



Appeal Decision

Site visit made on 25 October 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2019

Appeal Ref: APP/L5810/W/19/3233807

Land Adjacent to 79 Blackmores Grove, Teddington TW11 9AE

- 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 Ms Dily Baines against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/1013/FUL, dated 25 March 2019 was refused by notice dated 4 June 2019.
 - The development proposed is described as 'Erection of a new 2 bedroom 2-storey dwelling house and alterations to the fenestration of no 1 and Cromwell Road Teddington'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the site address from the planning application form within the banner heading above.

Main Issues

3. The main issues are (i) the effect of the development upon the character and appearance of the area; (ii) the effect of the development upon the setting of the Park Road (Teddington) Conservation Area; and (iii) the effect of the development upon the living conditions of the occupiers of No 1 and 3 Cromwell Road, in respect of outlook.

Reasons

Character and appearance

4. The appeal site is located near to the corner of Cromwell Road and Blackmores Grove. It consists of a parcel of land to the rear of Nos 1 and 3 Cromwell Road, which is enclosed by timber fencing, and part of the rear garden of No 3.
5. The surrounding area has an urban residential character and the properties within the immediate locality are predominately two-storey detached, semi-detached and terraced dwellings from the Victorian, Edwardian and interwar periods. The dwellings are set back from the highway in a linear pattern of development and follow a clear building line. Whilst there are differing architectural styles present within the street, the consistent two storey scale of the dwellings and the use of common materials results in a design balance and

- symmetry which contributes positively to the character and appearance of the area.
6. It is proposed to erect a two-bedroom detached dwelling with basement level accommodation and associated landscaping and parking at the appeal site. In addition, fenestration alterations are proposed to No 1. Access to the proposed dwelling would be provided from Blackmores Grove.
 7. Despite the use of traditional external materials, the provision of an appropriate amount of spacing between the north elevation and No 79 Blackmores Grove and the alignment of the proposed dwelling with the established building line, the single storey nature of the proposal, with its uncharacteristically low eaves height, and the layout of the proposal with its limited depth to the rear of the building and 'L-shaped' plot configuration, would be significantly at odds with the aforementioned prevailing pattern of development in the locality. As such, the proposal would be an incongruous form of development when viewed from the street, which would cause significant harm to the character and appearance of the area.
 8. In addition, the undeveloped nature of the site provides an open visual gap between the properties on Cromwell Road and those on the eastern side of Blackmores Grove, and therefore contributes positively to a sense of spaciousness in the immediate area. The proposal would infill the existing gap, and, from the street, it would appear to foreshorten the depth of the gardens of Nos 1 and 3, which would unacceptably erode the existing open visual break between the two streets.
 9. The Council have raised concerns about the proposed lightwell and have concluded that it would be prominent from the street. However, the top of the lightwell would be located at ground level and views from the street would be screened by the boundary treatments to the front of the appeal site. As such, I find that this aspect of the development would not harm the character and appearance of the area. Despite this, the harm identified above is sufficient to justify dismissing the appeal.
 10. I acknowledge that a group of single storey garages have been built opposite the appeal site within the street gap between the properties on Cromwell Road and the western side of Blackmores Grove. Despite occupying part of the street gap, the garages are small buildings, which have an incidental function and appearance to the surrounding dwellings. Furthermore, and in any event, the existence of the garages does not alter my view that the appeal site offers some positive spacious and open relief to the otherwise built up nature of the surrounding area.
 11. My attention has been drawn to a residential development at 72 Stanley Road, which has been erected on a parcel of land between Stanley Road and Somerset Road. The appellant argues that the Council's decision is a material consideration, due to similarities between the development and the proposal. Given that Stanley Road is located a considerable distance away from the appeal site, such development is not seen in the context of the appeal site and does not therefore contribute directly to the distinctiveness of the local area. In addition, based on the evidence before me, the decision appears to pre-date the National Planning Policy Framework 2019 (the Framework) and the development plan and, in any event, I have determined this appeal on its individual planning merits.

