increase in the footprint of the proposal compared to the existing bungalow. However, the proposal will be of a substantially greater height than the existing dwelling and will be of a materially greater bulk and massing with subsequent harm to the openness of MOL. I saw that this would be readily visible from the surrounding area, including from neighbouring properties as well as a nearby access road and footpath. I am not persuaded that landscaping around the site would effectively screen the development in views from the surrounding area, and in any event this would not change the resultant increase in the bulk and massing of built development on the site.
6. I therefore conclude that the proposal would not preserve the openness of MOL and would therefore be inappropriate development. Inappropriate development is, by definition, harmful to MOL and the London Plan (with reference to the Framework) requires that substantial weight should be given to any harm.

Affordable Housing

7. Policy LP36 of the Council's Local Plan 2018 (CLP) requires a financial contribution to be made towards affordable housing. The Policy is clear that this relates to the gross number of units proposed rather than net, which in this case would represent 1 unit. Whilst the appeal proposal is not a major development, the supporting text for the Policy sets out the significant contribution that small sites make to housing supply and that due to this cumulative impact such sites should contribute to affordable housing.
8. Whilst the appellant has stated that she has agreed to make the required contribution, no unilateral undertaking or other mechanism has been submitted to me to secure this. I therefore cannot be confident that appropriate provision for affordable housing would be made.
9. In respect of Policy LP36, the appellant makes reference to the Community Infrastructure Levy. However this is not a matter referred to in the Council's reasons for refusal.
10. I therefore conclude that the proposal fails to make adequate provision for affordable housing and is therefore contrary to Policy LP36 of the CLP which seeks to provide for affordable housing in the Borough. The proposal would also conflict with the advice of the Affordable Housing Supplementary Planning Document 2014 with regards to contributions to affordable housing.

Other Considerations

11. The existing bungalow is of an understated appearance. Whilst it has a somewhat suburban design, its limited scale means that it does not appear as an unduly obtrusive element within this area. Nevertheless, there may be potential to replace the bungalow with a building of a superior design. However, whilst the design and detailing of the proposed dwelling may have been carefully considered, this does not justify the scale of the proposed

building, which I consider would be more visually intrusive than the existing building.

12. Whilst the roof and floor levels of the proposal may have been designed in an attempt to minimise its height and visual impact (e.g. through the use of a hipped roof) this does not mitigate for the height and massing of the proposed 2-storey dwelling compared to the existing building. Moreover, the design and height of the nearby dwellings does not justify the provision of a dwelling of the proposed scale (which would be higher than the nearby dwellings) and the subsequent harm to openness as well as the character of the area. Due to the obtrusive nature of the height and bulk of the proposal and the harm that would result in respect of the character of the area, I give this substantial weight against the appeal.
13. The appellant makes reference to the site being located within a flood zone and that the upper floor of the proposal could be used as a place of refuge. However, there may be other more appropriate methods of addressing flood risk which would not result in a building of the scale and massing proposed. Therefore, whilst I acknowledge that the upper floor of the proposal may be of benefit at times of flooding, this carries no more than limited weight in favour of the proposal.
14. The appellant emphasises the limitations of the existing dwelling in relation to matters such as room size and shape, as well as potential limitations in respect of future family accommodation or provision for a carer. I have also had regard to the Demolition Justification Statement which refers to matters such as insulation and compliance with the Building Regulations. However, these matters are not unusual in older dwellings and they do not indicate that the building is inherently of an unsatisfactory standard. I am also mindful of the alternatives available to the appellant in respect of extending the bungalow and the effect that such extensions could have. However, based on what I have seen and read, the existing building provides a suitable level of accommodation. I accept that there may be potential to improve accommodation at the dwelling, but this does not mean that the existing dwelling is not of a satisfactory standard and this does not provide robust justification for the scale of the building proposed. I therefore give consideration of these matters no more than limited weight in favour of the proposal.
15. I note that Permitted Development Certificates have been issued for extensions and other alterations to the property. However, notwithstanding the endeavours of the appellant in applying for the certificates, I have no substantive evidence to indicate that there is a significant probability that the extensions etc. would be constructed should this appeal be dismissed. I also note the Council's comments on the limitations of permitted development in respect of the height and width of buildings as well as use. The permitted development rights of the property do not therefore justify a building of the height and bulk proposed, and these matters do not weigh in favour of the appeal.
16. The appellant contends that the proposal would enable an opening of public views across the site. But this would be of limited benefit and would not outweigh the harm arising from the scale and massing of the proposed dwelling.

17. Reference is made to a lack of harm on matters such as urban sprawl, overdevelopment, wildlife and the living conditions of nearby residents. However, a lack of harm is not a benefit and these matters are neutral in the overall planning balance.
18. I have had regard to the letters in support of, or not raising objections to, the proposal. However, consideration of these comments does not lead me to a different conclusion in respect of the harm that I have identified in respect of the proposal.
19. I note the frustrations expressed by the appellant in relation to the advice from the Council and the decision process leading up to this appeal. However, this is not a matter for this appeal which I have determined on its planning merits.

Overall Balance and Conclusion

20. I have concluded that the proposal would be inappropriate development in MOL and that substantial weight should be given to the harm arising from that. Furthermore, the proposal would also not make suitable provision for affordable housing. I find that the other considerations do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore conflict with Policies LP1, LP13 and LP38 of the CLP and Policy 7.17 of the LP which together seek to ensure the protection of MOL, and ensure that development respects local character, amongst other things.
21. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR