
Appeal Decision

Site visit made on 23 March 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2021

Appeal Ref: APP/L5810/W/20/3264171

Land off Taylor Close to rear of 159A High Street, Hampton Hill

- 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 John Strange (Aquinna Homes plc) against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/0492/FUL, dated 8 February 2019, was refused by notice dated 14 August 2020.
 - The development proposed is erection of a single two storey dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development shown in the heading above is taken from the planning application form. There is no evidence before me to show that an amended description was agreed by the appellant.
3. The new London Plan 2021 (LP2021) was published on 2 March 2021. It replaces previous versions of the London Plan and can be given full weight. The main parties have been given the opportunity to make comments on the LP2021.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the High Street Hampton Hill Conservation Area;
 - the living conditions of future occupiers;
 - highway safety;
 - the provision of affordable housing;
 - the provision of employment space; and,
 - biodiversity.

Reasons

Conservation Area

5. The High Street Hampton Hill Conservation Area (the CA) forms the historic core of the original linear settlement. The northern gateway into the CA is framed by No 167 High Street, an early 19th Century Grade II Listed building, and the opposing former engineering works at No 92. The High Street is enclosed by closely packed predominantly 2 storey Victorian buildings occupying traditional long narrow plots. There are views north and south along this wide and gently curving street. The wider landscape setting of Bushy Park and the backdrop of mature trees contribute to the distinctive village character of the area.
6. No 159A High Street is a 2 storey brick-built building designed with parapet walls, and its elevations feature sliding sash windows with brick window headers and stone cills. The overall composition of the building is commensurate with the scale and detailing of other buildings in the CA. The proposed building would be sited to the rear of No 159A High Street and face Taylor Close. It would have parapet walls to match the height of the existing building at No 159A and the elevational treatment would replicate the detailing of the existing building. It would therefore provide an acceptable appearance. A planning condition could be imposed to require details of the proposed external surfaces to be submitted for approval in order to ensure that a high quality finish would be provided.
7. A Robinia tree is located to the north-west of the appeal site, which is protected by Tree Preservation Order No. T1007. It is a large tree which is visible from the High Street and contributes to the green feel and village character of the CA. The appellant's arboricultural impact assessment¹ (the AIA) shows that the footprint of the proposed building would be outside the root protection area (the RPA) of the Robinia tree, and so the siting of the building would not impact the health of the tree. The proposed parking space would be within the RPA, however the existing hard-surfaced car park already occupies this area. The AIA states that should the surface need replacing, the existing sub-base would be retained and utilised in the make-up of the new hard surface.
8. Nevertheless, the proposed vehicular crossover would be within the RPA and close to the trunk of the Robinia tree. The creation of a new dropped kerb would require some excavation, and the AIA and arboricultural method statement² do not sufficiently explain the effect that this incursion would have on the health of the tree. I therefore find that the proposal has not demonstrated that the tree would be suitably protected, which would be harmful to the character and appearance of the CA.
9. Given the small scale of the proposed development, I find that the degree of harm to the CA would be less than substantial. In accordance with paragraph

¹ Prepared by ACD Environmental Revision A: 01/12/20

² Prepared by ACD Environmental dated 01/12/2020

196 of the National Planning Policy Framework (the Framework), any harm should be weighed against the public benefits.

10. The proposal would deliver some public benefits in terms of adding to the overall provision of housing in the area and contributing to the local economy through the occupation and construction of the dwelling. However, because the proposal would provide only one dwelling, this limits the weight that I give to these factors.
11. Paragraph 193 of the Framework states that “great weight should be given to the [designated heritage] asset’s conservation”. I find that the public benefits would not outweigh the harm to the character and appearance of the CA. The proposal would therefore be contrary to the historic environment policies contained within the Framework.
12. For the above reasons, I conclude that the proposed development would fail to preserve or enhance the character and appearance of the CA. The proposal would therefore be contrary to Policies LP1, LP3, LP16 and LP39 of the London Borough of Richmond Upon Thames Local Plan July 2018 (the Local Plan) and guidance in the Council’s Design Quality Supplementary Planning Document February 2006 and the Hampton Hill Village Planning Guidance 2017. Amongst other things, the policies seek to ensure that development proposals contribute to and enhance the local environment and character; conserve and, where possible, take opportunities to make a positive contribution to the historic environment of the borough; and resist development which results in the damage or loss of trees that are considered to be of townscape or amenity value.

Living conditions

13. The appellant states that the gross internal floor area (GIA) of the proposed dwelling would be 50.5 square metres. The Council disagrees on the correct figure stating that it would be approximately 40 square metres. Having regard to the external dimensions stated on the proposed ground floor plan and allowing for standard cavity wall thickness of around 300mm, I am satisfied that the figure provided by the appellant is accurate.
14. Both parties have referred to the ‘Technical Housing Standards – Nationally Described Space Standard’ (the NDSS). The size and configuration of the bedroom could comfortably accommodate a standard double bed, and so for the purposes of the NDSS, I consider the proposal to be a 1 bedroom (2-person) 2 storey dwelling. The NDSS sets out that the minimum GIA for this type of dwelling is 58 square metres. Consequently, the GIA of the proposed dwelling would fall short of the minimum standard. Due to the amount of space taken by the circulation area, the size of the living accommodation on the first floor would be constrained. Therefore, the dwelling would be insufficient in size for the number of occupiers, and it would fail to provide comfortable living space for day-to-day living activities.
15. Added to this, all the main habitable windows providing outlook would be orientated towards and located close to the highway. None would face a private space within the appeal site, which would add to the cramped and oppressive feel of the living accommodation.

16. Local Plan Policy LP35 seeks a minimum of 5 square metres of private outdoor space for a 1-2 person dwelling. It states, amongst other things, that amenity space should be private, usable, functionable and safe; easily accessible from living areas; and orientated to take account of the need for sunlight and shading.
17. The appellant indicates that the proposed development will provide approximately 10 square metres of amenity space in front of the proposed shed, which would meet the size requirement of Policy LP35. Nevertheless, given its position adjacent to the parking space and the shed, the outdoor amenity space would be poorly related to the dwelling. There would also be limited privacy due to the close proximity of the pavement. Furthermore, the space would be heavily overshadowed by the canopy of the adjacent protected Robinia tree. Consequently, the outdoor space would not provide a functionable amenity area for future occupiers.
18. Drawing the above factors together, I find that the proposed development would not provide acceptable living conditions for future occupiers. The proposal would therefore be contrary to Policy LP35 of the Local Plan and guidance in the Residential Development Standards Supplementary Planning Document March 2010 and the Small and Medium Housing Sites Supplementary Planning Document February 2006, which require all new housing development to comply with the NDSS and provide adequate external space.

Highway safety

19. The proposal would provide 1no off-street parking space, which would be appropriate to the scale of the proposed dwelling. I note the Council's concerns regarding the loss of 4no existing parking spaces, however this is a private car park which is not connected with any surrounding uses. Consequently, there is no substantive evidence before me to show that the proposal would materially increase pressure for on-street parking in the area.
20. The existing crossover would be closed and a new one provided to serve the off-street parking space adjacent to the north-western side wall of the proposed dwelling. Due to the siting of the dwelling close to the highway boundary and the position of the parking space immediately to the side, it would be difficult for drivers leaving the parking space in a forwards direction to have visibility of the pavement in an easterly direction until after the bonnet of the car has manoeuvred across the pavement. It would be even more difficult to see the pavement if reversing off the parking space. I therefore consider that this would be an unacceptable risk to the safety of pedestrians, especially small children. This could not be addressed without a material change to the layout of the proposal, and so the matter could not be dealt with through the imposition of a planning condition.
21. Furthermore, the appellant indicates that cycle storage would be provided by a shed, however access to the shed would be impeded by the adjacent parking space. Therefore, the proposal would not provide an accessible cycle storage facility, which would fail to meet sustainable transport objectives. Moreover, no on-site refuse and recycling storage is indicated on the proposed plans, which could result in bins being stored on the pavement and thereby cause obstruction to pedestrians. Given the constrained nature of the appeal site with

limited external space, I am not satisfied that the lack of suitable cycle and bin storage could be addressed through the imposition of a planning condition.

