

Appeal Decision

Site visit made on 12 January 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Appeal Ref: APP/L5810/W/20/3256402

2-4, Udney Park Road, Teddington TW11 9BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Bagnall on behalf of Alfred Bagnall and Sons Ltd against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/2035/OUT, dated 21 June 2019, was refused by notice dated 13 March 2020.
 - The development proposed is demolition of existing house, offices and sheds and erection of 21 retirement flats in 3 storey block with associated access and parking (outline application assessing access, layout and scale only).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address cited on both the decision notice and appeal form has been used for the banner heading above, as that aligns more accurately with the site as defined on the submitted site location plan.
3. The outline planning application to which this appeal relates sought approval of the proposed access, layout and scale. Matters of appearance and landscaping were reserved for future determination. The subsequent revised description of development is used in the banner heading above in the interests of clarity.
4. The submitted plans include details of those matters which have been reserved. For the purposes of this appeal, those aspects are considered solely on an illustrative basis, even though they have not been explicitly labelled as such.

Main Issues

5. The main issues are:
 - the effect of the scale and layout of the appeal proposal on the existing living conditions of occupants of neighbouring residential units, with particular regard to outlook;
 - the effect of the scale and layout of the appeal proposal on the capacity of the local highway network, with particular regard to proposed parking arrangements;

- the effect of the appeal proposal on the local economy, with particular regard to the supply of industrial, office and employment floor space;
- whether or not the appeal proposal would contribute towards meeting identified priority local housing need, with particular regard to unit size, type and affordability; and
- the effect of the appeal proposal on the character and appearance of the street scene and setting of High Street, Teddington Conservation Area and nearby Buildings of Townscape Merit.

Reasons

Living conditions

6. The appeal proposal would represent a high density residential development within a predominantly residential street. The proposed scale and layout of the appeal proposal would result in a significant increase in the height and overall mass of built development that would occupy the site in comparison to that which currently exists.
7. The proposed layout would demonstrate scope for reasonable internal living conditions to be achieved for future residents. However, the overall site layout would also mean that the appeal proposal would be sited within very close proximity to the rear windows of upper floor flats at Nos 104-110, High Street.
8. Consequently, the outlook currently enjoyed by occupants of those existing flats would be significantly diminished by the increased sense of enclosure that would result. This would be to an extent that would be overbearing.
9. The Council's Small and Medium Housing Sites Supplementary Planning Document sets out separation distances between buildings to maintain reasonable living conditions. It states that design should mitigate the visual intrusion of new development on existing properties, including overbearing issues. In view of my findings, there is conflict with this document.
10. The separation distances between some other properties in the area are limited. However, their particular relationships were not sufficiently comparable to justify the imposition of the harm that I have identified.
11. Although these existing flats fall within the ownership of the appellant, this would not justify diminishing existing outlook to an extent that would be harmful to the living conditions that should be reasonably expected by any of their occupants.
12. The appeal proposal would lead to the redevelopment of a previously developed commercial site which is located within a predominantly residential street. Benefits in terms of noise reduction and physical appearance are cited. However, no evidence has been submitted that would substantiate the former claim. The latter relates to a matter that is reserved for future determination. In any event, given the harm that I have identified, the appeal scheme would not improve the living conditions overall.
13. Consequently, the proposed scale and layout of the appeal proposal would be harmful to the existing living conditions of occupants of neighbouring residential units, with particular regard to outlook.

14. Policy LP1 of the London Borough of Richmond upon Thames Local Plan 2018 (the Local Plan) seeks to respect the local environment through the consideration of the compatibility of uses, space between buildings and relationships of heights.
15. Policy LP8 of that plan states that all developments will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties. Proposals should not be visually intrusive, have an overbearing impact or create a sense of enclosure as a result of their height, massing or siting.
16. Policy LP39 of that plan states that all infill development must protect the amenity and living conditions of neighbours, including retaining adequate separation between buildings and not causing unacceptable visual impact.
17. In view of the identified harm, the appeal proposal would conflict with these policies. Those conflicts would attract substantial weight.

