



Appeal Decision

Site visit made on 7 September 2020

by Robin Buchanan BA (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 January 2021

Appeal Ref: APP/L5810/W/20/3254568
25 Cranmer Road, Hampton Hill TW12 1DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Akash Gandhi against the decision of the Council of the London Borough of Richmond-upon-Thames.
- The application Ref 20/1070/FUL, dated 15 April 2020, was approved on 8 June 2020 and planning permission was granted subject to conditions.
- The development permitted is described as proposed demolition of existing house and construction of new dwelling.
- The conditions in dispute are Nos U0082918, U0082914, U0082915, U0082916, U0082920, U0082925, U0082922 and U0082923 which state that:

U0082918 CMS

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:

- 1. The size, number, routing and manoeuvring tracking of construction vehicles to and from the site, and holding areas for these on/off site;*
- 2. Site layout plan showing manoeuvring tracks for vehicles accessing the site to allow these to turn and exit in forward gear;*
- 3. 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);*
- 4. Details and location where plant and materials will be loaded and unloaded;*
- 5. 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;*
- 6. Details of any necessary suspension of pavement, road space, bus stops and/or parking bays;*
- 7. Details where security hoardings (including decorative displays and facilities for public viewing) will be installed, and the maintenance of such;*
- 8. Details of any wheel washing facilities;*
- 9. Details of a scheme for recycling/disposing of waste resulting from demolition and construction works (including excavation, location and emptying of skips);*
- 10. 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;*
- 11. 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);*
- 12. Details of the phasing programming and timing of works;*
- 13. A construction programme including a 24 hour emergency contact number;*
- 14. See also TfL guidance on Construction Logistics Plans.*

U0082914 Landscape maintenance

Prior to the occupation of the development hereby approved, a schedule of landscape maintenance for a minimum period of 5 years from the date of completion of the landscaping scheme shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation and shall be implemented as approved from the date of completion of the landscaping scheme as part of the development.

U0082915 Energy reduction

The dwelling hereby approved shall achieve at least a 35% reduction in Carbon dioxide emissions beyond Building Regulations requirements (2013).

U0082916 Water consumption

The dwelling hereby approved shall not be occupied other than in accordance with the water consumption targets of 105 litres or less per person per day, and 5 litres or less per head per day for external water use.

U0082920 PD restrictions

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 external alterations or extensions shall be carried out to the building(s) hereby approved.

U0082925 Restrict outbuilds-Appear/amenity

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 building, enclosure or swimming pool falling within Part 1, Class E, shall be erected on any part of the land.

U0082922 Refuse

None of the buildings hereby approved shall be occupied until arrangements for the storage and disposal of refuse/waste have been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

U0082923 Cycle Parking

No building/dwelling/part of the development shall be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof and retained as such thereafter.

- The reasons given for the conditions are:

U0082918

In the interests of highway and pedestrian safety together with the amenity of the area.

U0082914

To ensure that the proposed development does not prejudice the appearance of the locality and to preserve and enhance nature conservation interests.

U0082915

In the interests of energy conservation in accordance with the Councils sustainability policies.

U0082916

In the interests of water efficiency in accordance with the Councils sustainability policies.

U0082920

To safeguard the amenities of the occupiers of adjoining property and the area generally.

U0082925

To safeguard the amenities of the adjoining occupiers and the area generally.

U0082922

To safeguard the appearance of the property and the amenities of the area.

U0082923

To accord with this Council's policy to discourage the use of the car wherever possible.

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The Council has granted planning permission for the demolition of a bungalow and the construction of a replacement house at the appeal site, subject to conditions. The appellant objects to the imposition of 8 conditions, as referred to in the banner heading above, and seeks to have them removed.
3. In the context of this background the main issues are the effect that removing the disputed conditions would have on:
 - The living conditions of the existing occupiers of nearby houses and the future occupiers of the permitted house, having particular regard to noise, vibration, dust, odour, daylight, sunlight, outlook and privacy;
 - The character and appearance of the area, including the significance of a non-designated heritage asset;
 - Highway safety, having particular regard to the use of the highway by all users;
 - Biodiversity, having particular regard to the provision of new habitat;
 - Sustainable use of natural resources, having particular regard to energy and water; and
 - Cycle and refuse storage, having particular regard to siting and type.