22. For these reasons, I conclude that the proposed development would be harmful to highway safety. The proposal would therefore conflict with Policies LP39, LP44 and LP45 of the Local Plan and guidance in the Refuse and Recycling Storage Requirements Supplementary Planning Document April 2015 and the Transport Supplementary Planning Document June 2020. The policies seek, amongst other things, to ensure that development provides adequate servicing, recycling and refuse storage as well as cycle parking; and protect road and pedestrian safety.

Affordable housing

23. Policy LP36 of the Local Plan states that a contribution towards affordable housing will be expected on all housing sites. On sites below the threshold of ten units, a financial contribution to the Affordable Housing Fund commensurate with the scale of the development will be sought. Whilst paragraph 63 of the Framework discourages the requirement for affordable housing provision on non-major residential developments, the supporting text of Policy LP36 explains the substantial need for affordable housing in Richmond and the significant contribution of small sites to housing supply. I attach significant weight to the recently adopted development plan policy that seeks such contributions.
24. The appellant does not dispute that the Council is justified in requiring an affordable housing contribution and has submitted a draft Unilateral Undertaking (UU) pursuant to Section 106 of the Town and Country Planning Act 1990, which covenants to make a financial contribution of £8,097 towards the provision of affordable housing. However, the Council states that a contribution of £15,333 before monitoring and legal fees should be made and secured by a legal agreement. The appellant subsequently indicated that they would be willing to provide this financial contribution.
25. Nevertheless, no signed agreement is before me and the proposed development would not therefore make adequate provision for affordable housing. Consequently, the proposal is contrary to Policy LP36 of the Local Plan and the Council's Affordable Housing Supplementary Planning Document 2014.

Employment space

26. The appeal site is located in a designated Area of Mixed Use and a Key Office Area. It was previously associated with offices at Garrick House 161–163 High Street, however following conversion of that building to residential flats, the existing car park is not connected with any neighbouring employment uses. Consequently, the proposal would not result in the loss of employment use, including office floorspace. Furthermore, having regard to the small size of the site and its location to the rear of the shopping frontage in the High Street, I do not consider that it would be attractive to potential commercial occupiers.
27. For these reasons, I conclude that the proposed development would not be harmful to the provision of employment space. The proposal would therefore comply with Policies LP25, LP40 and LP41 of the Local Plan, which, amongst other things, seek to protect the vitality and viability of the centre in which the

development is proposed; retain land in employment use; and retain office floorspace within designated Key Office Areas.

Biodiversity

28. Given that the appeal site consists of a hard-surfaced car park, it provides little ecological value. There is space within the site for soft landscaping to be provided and I am satisfied that the imposition of a planning condition to require details of a soft landscaping scheme would ensure that the proposal would provide some ecological enhancement.
29. I therefore conclude that the proposed development would have no adverse effect on biodiversity. It would therefore accord with Policy LP15 of the Local Plan, which seeks to protect and enhance the borough's biodiversity.

Conclusion

30. The proposal would deliver some benefits in terms of adding to the overall provision of housing in the area and contributing to the local economy through the occupation and construction of the dwelling. However, because the proposal would provide only one dwelling, this limits the weight that I give to these factors.
31. I have found that the proposed development would be harmful to the character and appearance of the CA; would fail to provide acceptable living conditions for future occupiers; would be harmful to highway safety; and would not make adequate provision for affordable housing. These adverse effects would outweigh the benefits of the proposal. The proposal would therefore conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Osgathorp

INSPECTOR