Parking arrangements

18. The appeal site is located within an area with a PTAL score of 3 and therefore despite the proximity of the site to services and facilities in the adjacent commercial area, it would be expected that the appeal proposal would require off-street car parking. A transport survey has not been provided and some time has elapsed since the submitted parking survey was undertaken and therefore it cannot be relied upon.
19. Given the number of apartments proposed, the extent of the built footprint and layout relative to the site area, the level of on-site car parking proposed as part of the layout would fall significantly short of that required by Policy LP45 of the Local Plan. Although an insufficient number of disabled parking bays have been proposed, these could necessarily be secured by the imposition of a planning condition which would meet the prescribed tests. However, this would reduce the availability of other on-site parking spaces that are proposed.
20. A unilateral undertaking has been submitted as a means to secure a car pool club and restrict car parking permits for future residents. Nonetheless, the submitted evidence does not demonstrate that the measures proposed would adequately safeguard against an overspill of car parking into the surrounding streets from arising as a consequence of the traffic that would be generated from the appeal proposal. Neither has it been demonstrated that this would not be harmful to the capacity of the local road network in terms of the safety of its users.
21. Consequently, the scale and layout of the appeal proposal would be harmful to the capacity of the local highway network, with particular regard to proposed parking arrangements.
22. Policy LP45 of the Local Plan states that new developments will be required to make provision to the accommodation of vehicles in order to provide for the needs of the development while minimising the impact of car based travel on the operation of the road network. Car free housing developments may be appropriate in locations with a PTAL of 5 or 6.
23. For the reasons given, the appeal proposal would conflict with that policy. This conflict would attract substantial weight.

Local economy

24. The appeal proposal would result in the loss of land used for business purposes. No evidence has been submitted that would indicate that the employment land would be re-provided elsewhere by way of mitigation. Furthermore, the appeal proposal was not supported by a sequential search or evidence of marketing in accordance with the requirements of Policy LP41 and Policy LP42 of the Local Plan.
25. The submitted evidence confirms that the number of employees at the site is low. There is scope for some limited employment opportunities to arise from the management and maintenance of the appeal building.
26. My attention has been drawn to a Prior Approval that was issued for part of the appeal site. However, that proposal would be significantly different to the appeal proposal not least because of the extent of the loss of employment land that would be incurred. Therefore, it would not justify the appeal proposal in this regard.
27. For these reasons, the appeal proposal would be harmful to the local economy, with particular regard to the supply of industrial, office and employment floor space.
28. Policy LP40 of the Local Plan states land in employment use should be retained. Furthermore, Policy LP41 of that plan states there is a presumption against the loss of office floor space in all parts of the borough, unless there is no longer a demand in that location which is evidenced by the completion of a full and proper marketing exercise and a sequential approach to redevelopment. Residential with maximum provision of affordable housing would be the final alternative development type permitted.
29. Similarly, Policy LP42 of the Local Plan states there is a presumption against the loss of industrial land. Outside of areas of locally important industrial land and business parks, loss will only be permitted where there is no longer a demand in that location. Again, this must be evidenced by the completion of a full and proper marketing exercise and a sequential approach to redevelopment. A mixed use scheme which includes residential that maximises affordable provision would be the final alternative development type.
30. The supporting text to these policies indicates that the commercial part of the appeal site would fall within their scope. In the absence of marketing evidence and fulfilment of the sequential criteria, the appeal proposal would conflict with all of these policies. However, given the alternative employment potential, the weight to be afforded to these conflicts would be reduced in this instance.

Local housing needs

31. Due to the scale of development proposed, a net addition to the overall existing housing stock would arise. Furthermore, the appeal scheme would provide a reasonable standard of living accommodation.
32. In terms of size and type of units, the appeal scheme would not represent family sized housing which is advanced as a priority need for the area.
33. However, the appeal proposal would have scope to provide for the needs of older residents, which in turn would enable downsizing and freeing up of some

- of the existing family-sized housing stock. The proposed unilateral undertaking restricting occupancy would not secure or restrict the occupancy sufficiently and in perpetuity. However, a suitably worded planning condition to address these shortcomings would meet the prescribed tests for conditions.
34. Notwithstanding this, the proposed demolition of the existing residential accommodation and the age restriction on occupancy proposed, means that the appeal scheme would result in an overall reduction in the stock of smaller general living accommodation, albeit this would be slight.
 35. The Strategic Housing Market Assessment (2016) (the SHMA) evidences that there is a greater market demand in the area for family-sized housing in the area in a context where housing land supply is constrained. The need for smaller sized units is also evidenced. However, at the same time, the SHMA and the Retirement Housing Review (October 2016) recognise the importance of providing attractive housing for older households looking to downsize.
 36. Nonetheless, the appeal proposal would not directly contribute to the type of housing requirements that the Council has identified as the priority need.
 37. In terms of affordability, the SHMA evidences that entry level house prices in the area are significantly above the Outer London average. Consequently, there is a high level of affordable housing need particularly for smaller properties. Affordable units fall within the scope of the priority need that has been advanced by the Council.
 38. The Council's Local Plan and Affordable Housing Supplementary Planning Document sets out the means by which affordable housing should be secured, including calculating off-site contributions. However, the appeal proposal would not make any on-site or off-site contribution to the area's affordable housing stock. No viability evidence has been submitted to justify that stance.
 39. Paragraph 64 of the National Planning Policy Framework (the Framework) states that decisions should expect at least 10% of homes to be available for affordable home ownership. However, it also states that exemptions to this 10% requirement should be made where the proposed development would provide specialist accommodation for a group of people with specific needs, such as purpose-built accommodation for the elderly.
 40. The absence of any such contribution in this particular instance could be accepted. This would reduce the weight to be afforded to any conflict with the development plan in this regard. Nonetheless, it remains that the affordable needs of this particular area have been evidenced as being very high, in a context where housing land supply is constrained.
 41. For all of these reasons, overall, the appeal proposal would not contribute towards meeting the identified priority local housing need, with particular regard to unit size, type and affordability.
 42. Policy LP35 of the Local Plan states that development should generally provide family sized accommodation unless in one of the main centres and Area of Mixed Use where a higher proportion of small units would be appropriate. There would be conflict with this policy.
 43. Policy LP37 of the Local Plan states that the loss of existing housing will be resisted where it meets specific community needs unless specific circumstances

are met. The evidence before me does not indicate that the living accommodation to be demolished would relate to such specific needs and therefore despite its loss, there would be no policy conflict in that regard.

44. Policy LP38 of that plan states that existing housing should be retained unless it is incapable of improvement or conversion to a satisfactory standard to provide an equivalent scheme. The submitted evidence does not demonstrate that the appeal proposal would accord with this policy.
45. Policy LP36 of the Local Plan states that a contribution towards affordable housing will be expected on all housing sites. The council will seek 50% provision on all sites comprising 10 or more units having had regard to viability, overall mix of uses and other public benefits. In the absence of any such provision, the appeal proposal would conflict with that policy.
46. Given the appeal proposal has scope to indirectly contribute to family sized housing and also the exemption set out in paragraph 64 of the Framework, the weight to be afforded to these policy conflicts would be reduced in this particular instance.

Character and appearance

47. The predominantly residential character and appearance of Udney Park Road is from the individually designed buildings and terraced groups that run along either side of it. Properties in this part of the street do not tend to have large gardens or on-site car parking to the front. Properties in this street are generally of 2 to 3 storey in scale. The site would be read in conjunction with these and also the taller, more imposing buildings on adjoining High Street.
48. There are several Buildings of Townscape Merit within the vicinity of the site. Furthermore, the appeal site falls just beyond the High Street, Teddington Conservation Area.
49. In terms of layout, the appeal proposal would reflect the linear built up form characteristic within this street and the surrounding area. Its positioning, relative to the adjacent highway, would not be discordant with its built context.
50. In terms of scale, the eaves and ridge height of the appeal proposal would not be jarring with that of the surrounding buildings. The width of the resulting building would not be out of keeping with the groups of continuous frontages that are evident elsewhere in this street and neighbouring High Street.
51. However, owing to the combination of the proposed height, width and depth of the proposed building, its scale relative to the site area would be large. In addition to my earlier findings relating to living conditions, this would compromise the ability to secure a layout which would provide appropriate levels of private outdoor amenity space and on-site car parking provision. A cramped layout would result. However, this effect would not be evident from surrounding public vantage points and would not result in harm to the character and appearance of the street scene.
52. The more specific design matters advanced regarding the appearance of the appeal proposal relate to matters that are reserved for future determination.
53. The appeal proposal would not be harmful to the character and appearance of the street scene.

