



Appeal Decision

Site visit made on 29 October 2020

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/L5810/W/20/3249113

332 Richmond Road, Twickenham, TW1 2DU

- 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 Amerine Ltd against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 18/3418/FUL dated 1 October 2018, was refused by notice dated 19 December 2019.
 - The development proposed is demolition of existing garages and erection of 1 no. dwellinghouse. Relocation of entrance to existing flats.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing garages and erection of 1 no. dwellinghouse. Relocation of entrance to existing flats at 332 Richmond Road, Twickenham, TW1 2DU in accordance with the terms of the application ref: 18/3418/FUL, dated 1 October 2018, subject to the following conditions:
 - 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this decision;
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans: XEVA/332RR/306 Issue B, XEVA/332RR/302 Issue B, XEVA/332RR/303 Issue B, XEVA/332RR/304 Issue B, XEVA/332RR/308 Issue B and XEVA/332RR/310 Issue B;
 - 3) No 'above-ground' building works shall proceed until details and material samples of the external surfaces of the building (including fenestration) and, where applicable, all areas of hard standing and boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details;
 - 4a) No part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority;
 - b) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); detailing the quantity, density, size, species, position and the proposed time or programme of planting of all shrubs, hedges, grasses etc. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with BS 3936:1986 (Parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees);

- BS 4043: 1989, Transplanting root-balled trees; and BS 4428:1989, Code of practice for general landscape operations (excluding hard surfaces);
- c) All hard and soft landscape works shall be carried out in accordance with the approved details and in any event prior to the occupation of any part of the development;
- 5) No development shall take place, including any works of demolition, until a Construction Management Statement (to include any demolition works) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Statement shall provide for:
- The size, number, routing and manoeuvring tracking of construction vehicles to and from the site, and holding areas for these on/off site;
 - Details and location of parking for site operatives and visitor vehicles (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Details and location where plant and materials will be loaded and unloaded;
 - Details and location where plant and materials used in constructing the development will be stored, and the location of skips on the highway if required;
 - Details where security hoardings (including decorative displays and facilities for public viewing) will be installed, and the maintenance of such;
 - Details of any wheel washing facilities;
 - Details of a scheme for recycling/disposing of waste resulting from demolition and construction works (including excavation, location and emptying of skips);
 - Details of measures that will be applied to control the emission of noise, vibration and dust including working hours. This should follow Best Practice detailed within BS5288:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites;
 - Details of any highway licenses and traffic orders that may be required (such as for licences for any structures / materials on the highway or pavement; or suspensions to allow the routing of construction vehicles to the site);
 - Details of the timing of works and construction programme including a 24-hour emergency contact number.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no part of the roof of the building hereby approved shall be used as a balcony or terrace nor shall any access be formed thereto;
- 7) The dwelling shall not be occupied until secure cycle parking facilities have been provided in accordance with approved plans;
- 8) The dwelling shall not be occupied until arrangements for storage and disposal of refuse/waste has been made in accordance with the approved plans.

Procedural Matters

2. A completed Unilateral Undertaking (UU), dated 29 September 2020, has been submitted with this appeal and is discussed further within this decision.

Main Issues

3. The main issues are i) whether the scheme provides an appropriate contribution towards off-site affordable housing, ii) the impact of the proposal upon the setting, character and appearance of the wider streetscene and setting of the adjacent Conservation Area and iii) whether the proposal would have an impact upon on-street parking conditions.

Reasons

Affordable Housing

4. Both the detailed informatives in the decision notice, and the Council's statement of case, confirm that the first reason for refusal can be overcome by entering into a legal agreement to secure financial contribution to affordable housing.
5. The completed UU before me secures an affordable housing contribution of £16,641.00 to be paid prior to occupation of the proposed dwelling.
6. As a result of this the proposal would comply with London Borough of Richmond upon Thames Local Plan 2018 Policy LP36 which requires a financial contribution to the Affordable Housing Fund in line with the sliding scales set out within the Affordable Housing Supplementary Planning Document 2014.

Character and appearance of the wider streetscene and setting of the adjacent Conservation Area

7. The appeal site is wedge shaped and is located adjacent to the junction between Richmond Road, Alexandra Road and Cambridge Park. At the time of my visit I walked around the immediate area and noted that the building heights and design vary within the immediate area and include a modern, flat roof, block of flats, Victorian terraces and the prominent building on Richmond Road which is two-storey with a mansard roof. The appeal site is a relatively open, exposed, site but the large solid brick elevation of no. 332 Richmond Road is notable. The site is currently home to flat roof garages and a shed which are visually unattractive and, as a result of this, are prominent within the streetscene for negative reasons.
8. The bulk of the proposed dwelling would lie along Alexandra Road as a result of the plot constraints. It would be next to a row of terraced houses, however, the proposed gap between the buildings I find is sufficient to visually separate it from the established built form along Alexandra Road. The proposal does have a contemporary design when compared to the overall more traditional dwellings along Alexandra Road, however, the appeal site has constraints and I do not find it is necessarily appropriate just to replicate neighbouring development in this case. Furthermore, as noted above, the property styles in the immediate area are highly varied and it would be difficult to replicate one style without having contrast to another which supports the more bespoke approach as taken.