Reasons

4. The appeal site is a detached bungalow and garden at one end of a reasonably closely spaced row of houses along Cranmer Road, which is in a moderately densely developed suburban residential area. These houses back onto a similar row of houses in Lindsay Road. On one side of the bungalow is a house at 78 Park Road, which the Council has identified as a 'Building of Townscape Merit' (BTM) and is a non-designated heritage asset, and on the other side is 27 Cranmer Road. At my site visit I saw cars parked along both sides of the road, which has pavements on either side. Many gardens in Cranmer Road, including the appeal site, have trees, shrubs and hedgerows which give the area a verdant character and provide habitat for wildlife. The permitted house is two-storey with a hipped roof and a floorplan appreciably wider than the existing bungalow. It will be sited quite close to the appeal site boundary either side and the back garden is relatively short compared to others nearby.

Construction Management Statement (condition U0082918)

5. The development is only for one house and there might be a limited number of site workers. Nonetheless, there will be reasonably substantial demolition and building works on a relatively limited site area using a single vehicular access. This will likely require skips, scaffolding and other heavy plant, equipment and machinery, as well as vans or lorries for the delivery and removal of materials and some workers and construction vehicles may park elsewhere in Cranmer Road or other roads nearby.
6. This activity will be relatively close to adjoining houses and gardens and it is likely that the construction phase would last several months, so it is significant for these reasons. Without appropriate mitigation there is therefore a high likelihood of potential harmful effects on the living conditions of the occupiers of nearby houses with regard to noise, vibration and dust and a realistic possibility of interference with the use of the highway by all users including resident and visitor on-street parking, use of pavements by pedestrians and the free flow of traffic along Cranmer Road and connecting roads.
7. Considering the above, in addition to highways matters it is therefore appropriate for this condition to cover other matters of recognised planning interest, and on the evidence before me it has not been demonstrated that this condition should only apply to larger scale development projects, as the appellant otherwise suggests. It is reasonable to expect that the Council would seek to approve practicable details commensurate with the scale and nature of the development.
8. Consequently, the condition is necessary and subject to the approval of satisfactory details the development would not cause harm to the living conditions of occupiers of nearby houses or to highway safety. It would accord with Policies LP8 and LP45 of the London Borough of Richmond-upon-Thames Local Plan, July 2018 (the LP). These policies include that development should protect the living conditions of occupants of adjoining and neighbouring properties, not cause harm to the reasonable enjoyment or use of buildings and gardens due to increases in traffic, servicing, parking, noise, disturbance, air pollution or vibration, and make provision to accommodate vehicles to provide for the needs of the development, including lorry parking.
9. It would be consistent with the National Planning Policy Framework (the Framework) paragraphs 108, 109, 110, 111 and 127 which include that development should achieve safe and suitable access for all users, avoid unacceptable impact on highway safety, minimise conflicts between pedestrians, cyclists and vehicles, allow for efficient delivery of goods and access by service vehicles, provide a travel plan and result in a high standard of amenity for existing users of buildings.

Landscape Maintenance (condition U0082914)

10. The landscaping condition (U0082913) includes details of 'anticipated' maintenance and should ensure that an approved landscaping scheme is initially carried out; whereas, the landscape maintenance condition (U0082914) should ensure that the landscaping is retained and maintained for at least 5 years during which time the Council may inspect the landscaping — otherwise it could be altered or removed (including by a future new owner) and there

would be no means for the Council to take appropriate remedial action, if it were expedient to do so.

11. Consequently, the condition is necessary and enforceable and subject to the approval of satisfactory details the development would not cause harm to the character and appearance of the area or to biodiversity habitat. It would accord with LP Policies LP1, LP15 and LP16. These policies include that development should enhance local character and the environment with regard to landscaping and provide biodiversity benefits. It would be consistent with Framework paragraphs 124, 127 and 170 which include that development should create high quality places and add to the overall quality of an area, be visually attractive as a result of good layout and effective landscaping, be sympathetic to local character including the surrounding landscape setting and provide net gains for biodiversity.