54. Although there are a number of Buildings of Townscape Merit within close proximity to the appeal site, their interest relates to their frontage design which would not interface with the appeal proposal. Consequently, no harm would be incurred to those assets.
55. The appeal proposal would be read with the Conservation Area on approach along Udney Park Road. The appeal proposal would also be visible from within the Conservation Area at the vicinity of the junction between High Street and Udney Park Road. As such, the appeal site, and particularly its frontage, would form part of the setting of this Conservation Area.
56. The significance of the Conservation Area is both historical and architectural, with runs of imposing continuous frontages of building groups that tend to abut the public footway and be of an imposing height.
57. The visual credentials arising from the scale and layout of the appeal proposal would reflect the general pattern and scale of development in the area and its setting in these respects.
58. Although the heritage duty bestowed upon me is not limited to public vantage points, it relates to the significance of the Conservation Area and the effect that the appeal proposal would have on that. I have not identified any harm in respect to the character and appearance that would represent harm to the setting of this designated heritage asset.
59. Consequently, the appeal proposal would not harm the character and appearance of the street scene, including the setting of High Street, Teddington Conservation Area and nearby Buildings of Townscape Merit.
60. Policy LP1 of the Local Plan states development proposals will have to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance. Proposals should be compatible with local character, including the relationship to existing townscape, development patterns, views, local grain and frontages as well as scale, height, massing, density, proportions and form amongst other things.
61. Policy LP3 of the Local Plan states that developments will be required to conserve, and, where possible, take opportunities to make a positive contribution to the historic environment. The significance of designated heritage assets will be conserved and enhanced.
62. Policy LP4 of the Local Plan states the significance, character and setting of Buildings of Townscape Merit will be preserved.
63. Policy LP39 of the Local Plan states that all infill development must reflect the character of the surrounding area, including respecting the local context.
64. The appeal proposal would incur no harm to the setting of the High Street, Teddington Conservation Area, and as such would preserve the character and appearance of this designated heritage asset. As the status quo would be maintained, this would weigh neutrally in the planning balance.

Other Matters

65. The Council has confirmed that they do not dispute the appellant's evidence regarding flood risk and sustainable drainage. From the evidence before me, I have no reason to disagree with that assessment.

66. Consequently, subject to the imposition of the conditions advanced by the Council, which would be necessary, the appeal proposal would not pose a risk in terms of flooding and would accord with Policy LP21 of the Local Plan. In the absence of harm, the appeal proposal would not conflict with that policy.
67. A Construction Management Plan would be necessary given the context of the appeal site and could be secured through the imposition of a planning condition.

Conclusion

68. For the reasons given, I have found conflicts with the development plan as the appeal proposal would significantly harm the existing living conditions of some nearby residents in High Street in terms of outlook. It would also be harmful to the capacity of the local highway network. These would weigh substantially against the appeal proposal.
69. Furthermore, the appeal proposal would represent the unjustified loss of employment land and also overall, it would not meet the identified priority local housing needs in an area where those needs are evidenced as being considerable. However, the weight to be afforded to the policy conflicts in those regards would be reduced for the reasons specified earlier.
70. I have found no harm to flood risk. Furthermore, the appeal proposal would not be harmful to the character and appearance of the street scene, the setting of the nearby Conservation Area or Buildings of Townscape Merit. The absence of any conflict with the development plan in these regards would weigh neutrally in the planning balance.
71. There are no matters that have been advanced in favour of the appeal proposal that would out-weigh the conflicts with the development plan when taken as a whole.
72. For these reasons, the appeal should be dismissed.

C Dillon

INSPECTOR