



Appeal Decision

Site visit made on 28 August 2019

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/L5810/W/19/3230580

Rear of 30 Cole Park Road, Twickenham TW1 1HS

- 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 Kevin De La Noy against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/0583/FUL, dated 21 February 2019, was refused by notice dated 15 April 2019.
 - The development proposed is the demolition of three existing single storey garages on the land to the rear of 30 Cole Park Road, construction of 1 No 2b4p two storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are whether or not the proposal would:
 - preserve or enhance the character and appearance of the Conservation Area
 - make adequate provision for affordable housing.

Reasons

Whether the proposal preserves or enhances the character and appearance of the Conservation Area

3. Cole Park Road contains many large detached dwellings with wide road frontages. The dwellings are of near-matching design, three storeys in height and of a bold architectural style. The avenue appearance of Cole Park Road, combined with the deep rear garden plots for each dwelling, provide for a spacious and high-quality built environment. The dwellings in Lancaster Place have deep rear gardens and modest front gardens, in a comparable form to Cole Park Road, maintaining a spacious character.
4. The appeal site, which cannot be directly accessed from No 30 Cole Park Road, consists of a single storey building comprising three garages along with an area of hardstanding. It is enclosed by fencing although trees in the neighbouring gardens overhang the appeal site. The garage block directly abuts the boundary fences of neighbouring gardens at No 30 and No 32 Cole Park Road.

5. The proposals would introduce a dwelling marginally off-set from the side and rear appeal site boundaries, leaving only a small area to the site frontage as the sole useable garden space. It would occupy a substantial proportion of the appeal site. Although two storeys in height, it is designed to appear in the street scene as a single storey building through use of a subterranean ground floor.
6. The size of the plot, the scale of the proposal and the lack of a rear garden are all design elements wholly uncharacteristic of the area. The resulting development would therefore be in stark contrast to the spatial nature and character of the immediate area and would fail to preserve or enhance the Conservation Area.
7. In arriving at this conclusion, I acknowledge that the garages have been present for a considerable time and do little to contribute to the area's character. However, this matter does not outweigh the harm that would be occasioned by the proposed development.
8. Whilst boundary fencing would serve to reduce the proposal's presence, this would be further out of keeping with the spacious characteristics of the surroundings whereby front gardens are generally open or enclosed by low boundary features. I note the arguments that the appeal site is not 'back land' by definition since it does not relate to, or need to be subdivided from, No 30 Cole Park Road. This does not however change the characteristics of the plot nor my findings on character and appearance identified above.
9. I conclude therefore that the proposals would not harmonise with the established pattern of development in the area, and thus would fail to preserve or enhance the character and appearance of the Conservation Area. This is contrary to policy LP3 of the adopted London Borough of Richmond upon Thames Local Plan 2018 (the Local Plan), which seeks developments to conserve and, where possible, make a positive contribution to the historic environment. There would also be conflict with policy LP39 of the Local Plan, which seeks proposals to respect local context.

Whether adequate provision for affordable housing has been made

10. The Council delegated report suggests an off-site financial contribution of £17,383 towards the provision of affordable housing. The appellant submitted a signed unilateral undertaking confirming a contribution of £17,338. Views from the Council were sought but were not received and it is unclear if any negotiation has taken place on the drafting of the agreement.
11. From the evidence before me, although the discrepancy is marginal, it appears the proposal would fall short in its contributions towards affordable housing. On this basis the proposal fails to contribute towards addressing housing needs within the borough. This is contrary to policy LP36 of the Local Plan that sets out expectations with regard affordable housing contributions.

Other Matters

12. The appellant notes the emerging Draft London Plan places a higher housing burden upon the Council than stated within the Local Plan. However, no evidence is before me to suggest the Council cannot demonstrate a deliverable five-year housing land supply at present. Whilst new dwellings in accessible locations would contribute to the overall objective to boost housing supply, this

must not be at the expense of the pursuit of sustainable development. In this instance the proposal has been found to fail the environmental objective of sustainability.

13. Whilst there may be concerns over the timing and handling of the designation of the Conservation Area, as well as the content of pre-application meetings, these are not matters for this Section 78 appeal to consider. The appeal site, for the purposes of the Development Plan, is within a Conservation Area and I have carried out my assessment on this basis. Any pre-application advice given does not represent a formal decision of the Council.
14. I acknowledge that other aspects of the proposal including matters such as flood risk and effects on neighbouring occupiers, have been assessed positively by the Council. From the evidence before me I have no reason to disagree with the Council on these planning merits. However, these are afforded neutral weight in my determination since such matters would be expected to be satisfactory in all new development to comply with the Development Plan.

Conclusion

15. The appeal is dismissed.

David Wallis

INSPECTOR