Energy Reduction (condition U0082915)

Water Consumption (condition U0082916)

12. The approved plans condition (U0082911) includes that 'the development hereby permitted shall be carried out in accordance with the following approved plans and documents'. It lists the approved plans but not any other documents so there is no obligation on the appellant (or a future owner of the appeal site) to carry out the development in accordance with the submitted energy and water reports. The energy reduction condition (U0082915) and water consumption condition (U0082916) should ensure that the already submitted and approved details are incorporated by the appellant (or a future owner) in the construction or use of the permitted house — otherwise there would be no means for the Council to enforce the measures set out in the appellant's energy and water reports.
13. Consequently, these conditions are necessary and will ensure that the development would accord with LP Policies LP20 and LP22 and as a result not cause harm to the use of energy and water natural resources. These policies include that development should minimise energy consumption, reduce carbon dioxide emissions and incorporate water conservation measures. It would be consistent with Framework paragraphs 148, 149 and 150 which include that development should reduce greenhouse gas emissions, support low carbon energy, plan to mitigate the effects of climate change including with regard to water supply, minimise vulnerability and improve resilience.

Permitted Development Restrictions (condition U0082920)

Restrict Outbuildings (condition U0082925)

14. The permitted house will have significantly increased visual and physical presence on the appeal site compared to the bungalow, having regard to layout, siting, scale and massing. It will therefore reduce existing spaces and gaps to nearby houses and gardens, including to No 78 Park Road BTM. This tighter, more built-up form of development will be noticed as a change to the character and appearance of the area in public views from Cranmer Road and Lindsay Road, and will be apparent to the occupiers of these other houses in outlook from windows and from gardens.
15. The permitted development restriction condition (U0082920) includes that 'no external alterations or extensions shall be carried out to the building(s) hereby approved'. The development is for a house and consequently it is clear that

Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) applies. This part relates to development within the curtilage of a dwellinghouse and the word 'alteration' appears within Classes A, B, C, G and H therein. The 'restrict outbuildings' condition (U0082925) refers to 'Part 1, Class E' of the GPDO and the wording 'building, enclosure or swimming pool' engages Class E(a). There is therefore a difference in approach to the wording of each condition but this is not incompatible and neither condition is deficient.

16. The appellant does not have any plans for further development at the appeal site but a future owner may have other intentions. There is therefore a realistic possibility that development of the sort referred to above, including less than the maximum otherwise allowed by the limitations and conditions of the GPDO, could otherwise take place. An 'article 4 direction',¹ as is suggested by the appellant, might allow the Council to withdraw permitted development rights across a defined area,² for example including the appeal site. However, in this appeal the potential harm due to the exercise of these permitted development rights arises at the appeal site and there is no evidence before me to indicate that an area wide removal of such rights is justified or would be a more expedient remedy than a condition. Despite both conditions the appellant (or a future owner) may nonetheless still seek planning permission for further development by planning application. This would give the Council the opportunity to consider a proposal in more detail.
17. Consequently, these conditions are necessary, reasonable and precise and should ensure that further development at the appeal site would not cause harm to the character and appearance of the area, to the significance of No 78 Park Road BTM or to the living conditions of occupiers of nearby houses and the future occupiers of the permitted house having regard to daylight, sunlight, outlook and privacy.
18. It would accord with LP Policies LP1, LP4 and LP8. These policies include that development should enhance local character and the environment, be compatible with existing development patterns including in scale, height, massing, proportions, form, layout, siting and space between buildings, and preserve the significance, character and setting of any BTM and protect the living and amenity conditions of occupants of adjoining and new properties having regard to daylight, sunlight, outlook and privacy and ensure no harm to the reasonable enjoyment of the use of buildings and gardens due to noise or disturbance.
19. It would be consistent with Framework paragraphs 124, 127 and 197 which include that development should create high quality places and add to the overall quality of an area, be visually attractive as a result of good architecture and layout, be sympathetic to local character including the surrounding built environment, maintain a strong sense of place, result in a high standard of amenity for existing and future users and have regard to the significance of a non-designated heritage asset.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

² PPG Paragraph: 036 Reference ID: 13-036-20140306.

