



Appeal Decision

Site Visit made on 3 February 2021

by Rory MacLeod BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2021

Appeal Ref: APP/L5810/W/20/3260771

2 Montrose Avenue, Twickenham, TW2 6HB

- 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 and Mrs Madin Khan against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 20/0040/FUL, dated 3 January 2020, was refused by notice dated 7 April 2020.
 - The development proposed is described as change of use of basement from mixed storage to a self-contained 2 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to a previously enlarged building comprising a dental surgery on the ground floor with a basement store; there is a dwelling above. The proposal includes enlargement of the basement, mainly to the rear of the building, in addition to its change of use, to provide a new dwelling and a small replacement store together with lightwells and alterations to the building.

Main Issue

3. The main issues are (a) the need for a contribution towards affordable housing, (b) the adequacy of the basement for residential accommodation in relation to planning policy requirements and (c) the provision of cycle spaces.

Reasons

Affordable housing

4. The National Planning Policy Framework at Paragraph 63 discourages seeking affordable housing contributions on small sites. But an acute need for affordable housing in Richmond has been demonstrated. I therefore attach weight to Policy LP36 of the Richmond Local Plan (2018) (RLP) that seeks a financial contribution commensurate with the scale of the development. The appellant indicates willingness to pay the Council's calculated contribution, but as a legal agreement has not been prepared to secure this, the proposal is not complete in respect to this policy requirement.
5. It would thereby be in conflict with Policy LP36 and the Council's Affordable Housing SPD for calculating the appropriate contribution. There would also be conflict with Policy H4 of the Intend to Publish London Plan (2019) (IPLP) and with Policies 3.12 and 3.13 of the London Plan (2016) which set out strategic guidance on the provision of affordable housing.

Basement accommodation

6. The proposal satisfies many of the criteria for subterranean development and basements set by Policy LP11 of the RLP, but the Council are concerned with requirement B.4 to *"include a minimum of 1 metre naturally draining permeable soil above any part of the basement beneath the garden area, together with a minimum 200mm drainage layer, and provide a satisfactory landscaping scheme"*. Whereas the existing basement is under the existing building, most of the enlargement would be under a hard surfaced terrace to the rear of the building. Supporting paragraphs to the policy explain reasoning for the requirement relates to drainage rather than soft landscape concerns as basements are vulnerable to water entering from above, through the walls and floors and service entries. The proposal would not result in the loss of a soft landscape area but does not include sections or details of drainage measures to address the requirements at B.4, and so would be contrary to this part of the policy.
7. The appellant has submitted a report from a qualified structural engineer to address the requirements of B.2 to Policy LP11 in relation to structural stability. There is no indication that construction of the existing basement has resulted in undue movement and from the evidence before me on the nature and extent of the construction proposed I am satisfied that it should be possible to safeguard the structural stability of the existing building, the neighbouring building at 4 Montrose Avenue and the adjacent highway in Percy Road. Moreover, a Building Regulations submission would also examine structural issues.
8. There would not therefore be conflict with requirement at B.2. Neither would there be conflict with Policy D10 of the IPLP as the proposal would not be a large-scale basement beneath the existing building and there is no evidence before me that related nuisance has been identified as an issue locally. But the proposal would not satisfy the requirements at B.4 to Policy LP11 on drainage.

Cycle Parking

9. The appellant has submitted with the appeal an updated floor plan showing 3 cycle parking spaces in a covered area to the side of the building, near to the entrance for the new dwelling. I am satisfied that the plan can be accepted without prejudice to any party as the area would be far from the boundary with 4 Montrose Avenue and would be largely screened by a boundary fence to Percy Road. A planning condition to secure provision of the proposed cycle parking would address cycle parking requirements set by Policy T5 of the IPLP, Policy 6.9 of the London Plan and Policies LP44 and LP45 of the RLP.

Conclusion

10. The proposal does not include a required contribution towards affordable housing, and it has not been demonstrated that the basement would be adequate for residential accommodation in relation to drainage concerns. For the reasons given I conclude that the appeal should be dismissed.

Rory MacLeod BA(Hons), MRTPI

INSPECTOR