



Appeal Decision

Site visit made on 9 December 2020

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2021

Appeal Ref: APP/L5810/W/20/3248929

47 Crown Road, Twickenham, Richmond, London, TW1 3EJ

- 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 P Millett, (Mirenbridge Management Limited), against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 19/2417/FUL dated 1 August 2019, was refused by notice dated 14 February 2020.
 - The development proposed is upward roof extension to provide for one flat, and alter elevations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon:
 - the character and appearance of the area;
 - the living conditions of occupants of 29 Baronsfield Road, with particular regard to outlook; and
 - whether or not the proposed development would make adequate provision for affordable housing.

Reasons

Character and Appearance

3. The appeal site is a corner plot on the junction of Baronsfield Road and Crown Road. It falls within, and marks the end of, the mixed use commercial part of Crown Road, which extends from the junction with St Margarets Road to the appeal site. It is also adjacent to the Crown Road Conservation Area (CA) and forms part of its setting.
4. This part of Crown Road which extends into the CA comprises mainly shops and commercial units on the ground floor with residential units on the floors above. The buildings vary in appearance. Some have shop fronts extending forward of the upper floors. There are first floor bays on some buildings either extending into the roof with a pitched roof gable, or with turret roofs projecting beyond the roof slope. There is a mix of pitched roof dormers, and some Dutch gable roofs towards the St Margarets Road end of the road. Frontages are generally red brick. Some are decorated with stucco and inlaid tiles. Building heights

- vary. Those with significant roof accommodation are generally higher and appear as 3 storey buildings. These features are identified as characteristic of the area in the St Margarets Village Planning Guidance Supplementary Planning Guidance (2016) (SPG) and the Crown Road Conservation Area Plan.
5. The appeal site consists of a modern 3 storey flat roofed building with associated service yard and a small service building on the roof. There are shops on the ground floor and flats on the first and second floor. The top of the roof parapet is approximately level with the ridge height of the adjacent building on Crown Road. The Council is concerned that raising the roof would lead to a dominant development harming the appearance of the building and wider area including the setting of the CA.
 6. The proposal would lead to a modest increase in the parapet height and the construction of a mansard roof set back from it. Although the roof would be higher than is currently the case it would, in my view, add interest to an otherwise relatively plain modern building which, partly by virtue of its flat roof, is at odds with the appearance of other buildings in the area. The building's length to height gives a form that can accommodate the upward extension without it appearing dominant, particularly given its set back from the roof edge. Windows in the roof would be consistent with accommodation in the roofs of buildings elsewhere in the area.
 7. Crown Road is on a slight incline sloping upwards away from the appeal site towards the junction with St Margarets Road. This slope emphasizes the various roof heights and forms when looking along Crown Road in either direction. The proposed development would add to, rather than detract from, that variation and would not have any adverse effect upon the key characteristics of the area that I have identified above.
 8. Overall, I conclude on this main issue that the proposed development would provide a modest enhancement to the character and appearance of the building and South of Amyand Park Road Character Area, and thus the setting of the CA, and therefore be in accordance with policies LP1, LP2, LP 3 and, LP39 of the London Borough of Richmond Upon Thames Local Plan (2018) (LP), and the aims and objectives of the SPG, which require development to improve the character and appearance of buildings and the area and make a positive contribution towards local character and the historic environment. There would be no conflict with paragraphs 193 to 196 of the National Planning Policy Framework (the Framework).

Living Conditions

9. 29 Baronsfield Road is to the side of the appeal property which is set back from the boundary wall between them. Although the proposed development would raise the height of the appeal property it would not be seen from inside the house. This is because the only window on the side elevation of the house facing the appeal site is on the ground floor. It faces the boundary wall which is relatively high and attached to a lean-to roof which extends to the wall above the window and thus obscures views of the building.
10. No 29's rear garden is wedge shaped and tapers away from the house. Boundary walls, the lean-to roof at the side of the house, and plants and shrubs offer some degree of privacy from neighbouring properties. Buildings adjacent to the appeal site, along Crown Road, back on to No 29's rear garden

and are closer to it than the appeal property. Consequently, although they are not as high as the proposed development, they have more of an effect on the outlook from No 29 than the appeal property and are to some extent visually intrusive and overbearing. This effect is emphasized because of the relatively narrow garden which limits the visual relief from their presence.

11. I consider that the position of the appeal property to the side of No 29, its distance from it, and the roof extension's position behind the roof parapet is such that the proposed development would not lead to a significant increase in visual intrusion or overbearing impact beyond that which already exists. Overall, I conclude on this main issue that the living conditions of the occupants of No 29 would not be unacceptably harmed and there would be no conflict with policies LP1 and LP8 of the LP and the SPG which require development to be high quality that is not visually intrusive or would have an overbearing impact on neighbours.

Affordable Housing

12. Policy LP36 of the LP requires all housing development to contribute towards affordable housing. On sites of 10 or more houses affordable housing should be provided on site. On smaller sites a financial contribution is sought. In the case of 1 unit, it would be 5% based on calculations set out in the London Borough of Richmond Upon Thames Supplementary Planning Document Affordable Housing (2014) (SPD).
13. The Council referred, in the Officer's Report, to National Planning Policy Guidance, which has subsequently been incorporated in paragraph 63 of the National Planning Policy Framework (the Framework), which advises that affordable housing contributions should not be sought for residential developments that are not major developments and is therefore a material consideration of significant weight. However, the issue of requiring affordable housing on small sites was considered during the Local Plan Examination and the Planning Inspector concluded that the policy was justified adequately.
14. No evidence has been submitted contesting affordable housing need, raising viability concerns, or identifying any benefits that would outweigh the affordable housing requirement. Instead, the appellant has indicated a willingness to submit a unilateral undertaking to provide the contribution required by the Council. There is therefore no dispute that the Council is justified in requiring an affordable housing contribution and that the requirement meets the tests in Regulation 122 (2) of the Community Infrastructure Regulations 2020 and paragraph 56 of the Framework. However, no signed agreement has been provided and the proposed development would not therefore make adequate provision for affordable housing and as such is contrary to policy LP36 of the LP and the SPD.

Other Matters

15. I have had regard to local concerns relating to the effect of the proposal upon car parking, the service yard used by commercial leaseholders, privacy, natural light to nearby properties, bird life, noise and traffic levels during construction and living conditions of neighbours with regard to noise. However, these do not add to my reasons for dismissing the appeal.

Conclusion

16. I have concluded that the proposal would provide a modest enhancement to the appearance of the building and would preserve the setting of the adjacent CA, and that it would not harm the living conditions of neighbouring residents. However, my conclusion with regard to the proposal failing to make adequate provision for affordable housing represents a significant and overriding objection which must be decisive. Therefore, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR