
Appeal Decision

Site visit made on 26 November 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/L5810/W/20/3257814

27 Blandford Road, Teddington TW11 0LF

- 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 Aquinna Homes plc against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 20/0059/FUL, dated 23 December 2019, was refused by notice dated 23 May 2020.
 - The development proposed is demolition of existing bungalow and erection of 3no. new residential units comprising 3 x 3 bedroom terraced houses, together with associated landscaping and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Plans¹ were provided as part of the appeal showing the relationship between the proposed scheme and 25 Blandford Road. Although not before the Council when determining the application, the main elements of the scheme have not altered from that originally submitted and upon which consultation took place. Against this backdrop, no injustice would be caused to any appeal party or third party if I were to take these plans into account. I have considered the appeal on that basis.

Main Issues

3. The main issues of the appeal are:
 - The effect of the proposed development on the living conditions of the occupiers of 25 Blandford Road, with particular regard to privacy;
 - Whether the proposed development makes appropriate provision for affordable housing; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Living Conditions

4. Some mutual overlooking is inevitable and tolerable in residential areas. However, at present the side elevation of 25 Blandford Road (No 25) that faces

¹ Drawing No JS1 and Drawing No JS2

the appeal site and its main private outdoor space between is relatively secluded and not overlooked from the appeal site.

5. Separation distances between No 25 and the rear elevations of the proposed dwellings would be in the region of that referred to in the SPD² and the Local Plan³ in some instances. However, distances from some bedroom windows at first and second floor level of the proposed dwellings would fall below this. There are habitable room windows on the side elevation of No 25 facing the appeal site including a living room and kitchen with dining area. In most instances these windows are large, allowing clear views into the rooms and are the main windows for them. Even though the existing garage would provide some screening, there would still be relatively direct and uninterrupted views into several ground floor windows at No 25.
6. Furthermore, the main private outdoor space for No 25 is located between it and the appeal site. The same proposed windows, that would be spread across almost all the boundary with No 25, would overlook the outdoor space at a closer distance than the window to window separation. This would give rise to an unacceptable increase in the level of overlooking.
7. Bike stores at the rear of the appeal site would result in gaps in any boundary landscaping and therefore not prevent overlooking taking place. Conditions have been suggested to agree the location of the bike stores and landscaping. However, without full details of these I cannot be sure that it would retain sufficient privacy for the occupiers of No 25.
8. Overlooking from the proposed properties would be at an angle to the studio at No 25. Moreover, the studio has no windows on the elevation facing the appeal site. Therefore, sufficient privacy would be retained at the studio.
9. Notwithstanding this, the proposed development would unacceptably harm the living conditions of the occupiers of No 25 with regard to privacy. The scheme would be contrary to Policy LP8 of the Local Plan where it, in part, seeks to protect the amenity and living conditions for occupants of existing, adjoining and neighbouring properties.
10. The decision notice refers to the House Extensions and External Alterations Supplementary Planning Document. However, the appeal scheme is not for an extension or alteration to an existing dwelling. As such, this is not applicable to the appeal proposal.

Affordable Housing

11. Policy LP36 of the Local Plan states that developments of the scale proposed are required to provide a financial contribution towards affordable housing elsewhere in the Borough. This policy is not consistent with the National Planning Policy Framework (Framework) where it outlines that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas.
12. Nevertheless, from the details before me, evidence was provided as part of the Local Plan of the level of need for affordable housing within the Borough. Therefore, in this case I give the conflict with the Framework limited weight.

² Small and Medium Housing Sites Supplementary Planning Document

³ Policy LP8 of the London Borough of Richmond Upon Thames Local Plan

13. The appellant has stated a contribution towards affordable housing has been agreed with the Council. Nonetheless, the planning obligation provided has not included or been accompanied by an up to date copy entry or entries from the Land Registry as required by N.5.2 of the Procedural Guide Planning appeals - England. Without evidence of title, I cannot be certain that all the relevant parties have entered into it. In the absence of a satisfactory obligation there is no mechanism to secure the contribution.
14. Exceptional circumstances for a particularly complex scheme have not been demonstrated. As such, as advised in Planning Practice Guidance, the use of a planning condition to secure a planning obligation would not be appropriate in this instance.
15. Consequently, the proposal would not provide an appropriate level of affordable housing. It would fail to accord with Policy LP36 of the Local Plan and the Affordable Housing Supplementary Planning Document where they require provision from developments of this scale.

Character and Appearance

16. There is a verdant streetscene along much of Blandford Road created in part by street trees at regular intervals. The loss of a tree within the pavement adjacent to the appeal site would adversely affect this. The landscaping proposed would be within the site and not address the loss in the public realm. The appellant has provided a planning obligation that includes a contribution towards a new tree. Notwithstanding this, as above, the lack of certainty over those with an interest in the site means the obligation cannot be relied upon to secure the contribution.
17. The appeal proposal would create 3 vehicle crossings near each other and frontage parking. Nonetheless, there is already an access for the bungalow to the same part of the street with parking in front of it. Furthermore, frontage parking with sometimes wide cross overs close to one another and limited boundary landscaping is not uncommon in parts of the street. Proposed landscaping to the roadside boundaries would soften the appearance of the access and parking areas. This would prevent them dominating the streetscene.
18. The appeal site is a corner plot and therefore is seen in 2 different street scenes. The appeal proposal would be much closer to the road than the prevailing front building line of properties beyond No 25 and would not be a landmark building. Notwithstanding this, the scheme has a similar set back to that of No 25 and it is this property that it would most readily be seen with. Therefore, the position of the properties would not appear incongruous.
19. The scheme would not replicate the design of any nearby properties and would be considerably taller than the existing bungalow. Nonetheless, there is a mix of property styles and sizes in Blandford Road, including 3 storey dwellings. The external materials, scale and appearance of the proposed terrace would draw on aspects of the local area. Outdoor spaces would be comparable to nearby properties and the dwellings are set in from the site boundaries. Consequently, the scheme would not appear cramped.
20. However, with the loss of the street tree without appropriate replacement the proposal would unacceptably harm the character and appearance of the area.

It would be contrary to Policy LP16 of the Local Plan where it seeks to resist development which results in the damage or loss of trees that are considered to be of townscape or amenity value and that a financial contribution for any tree that is felled is made towards the provision for an off-site tree.

21. The reasoning from the Council with regard to the loss of the street tree does not indicate there are biodiversity concerns. As a result, in this instance Policy LP15 is not applicable to this main issue.

Other Matters

22. The proposal would align with the aims of the Framework to significantly boost the supply of housing and that small and medium-scale developments can make an important contribution to meeting the housing requirement. However, given the scale of the proposal, the contribution would be small. Even if I were to agree that the proposal makes a more efficient use of the land, this does not outweigh my findings on the main issues.
23. There is no detailed information provided to demonstrate that a greater set back of the proposed properties from No 25 would affect the viability of the scheme.
24. As I have found sufficient harm to warrant dismissing the appeal, I do not need to consider matters such as highway safety, land stability and flooding in any detail. In any event, a lack of harm would be a neutral factor.

Conclusion

25. Therefore, for the reasons given above and having regard to all matters raised, I conclude that the appeals should be dismissed.

Stuart Willis

INSPECTOR