Refuse (condition U0082922)

20. The proposed ground floor plan shows a 'refuse storage area' in the front garden of the permitted house. It would be reasonably close to ground floor habitable room windows and also close to ground floor habitable room windows of No 27 Cranmer Road.
21. The appellant might install covered refuse storage but this would be to the appellant's own personal preference rather than to the Council's requirements. It is therefore possible that there could be harm to the living conditions of the occupiers of both dwellings by virtue of odour, including for example in summer months when windows are more likely to be open or people in gardens. In addition, refuse storage in the front garden would be conspicuous in public views from Cranmer Road, over the top of the front and side garden boundaries at No 27 or over the top of the new front garden boundary at the appeal site. As a result, this could potentially be harmful to the character and appearance of the area.
22. The condition therefore allows the Council the opportunity to consider a proposal for refuse storage in more detail and the time period for determining such an application is set by the Government. In addition, the condition includes that 'none of the buildings hereby approved shall be occupied until arrangements for the storage and disposal of refuse/waste have been made'. Therefore, if at any time after the Council had approved refuse details, those details were no longer 'made', ie present at the appeal site, the Council could enforce the restoration of such details.
23. Consequently, the condition is necessary, reasonable and enforceable and subject to the approval of satisfactory details of the siting and type of refuse storage the development would not cause harm to the living conditions of future occupiers of the permitted house or to the occupiers of No 27 Cranmer Road, or to the character and appearance of the area. It would accord with LP Policies LP1 and LP8. These policies include that development should be suitable and compatible having regard to potential adverse impacts of the co-location of uses through layout, design and management of the site, and should ensure there is no harm to the reasonable enjoyment of the use of buildings and gardens due to servicing and odours. It would be consistent with Framework paragraphs 124 and 127 which include that development should create high quality places, will function well and add to the overall quality of an area and result in a high standard of amenity for existing and future users.

Cycle Parking (condition U0082923)

24. The proposed ground floor plan shows two cycles sited in the rear garden. This cycle parking could be secured by a chain to a stand or behind lockable pedestrian side gates and cycles could be protected by temporary waterproof fabric covers. However, this would not provide permanent covered cycle storage and cycles would therefore potentially be at increased risk of additional maintenance due to the effects of inclement weather and, consequently, could become a less desirable alternative means of transport to the private car.
25. The appellant did not own a car when the appeal was submitted, but the appellant (or another owner) could do so in the future. The appellant owns a bike and might install permanent covered cycle storage (which could also be secure) but this would be to the appellant's own personal preference rather

than to the Council's requirements. The condition therefore allows the Council the opportunity to consider a proposal for cycle parking in more detail and an application for approval should reasonably be determined by the Council within the requisite time period. The condition includes that the approved cycle parking is 'retained as such thereafter', so if the approved details were not retained the Council could enforce the restoration of such details.

26. Consequently, the condition is necessary and reasonable and subject to the approval of satisfactory details of the siting and type of cycle parking the development would not cause harm to the provision of secure and covered cycle facilities. It would accord with LP Policies LP44 and LP45. These policies include that development should promote safe, sustainable and accessible transport solutions which minimise congestion, air pollution and carbon dioxide emissions, maximise health benefits and provide access to services facilities and employment and provide for cycles. It would be consistent with Framework paragraphs 108, 110 and 127 which include that development should promote sustainable transport modes, give priority to cycle movements and promote health and well-being.

Conclusion

27. Considering the above, and having regard to the relevant tests of paragraph 55 of the Framework and related Planning Practice Guidance,³ I find that all of the conditions in dispute would serve a useful planning purpose and are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Consequently, that the Council has also kept planning conditions to a minimum.
28. For the reasons given, the appeal does not succeed.

Robin Buchanan

INSPECTOR

³ PPG Paragraph: 003 Reference ID: 21a-003-20190723.