12. Whilst I have found no harm in respect of the design of the proposed lightwell, when the proposal is considered as a whole, I conclude that the proposed development would cause significant harm to the character and appearance of the area. As such, the proposal would not accord with Policies LP1 and LP39 of the adopted London Borough of Richmond Upon Thames Local Plan (July 2018) (the 'LP'), the Design Quality Supplementary Planning Document (2006), the Small and Medium Housing Sites Supplementary Planning Document (2006) and the Hampton Wick and Teddington Village Planning Guidance Supplementary Planning Document (2017), insofar that they collectively require new development to be of a high quality design and relate to the site's existing context, including the character and appearance of the area.

Conservation area

13. The appeal site is located approximately 90 metres from the boundary of the CA. The development of this area began in the 18th century with the building of large villas on the west side of Park Road. When the railway arrived in 1863, the development of the area intensified, and new residential roads were laid out on the east side of Park Road around Teddington Station. Development near to Teddington Station consists of a tightly packed cohesive grid of streets of mid to late Victorian houses, set behind small front gardens and consistent front boundary walls enclosing the street. The dwellings are typically two-storey, eclectic in style and semi-detached or terraced in form.
14. Given the separation distance between the appeal site and the CA, the degree of screening provided by the intervening railway line and the mature trees on Cromwell Road, in addition to the low scale of the proposed development, I conclude that the proposal would have a neutral impact upon and thus preserve the setting of the CA and hence no harm would be caused to the significance of the CA by the erection of the proposed dwelling outside of it. Consequently, the proposal would accord with Policy LP3 of the LP, which requires new development to be assessed against its effect on the significance of the designated heritage asset.

Living conditions of neighbouring occupiers

15. Nos 1 and 3 Cromwell Road are two storey, detached properties, each of which have been converted into four flats. To the rear of the buildings, there is an area of communal outdoor amenity space for occupiers of the flats. At my site visit, the boundary between the rear gardens of Nos 1 and 3 was not defined.
16. The proposal would introduce built form along the shared boundary with Nos 1 and 3 and encroach into the rear garden of No 3, albeit that this part of the appeal site would remain undeveloped and be used to provide outdoor amenity space for future occupiers of the proposed dwelling. The impact of the additional built form, when viewed from the communal rear garden and the rearward facing windows, would be limited due to the single storey height and pitched roof design of the proposed dwelling, with townscape and skyward views still present. Consequently, I conclude that the occupiers of Nos 1 and 3 would retain an acceptable outlook in so far that the development would not have a significantly enclosing or dominant effect.
17. For the collective reasons outlined above, I conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of Nos 1 and 3 Cromwell Road with particular regard to outlook. As

such, the proposal would accord with Policies LP8 of the LP and the Small and Medium Housing Sites Supplementary Planning Document (2006), which collectively require new development to protect the amenity and living conditions of neighbouring occupiers.

Other Matters

18. The appellant has submitted a completed section 106 legal agreement during the appeal process which secures a financial contribution towards affordable housing. The Council have confirmed that the agreement is acceptable, which would overcome the third reason for refusal on the decision notice. Even if I were to find that the planning obligation met the tests set out under Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and Paragraph 56 of the Framework, the financial contribution towards affordable housing, which would be a positive matter in the overall planning balance, would not outweigh the harm I have identified in character and appearance terms.
19. The appellant contends that the appeal site was historically occupied by an ancillary residential building and therefore it is previously developed land, as defined by Annexe 2: Glossary of the Framework. The Council dispute the appellant's assessment and argue that the appeal site is a residential garden and therefore it falls outside of the definition of previously developed land. Even if I were to accept the appellant's view, the benefits of reusing previously developed land to deliver an additional dwelling would not be significant enough to alter or outweigh my overall conclusion on the main issues.
20. The proposed dwelling would provide a family sized unit, near to local services and public transport links which would contribute to the Borough's housing land supply needs. Whilst these factors weigh positively in favour of the development, they are not significant enough to outweigh the harm I have identified.

Conclusion

21. The proposed development would preserve the setting of the CA and would safeguard the living conditions of neighbouring occupiers. In addition, there would be some benefits arising out of the proposal in terms of affordable housing provision and a limited boost to the supply of housing in the area. However, the above would not overcome or outweigh the significant harm that would be caused to the character and appearance of the area, which is a matter of overriding concern. Accordingly, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR