



Appeal Decision

Site visit made on 2 December 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/L5810/W/19/3237411

12 Hazel Close, Twickenham TW2 7NR

- 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 Jan Koszelnik against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/1745/FUL, dated 23 May 2019, was refused by notice dated 13 August 2019.
 - The development proposed is demolition of single garage and out-building and the building of a new two storey 3-bed family house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the development on the character and appearance of the area;
 - ii) the effect of the development on the living conditions of the occupants of 10 and 12 Hazel Close, with particular regard to outlook and privacy; and
 - iii) whether the proposal makes suitable provision for affordable housing.

Reasons

Character and appearance

3. No 12 is a two-storey detached house located on the inner south-western 'corner' of Hazel Close, which is a circular street characterised by two storey detached houses and semi-detached bungalows. There is strong design consistency in the different house types found in the street and they are generally set proportionally within reasonably sized plots with front and rear gardens. The side-by-side spacing between houses is in most cases tight, except at the inner 'corners' where the rear gardens of the two-storey properties provide much greater separation and a sense of openness at those points in the street scene. The northern 'corner' properties, Nos 32 and 50, have their side gables closer to the pavement edge, but this does not diminish the sense of openness provided by their rear gardens. These 'corner' gaps are an important feature of the layout and street scene of Hazel Close, not an anomaly.

4. There is currently a single storey garage and a shed at the bottom of the rear garden of No 12, which due to their low height and set-back from the road, are not prominent in the street scene and do not compromise the typical spatial character of this 'corner' plot.
5. In contrast, the proposed two-storey house would be considerably taller and of greater width and mass than the existing buildings. Therefore, whilst the development would generally be consistent with Nos 14 and 16 in terms of scale and design, there would be a significant foreshortening of the garden of No 12 and a resultant uncharacteristic narrowing of the gap between 'corner' properties. This would reduce the sense of openness which currently exists in this part of the street scene and would fail to respect the layout of Hazel Close, to the detriment of its established character and appearance. I therefore do not accept the appellant's claim that the proposal would create a uniform and balanced street scene. A 'green wall' and additional planting in the garden of No 12 would not overcome this harm.
6. The appellant contends that the principle of infill or backland development has already been established on this site given a previous permission for a replacement outbuilding¹. However, from the information before me, the previously approved building was for ancillary purposes, and also single storey, so it is not comparable to the appeal scheme, which I have considered on its own merits.
7. As such, I conclude that the development would cause significant harm to the character and appearance of the surrounding area. This is contrary to Policies LP1 and LP39 of the London Borough of Richmond Upon Thames Local Plan 2018 (RUTLP), where they require new development, including infill or backland development, to respect the character and appearance of the surrounding area by, among other things, retaining similar spacing between new buildings to any established spacing, and enhancing the street frontage taking account of the local character. There is also conflict with the general aims of the Council's Design Quality Supplementary Planning Document (2006) with regards to respecting local character and context.

Living conditions

8. It appears that the Council has granted a separate planning permission for extensions to No 12², including single storey alterations to the rear. These have not yet been implemented, but either way, the height and proximity of the proposed house would have an imposing and dominant presence on the rear boundary of No 12. This would be particularly evident from the garden and ground floor living accommodation, notwithstanding that it would be slightly offset from the rear windows of No 12. As such, the development would have an unacceptable overbearing effect on the garden and outlook of No 12, which would harm the living conditions of its occupants.
9. The absence of windows facing No 12 and superficial measures such as a 'green wall' and additional planting would not reduce the scale or massing of the building and its resultant overbearing effect. Furthermore, as alluded to above, it appears that the previously approved outbuilding was smaller and

¹ Ref 17/0391/HOT

² Ref 19/1745/FUL

further from the rear of No 12 so it is not comparable to the appeal proposal in this regard.

10. The rear elevation would contain a first floor bedroom window facing the garden of No 10. The appellant states that this window would only overlook the bottom of the garden, but based on my observations during my site visit, I am not persuaded that this would be the case, given the relatively short length of the garden and proximity of the proposed window to the boundary. The appellant also states that this type of overlooking is common in urban areas. Whilst there is already some overlooking of No 10's garden from neighbouring properties, the proposal would result in a sense of visual intrusion and loss of privacy to a greater and more proximate extent than what currently exists, which would harm the living conditions of the occupants of No 10.
11. For these reasons, I conclude that the development would have an unacceptable impact on the living conditions of the occupants of 10 and 12 Hazel Close in terms of outlook and privacy. This is contrary to RUTLP Policy LP8, which seeks to protect the living conditions for occupants of neighbouring properties by ensuring, among other things, that proposals are not visually intrusive and overbearing. There is also conflict with RUTLP Policy LP39 in this regard, where it requires infill and backland development to protect the living conditions of neighbours from unacceptable loss of privacy and visual impact.

Affordable housing

12. RUTLP Policy LP36 requires a financial contribution towards affordable housing on all housing sites. On sites below the threshold of ten units gross, a financial contribution to the Affordable Housing Fund is required, commensurate with the size of development in line with a sliding scale set out in the policy and within the Affordable Housing Supplementary Planning Document (2014). A contribution of 5% of the open market valuation applies to the creation of a single unit.
13. The appellant has not disputed the need for an obligation to secure an affordable housing contribution, and submitted a draft unilateral undertaking with the appeal. I am satisfied that such an obligation would support the provisions of RUTLP Policy LP36. However, a completed obligation has not been provided.
14. Accordingly, in the absence of a completed obligation to secure the required affordable housing contribution, I conclude that the development is contrary to RUTLP Policy LP36, as set out above.

Other Matters

15. It is noted that interested parties raised a number of concerns that have not already been encapsulated above. This includes loss of light/overshadowing, parking, disturbance, smells, garden sizes and damage to foundations. These matters were before the Council when it determined the appeal planning application and did not feature in the reasons for refusal. Given my findings above, it is not necessary for me to consider these matters any further as it would not alter my decision.

16. I acknowledge that conditions could secure appropriate waste and cycle storage facilities to overcome the Council's concerns in this regard, but this would not alter or outweigh my conclusions on the main issues.
17. I have had regard to the aims of the National Planning Policy Framework in respect of making effective use of land, locating development in accessible locations close to shops and services, and adding to the supply and choice of housing in the area. However, these objectives and the modest benefits of the proposal in these respects do not outweigh the harm identified and the proposal's failure to comply with the policies of the adopted development plan.

Conclusion

18. For the reasons given and having taken into consideration all matters raised, I conclude that the appeal should be dismissed.

Adrian Caines

INSPECTOR