
Appeal Decision

Site visit made on 27 January 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2020

Appeal Ref: APP/L5810/W/19/3239844

2 River Meads Avenue, Twickenham TW2 5JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Miss K Whiddington against the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 18/2910/FUL, is dated 1 September 2018.
 - The development proposed is alterations and extension to the existing dwelling to form an additional dwelling.
-

Decision

1. The appeal is dismissed and planning permission for alterations and extension to the existing dwelling to form an additional dwelling is refused.

Procedural Matter

2. The appeal was submitted against the non-determination of the application. The Council's appeal statement assessed the proposal and outlined the reasons the proposal would have been refused had the appeal not been submitted. I have had regard to these putative reasons for refusal in my consideration of the appeal. Whilst, I note the concerns of the appellant regarding the Council's handling of the application, these are matters that would need to be taken up with the Council in the first instance. In determining the appeal I have only had regard to the planning merits of the case.

Main Issues

3. The main issues in the appeal are;
 - The effect of the proposal on highway safety; and
 - Whether or not the proposal would make adequate provision for affordable housing.

Reasons

Highway Safety

4. The appeal property is a semi-detached house located at the head of part of River Meads Avenue that forms a small cul-de-sac. The surrounding area is residential and comprises largely similar properties. The dwelling currently has a two storey side extension. A further two storey side extension is proposed

that would enable the conversion of the current dwelling into 2 separate 3-bedroom dwellings.

5. Two parking spaces for the new dwelling would be provided at the rear. These would be served by a narrow informal access track that runs between Willow Way and Hospital Bridge Road, and which also has an access point onto River Meads Avenue. A turntable would also be provided to enable the cars to enter and exit in forward gear.
6. Whilst there are a number of garages to the rear of other properties along this track, its narrow nature makes access to them difficult and it was clear from the surrounding vegetation that few of them were used for parking. The Council have indicated that the diameter of the turntable would be inadequate for larger vehicles and the appellant has not provided any evidence to the contrary. Nor have any tracking diagrams been provided to show that, despite the narrow width of the access track, it would be possible to turn into, and out off, the proposed parking area. In the absence of such information the usability of the proposed off-street parking has not been demonstrated.
7. The appellant has highlighted that the property formerly had a garage in the rear garden which was removed when it became dilapidated. Be that as it may, that does not indicate that the proposed parking spaces, which the appellant has stated would be in a different position, would be capable of being used.
8. In the immediate vicinity of the appeal site, the majority of houses have no off-street parking and so the demand for on-street parking is likely to be high. Although only a snapshot in time, at the time of my site visit (early afternoon on a weekday), the level of on-street parking was high and at evenings and weekends I would expect it to be higher. Given my findings regarding the inadequacy of the proposed parking at the rear, it is probable that the proposal would increase the demand for on-street parking. No parking survey has been provided to show that this additional parking could be satisfactorily accommodated on the street. In the absence of this, given the existing level of demand, it is probable that the increase in demand would be detrimental to highway safety.
9. Therefore, in the absence of evidence to the contrary, I consider that the proposal would be detrimental to highways safety. Accordingly, it would conflict with Policy LP45 of the *Richmond Local Plan (adopted July 2018)* (RLP) which requires developments to make adequate provision for the accommodation of vehicles.

Affordable Housing

10. RLP Policy LP36 requires schemes of less than 10 dwellings to make a financial contribution towards off-site affordable housing. This is supported by the Affordable Housing Supplementary Planning Document (adopted March 2014) (AHSPD).
11. Nevertheless, the *National Planning Policy Framework* (the Framework) indicates that the provision of affordable housing should not be sought for residential developments of less than 10 dwellings. As the most recent Framework was published in February 2019, this is a very recent expression of government policy and is a material consideration of significant weight.

12. The Council's evidence sets out the acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. They also highlighted a large number of recent appeal decisions for small residential schemes where it has been considered that the exceptional local need should outweigh government policy as set out in the Framework.
13. Taking into account the evidence before me, I consider that there is a pressing need for affordable housing in the area and that small sites play a key role in ensuring this provision. As such, in this case, I am satisfied that although considerable weight should be given to the Framework, it does not outweigh development plan policy.
14. The appellant has not disputed the need to make such a contribution but the Council have indicated that the commuted sum spreadsheet submitted by the appellant is incorrect, and that the contribution required is £11,866. This was not disputed by the appellant in their appeal submissions.
15. The requirement for an affordable housing contribution as set out in the above policy and the AHSPD is necessary to the acceptability of the development, is directly related to it, and is fairly related in scale and kind. As such it would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010, and the tests for planning obligations set out in the Framework. Annex N of the *Procedural Guidance - Planning Appeals - England (January 2020)* is clear that any form of planning obligation should be submitted with the appeal documentation. Without any mechanism before me which would secure the payment of this contribution, I am not satisfied that the proposed development would make adequate provision for affordable housing.

Other Matters

16. The Council have indicated that the appeal site forms part of a wildlife corridor connected to a nearby park and golf course, and that back gardens are therefore important for wildlife. The proposed extension would occupy an area that is currently part of the rear garden on No 2, although part of it is occupied by an outbuilding. Nevertheless, a number of trees and shrubs are likely to have to be removed. No details have been supplied of what replacement planting would be provided to mitigate the impact of the proposal and to ensure the ecology and biodiversity of the site was maintained or enhanced. This adds weight to my decision to dismiss the appeal.
17. The proposed parking at the rear would be located along what would become the common boundary with the host property. The Council have raised concerns regarding the potential for noise and disturbance for neighbouring occupiers from the use of the parking area and from the additional use of the access track. Notwithstanding my conclusions regarding the usability of this parking area outlined above, the movements associated with 1 dwelling are likely to be limited. Bearing in mind that existing dwellings could utilise this track in any case, I am not persuaded that the proposed parking area and use of the access track would give rise to significantly detrimental levels of noise and disturbance.

Conclusion

18. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR