



Appeal Decision

Site visit made on 25 October 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2019

Appeal Ref: APP/L5810/D/19/3233805

177 Church Road, Teddington TW11 8QN

- 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 Graham Simpson against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/0363/HOT, dated 2 February 2019, was refused by notice dated 20 June 2019.
 - The development proposed is described as 'Install a dropped kerb in the pathway outside 177 Church Road. Revise the front wall of the property to enable a vehicle entrance-way and lower it for sightline purposes. Install turntable into the garden space. Undertake landscaping and introduce significant planting to ensure sensitivity of the design proposal'.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a new vehicular access, alterations to the front boundary wall and installation of a car turntable and electric vehicle charging point with associated hard and soft landscaping at 177 Church Road, Teddington TW11 8QN in accordance with the terms of the application, Ref:19/0363/HOT, dated 2 February 2019, subject to the schedule of conditions attached to this decision.

Procedural Matters

2. In the interests of precision, I have amended the description of development within my formal decision.
3. A local resident has disputed the accuracy of the submitted plans. However, this has not been corroborated by the Council, who state within the Officer Report that the plans are 'technically correct'. There is no objective/detailed evidence before me to indicate that the proposed plans would not accurately reflect site boundaries. I have determined the appeal on the basis that it would be possible to implement the development as shown on the proposed plans. If it later transpired that it would not be possible to implement the development as shown on the approved proposed plans, then this would be a matter that would need to be discussed between the appellant and the Council. However, and for the purposes of determining this appeal and the main issue, I am satisfied that the proposed drawings do provide me with enough information by which to reach firm views in planning terms.

Main Issue

4. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

5. The appeal property is a two-storey terraced dwelling located on the western side of Church Road. The property is set back from the highway by approximately 7 metres behind a modest front garden. The front garden is enclosed with a low brick wall and predominately laid to lawn with a hedge marking the boundary with No 179 Church Road.
6. It is proposed to construct a dropped kerb outside of the appeal property and alter the existing brick wall and front garden to facilitate the creation of an off-street parking area with low-level planting. The proposal would include the installation of a turntable, which would enable vehicles to leave the site in a forward gear. In addition, an electric vehicle charging point would be installed to the front of the existing building as part of the development. The boundary between the appeal site and No 179 would be marked with a low-level fence.
7. The surrounding area has an urban residential character. The residential properties are predominately terraced or semi-detached and set back from the highway behind front gardens in a linear pattern of development. Church Road is a long street and the appeal site is located within the section of the street between Shacklegate Lane and Clifton Road. Along this section of Church Road, several properties have off-street vehicle parking areas to the front of the host building, which are served by dropped kerbs. This includes No 175 Church Road, which neighbours the appeal site to the south. Where off-street parking has been provided, the properties typically retain part of the front boundary wall and feature areas of soft landscaping within the front garden.
8. The Council's Front Gardens and Other Off-Street Parking Standards Supplementary Planning Document (2006) (the 'SPD') states any design for parking in front gardens should seek to maintain as much sense of 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. If this can be achieved, the appearance and character of the street will be maintained and the negative visual impact of additional hard surfaces will be diminished.
9. The proposal would retain part of the existing wall, includes several areas of low-level planting and permeable surfacing around the turntable. In addition, the boundary with No 179 would be redefined with a low-level fence. Consequently, the proposal would assimilate comfortably into the existing streetscene, where off-street parking is a common feature, and thus, safeguard the character and appearance of the area.
10. I note that the proposal would not include a separate pedestrian access, which would conflict with advice contained within Paragraph 2.11 of the SPD. However, I consider that pedestrian access to the front of the property could still be readily achieved as part of the proposed layout. As such, this is not a matter which indicates that planning permission should be refused.
11. For the collective reasons outlined above, I conclude that the proposal would safeguard the character and appearance of the area. As such, the proposal

would accord with Policy LP45 of the adopted London Borough of Richmond Upon Thames Local Plan (July 2018) which states that the Council will resist the provision of front garden parking unless it can be demonstrated that there would be no harmful impact on the character of the area, including the streetscape or setting of the property.

12. Whilst I acknowledge that there would be a degree of conflict with the SPD in respect of the lack of a separate pedestrian access, these standards are only guidance and are an indicator of what is likely to be acceptable. In this instance, I have assessed the proposal on its own individual planning merits and found it to be acceptable. As such, a failure to adhere to some of the standards in the SPD is not sufficient in itself to dismiss the appeal.

Other Matters

13. Interested parties have expressed concerns that the proposed turntable would be unable to accommodate larger sized vehicles. However, I note that this did not form a reason for refusal, with the Council concluding that the provision of a turntable would be a 'beneficial feature' of the proposed development. On my site visit, I observed that Church Road was lightly trafficked and vehicle speeds were typically low with good visibility in either direction. As such, the evidence suggests that the inclusion of a turntable is not in and of itself a prerequisite to make the proposed development acceptable in highway safety terms. As such, even if I were to accept that the turntable would not be able to accommodate larger vehicles, this does not indicate that planning permission should be refused.
14. Local residents have stated that the proposal would result in an unacceptable loss of on-street parking provision in the local area. However, the Council's Transport Department has assessed the proposal and concluded that a deficit of one on-street car parking space would be acceptable in this location. Based on the evidence before me, and my own site observations, whereby I noted that there was spare on-street parking capacity near the appeal site, I have no reason to disagree with the Council in respect of this matter.
15. Local residents have expressed concerns that glare from the convex mirrors would be detrimental to highway safety. However, no substantive evidence has been put forward to demonstrate that this would be the case.
16. Concerns have been expressed by interested parties that the proposed electric vehicle charging point would be for exclusive use of the appeal property and not the wider public. I have not been directed to any local policy that requires the electric vehicle charging point to be made available for public use, and therefore this is not a determinative point in this appeal.
17. No substantive evidence has been put forward to demonstrate that the proposal would have a harmful impact upon local ecology.
18. A local resident has expressed concern that the relocation of the lamp post would cause unacceptable levels of light to shine into habitable rooms of their property. However, no substantive evidence has been put forward to demonstrate that the relocation of the lamp post would have a harmful impact upon the living conditions of neighbouring residents.
19. Interested parties have drawn my attention to the Council's intention to replace a dead tree, which was previously sited outside the appeal site. However, no

substantive evidence has been put forward to demonstrate, if and when the replacement tree would be planted and where it would be located. As such, this is not a determinative point in this appeal.

20. Reference has been made with regards to the Council's handling of the planning application and the conduct of the Planning Committee. However, I have considered this appeal proposal on its planning merits only and concluded that it would be acceptable for the reasons set out above.

Conditions

21. The Council have suggested seven conditions which I have considered against the tests as laid out in paragraph 55 of the National Planning Policy Framework. In the interests of consistency and precision, I have amended the wording of some of the conditions.
22. I have also imposed an additional condition relating to the submission of the details of the electric vehicle charging point. To safeguard the character and appearance of the area, it is necessary for the details relating to the electric vehicle charging point to be agreed prior to the commencement of development.
23. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
24. In the interests of the character and appearance of the area, it is necessary that the new boundary walls, hard and soft landscaping works and the car turntable shall be constructed/installed at the site, prior to the formation of the new vehicular access. I have not imposed such a requirement in respect of the electric vehicle charging point, as I see no reason why this could not be installed at a later date.
25. In the interests of highway safety, it is necessary to impose conditions related to the installation of convex mirrors and the removal of permitted development rights relating to the erection of walls, fences and other means of enclosure within the visibility splays. In respect of the removal of permitted development rights, I have amended the Council's suggested wording, as it referred to land outside of the site boundary.
26. Due to known surface flooding issues at the site, I have imposed a condition relating to surface water drainage. To ensure that such risks are appropriately managed, it is necessary for these details to be agreed prior to the commencement of development.

Conclusion

27. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Christopher Miell
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan
Site Plan/Block Plan
Drawing 2 (Ground floor plan) – Proposed design
Drawing 3 (Elevations from street) – Existing and proposed designs
Drawing 4 (Ground floor plan) – Demonstration of sightlines
- 3) Prior to the commencement of development, details of the electric vehicle charging point shall be submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of development, details of a surface water drainage strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall demonstrate that sustainable urban drainage principles have been followed and that any risk of surface water flooding can be mitigated and managed on site in accordance with the National Planning Policy Framework. The strategy shall include a management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime
- 5) Prior to the formation of the new vehicular access, the new boundary walls and the car turntable shall be constructed/installed at the site in accordance with the approved plans.
- 6) Prior to the formation of the new vehicular access, all hard and soft landscaping works at the site shall be carried out in accordance with the approved plans.
- 7) Prior to the formation of the new vehicular access, the convex mirrors shall be fitted in accordance with the approved plans and retained as such thereafter.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no wall, fence, hedge or other obstruction to visibility shall at any time exceed a height of 0.6m above ground level, as agreed by the local planning authority, within the first 2.1m of the site, measured from the highway boundary.