9. The existing garages are single-storey and the proposal is low-level (appearing single-storey), with a basement, and given the separation, garden and design features I do not find that it will present as cramped. The curved elevation gives the dwelling a recessive appearance which reduces the bulk compared to the more traditional, solid, building lines in the immediate area and retains an open feel along the pavement reducing the bulk where the garaging currently stands. I note the site is on a relatively prominent corner, however, the boundary treatments proposed will not look out of place considering the general site context where there are examples of boundary walls of a similar height.
10. The design, whilst not traditional, responds well to the constraints of the site and provides an opportunity for a visually interesting proposal to improve a site which I find currently detracts from the visual quality of the area. When looking at the street frontage the proposed street frontage would be relatively plain and this, I find, allows it to not look incongruous when taking into account that the side/rear elevation of no. 332 (facing into Alexandra Road) is a large solid brick wall with no design merit and limited features.
11. The garages on the appeal site do not currently contribute positively to the character or appearance of the site, the wider streetscene nor the adjacent Richmond Road Conservation Area (CA). The scheme enhances the character and appearance of the streetscene and the setting of the CA. I do not, therefore, find that the proposal has an impact upon the setting of the CA. I find that, overall, the appeal proposal is a bespoke response to the site and I consider it appropriate in terms of siting, scale, form and design.
12. The proposal would be consistent with LP Policy LP1 which requires development to be of high-quality design and compatible with local character, LP Policy LP3 which requires development to conserve, and where possible take opportunities to make a positive contribution to the historic environment and LP Policy LP39 which requires infill development to reflect the character of surrounding area and protect amenity and living conditions of neighbours.
13. The proposal would also be consistent with the Design Quality Supplementary Planning Document 2006 which seeks to support high quality inclusive design which takes the opportunity to improve the character and quality of an area and the Small and Medium Housing Sites Supplementary Planning Document 2006 which places emphasis on securing high standards of design.

Parking

14. Both the detailed informatives in the decision notice, and the Council's statement of case, confirm that the third reason for refusal can be overcome by entering into a legal agreement to prevent access to parking permits.
15. The completed UU before me prevents occupiers of the proposal from obtaining a Residents Parking Permit or to park a Motor Vehicle in any other place within the controlled parking zone within the Council's area. It also prevents the Council from entering into a contract with occupiers to park, or apply for a season ticket for, any car park controlled by the Council.
16. As a result of this the proposal would comply with LP Policy LP45 which seeks to minimise the impact of car-based travel and paragraph 108 of the National

Planning Policy Framework 2019 which seeks to ensure that any significant impact on highway safety can be cost effectively mitigated to an acceptable degree.

Other Matters

17. There are a number of objections to this appeal proposal. I have dealt with matters relating to design, character and appearance and impact upon the CA earlier within this decision letter. Similarly, as discussed, the UU is confirmed to remove the Council's reason for refusal relating to parking. The appeal proposal will be car free thus not contributing to the stated pressure on parking and highway safety.
18. Comments regarding ownership of the site are noted, however, the evidence before me confirms the appellant's freehold ownership of the site under title number MX235918 and TGL362967 respectively. Despite this, land ownership is a civil matter which can be attributed little weight within the determination of this appeal. The site plan demonstrates that the alley raised within objections is not blocked and will be retained allowing it to continue to be utilised for deliveries and as a fire escape as required.
19. The proposal will be required to meet building regulations to ensure safe excavations and construction. The Council have raised no reason for refusal relating to the basement excavation. A construction management plan has been conditioned which will assist in controlling disruption, including noise, during construction works.
20. The completion of the Community Infrastructure Levy (CIL) forms appears to have been subject to a minor mistake but it is outside the scope of this appeal and not a reason for refusal. CIL, as appropriate, will be calculated upon consent depending on the circumstances and exemptions available at the time.
21. The Council have considered flooding, and the flood risk assessment, within their report to committee and did not assess it as a reason for refusal, in fact concluding that the proposal would result in a reduction in surface run off from the site. Such elements of development are covered by building regulations. I have no evidence before me to conclude differently.
22. The curved rooms are noted, however, an ability to accommodate nonstandard furniture is not a planning consideration. The proposal is able to meet both Building Regulations requirement for accessible and adaptable dwellings and would accord with the nationally described space standards. There is no justifiable reason to refuse the proposal on such grounds.
23. I have no evidence before me to suggest that moving the access to no. 332 will create access issues sufficient enough to warrant refusal nor create a fire hazard and note that the Council, similarly, have found no issue in this regard either and it does not form a reason for refusal. Reference to previous applications are noted, however, it is the proposal before me which falls to be considered and a potential requirement for further applications is not a reason for refusal. Future applications will be considered on their own merits as appropriate.

Conditions

24. I have undertaken some rationalisation of the conditions which were suggested by the Council to ensure that all conditions meet the stringent tests set out within the National Planning Policy Framework 2019 and in order to keep conditions to only those necessary to make the development acceptable.
25. A condition requiring the development to be in accordance with the approved plans is required in order to control and define the development which is granted consent. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. In order to ensure a satisfactory appearance, I have attached a condition requiring approval of the materials for the external surfaces, hardstanding and boundary treatments as well as hard and soft landscaping works.
26. A Construction Management Statement is required to limit effects on the public highway and the living conditions of nearby residents during the construction period. A condition preventing use of the roof of the building as a balcony or terrace is required to protect the amenity of the area and neighbouring residents. A condition requiring cycle and waste storage to be provided prior to first occupation is required to ensure secure storage for a car-free development as well as protect the amenity of the area.

Conclusion

27. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to the conditions outlined at the start of this decision.

Eleni Randle

INSPECTOR