
Appeal Decision

Site Visit made on 13 July 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2021

Appeal Ref: APP/L5810/W/20/3265175

116A Amyand Park Road, Twickenham TW1 3HP

- 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 London Roc against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 20/1829/FUL, dated 1 July 2020, was refused by notice dated 4 November 2020.
 - The development proposed is the erection of 2 storey residential building with accommodation within the roof to provide 6 residential flats with associated landscaping, parking/refuse provision, and external alterations following demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions and I have taken these into account in reaching my decision. I have considered the appeal on the basis of the revised Framework.

Main Issues

3. The main issues are:
 - i) Whether the scheme should make a contribution towards the provision of affordable housing,
 - ii) The effect on the living conditions of the occupiers of 112-116 Amyand Park Road and 13 Greville Close, with particular regard to overlooking and outlook,
 - iii) Whether occupiers would experience satisfactory living conditions, with particular regard to ceiling heights and outdoor space provision,
 - iv) Whether the loss of existing housing has been sufficiently justified,
 - v) The effect of the proposal on biodiversity, and
 - vi) The effect on the character and appearance of the area, bearing in mind the setting of the Amyand Park Road Conservation Area and nearby Buildings of Townscape Merit.

Reasons

Affordable housing

4. Policy LP36 of the London Borough of Richmond Upon Thames Local Plan (the Local Plan) seeks that a contribution towards the provision of affordable housing be sought on all housing sites unless economic viability considerations indicate otherwise. However, paragraph 64 of the Framework outlines that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas.
5. The Council highlight local evidence of affordable housing need is substantial and that high levels of need are evidenced in a recent Housing and Homelessness Strategy. It is also stated that the Council is reliant on contributions from small sites in order to meet affordable housing policy objectives. These matters weigh significantly in favour of seeking a contribution towards affordable housing. The appellant has not disputed these matters.
6. Having regard to this information therefore, I consider that the specific circumstances within this borough together with the policy of the development plan are sufficient, in this case, to outweigh the guidance of the Framework. This is consistent with the approach taken by Inspectors in the appeal decisions referenced by the Council.
7. Whilst the appellant contends that the scheme is not sufficiently viable to be able to support an affordable housing contribution, no detailed evidence of this has been submitted in the form of a viability assessment. On the basis of the lack of such substantive evidence, I am unable to satisfactorily determine that the scheme is not able to support a contribution towards affordable housing, therefore the scheme conflicts with policy LP36.

Living conditions – neighbouring occupiers

8. There are garden areas to the rear of 112-116 Amyand Park Road (Nos 112-116), serving the occupiers of those properties. There is already a degree of mutual overlooking from the upper floors within these buildings, however this is predominantly towards the end of the gardens, with areas closest to the buildings being more private. The existing dwelling currently provides little opportunity for overlooking of these outdoor spaces due to the presence of only a bathroom window to the front elevation and a bedroom window set further back.
9. The new building however would introduce additional windows at first and second floor level, all of which would serve bedrooms. These would allow views towards the garden areas of Nos 112-116, introducing a new degree of overlooking towards the areas of the gardens that currently provide some privacy. This would have an unacceptable deleterious effect on the living conditions of the occupiers of these properties.
10. The proposed building would be larger in its extent than the existing dwelling and thus would have a greater visual appearance from the surrounding properties. However, given the reasonably dense surrounding urban grain, that there is an existing building within the site, as well as the separation distances from neighbouring properties and that the proposal would be seen within the context of the surrounding buildings, its appearance would not in my view be

such that it would result in unacceptable living conditions, through any loss of outlook, to the occupiers of 114-116 Amyand Road or 13 Greville Close.

11. Accordingly, while I have found that there would be no undue loss of outlook, there would be an unacceptable effect through the overlooking of neighbouring garden areas, that would be harmful to the living conditions of the occupiers of nearby properties. Thus, the proposal conflicts with policies LP8 and LP39 of the Local Plan, insofar as they seek to ensure the amenity of the occupants of neighbouring properties is protected and that backland development has no unacceptable adverse effects on the privacy of neighbours.

Living conditions – future occupiers

12. Policy LP35 of the Local Plan requires that all new housing complies with the Nationally Described Space Standards. These establish that a minimum ceiling height of 2.3m should be provided for 75% of the gross internal area of a unit. The supporting text of Policy LP35, at paragraph 9.2.6 sets out that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged.
13. The appellant accepts that the floor to ceiling heights for the top floor flats are less than the optimal level, but that a significant proportion of the units have a ceiling height that meets the national guidance. While this is noted, there is no substantive evidence that a ceiling height of 2.5m is achieved for at least 75% of the gross floor area. On this basis, notwithstanding the floorspace provision within the units being over and above the required standard, I am not satisfied that the proposal would provide adequate ceiling heights and as such the scheme would fail to provide accommodation that is sufficient in this regard.
14. The scheme would provide two private external garden areas to the rear of the building, which would each be for the private use of the ground floor flats. However, only a further small area, to the front of the building would be provided as garden space for the remaining four units. This space is restricted in its size and is located directly alongside, as well as being open to, the parking area. As such, it would be inadequate in terms of privacy and size.
15. I note that the appellant asserts that the floorspace within the units has been purposefully increased in order to compensate for the lack of dedicated external spaces for the use of the occupiers of the first and second floor units. However, any such increase does not in my view make up for the acute lack of outdoor space. As such, the lack of external space for the occupiers in this instance would result in unacceptable living conditions, even when noting that it is highlighted that there are public outdoor spaces in the area of the appeal site.
16. Therefore, I find that the scheme would not provide adequate living conditions for future occupiers, through substandard provision of ceiling heights and outdoor garden space. The proposal conflicts with policies LP1 and LP35 of the Local Plan, insofar as they seek to ensure development is designed to be of a high quality, as well as that all new housing provides adequate external space.

Loss of housing

17. Policy LP38 of the Local Plan sets out the circumstances where the loss of existing housing will be accepted. This includes criteria on the basis of which the redevelopment of existing housing will be assessed. Given the limitations of

the existing dwelling, it is unlikely that it could be improved or converted to provide an equivalent scheme, thus criterion C.a. is complied with. Moreover, as I have found below, there would be no adverse impact on local character, complying with criterion C.b.

18. However, criterion C.c. requires that any proposal provides a reasonable standard of accommodation. As I have found above that the scheme would not make adequate provision for the living conditions of future occupiers, the scheme conflicts with the policy in this regard, and the loss of housing has not been sufficiently justified.

Biodiversity

19. The appeal scheme proposes the demolition of the existing dwelling at the site. The Council's ecological advisor has stated that a bat roost assessment is required. It is also highlighted that bats have been recorded within the vicinity of the appeal site. In this light, I find that the potential for protected species to use the building should be addressed. While I note that the appellant suggests that this matter can be dealt with by planning condition, it should be determined prior to permission being granted whether or not there would be a likely effect on biodiversity. That the appellant states that the dwelling is currently in a poor condition does little to dissuade me from the above.
20. In the absence of evidence demonstrating that the proposal would not have a harmful effect on biodiversity, I am unable to conclude that the scheme would not conflict with policy LP15 of the Local Plan, which seeks to ensure protected species are not adversely affected by development.

Character and appearance

21. The appeal site lies directly adjacent to the Amyand Park Road Conservation Area (the CA). I observed that the significance of this designated heritage asset lies, in part, in the quality and form of residential development that lines the road, creating an attractive townscape. While the access to the site lies within the CA, the proposed building would lie adjacent, within the setting of the CA.
22. The proposed building would be larger than the dwelling that currently occupies the site. However, it would have a design that would be more appropriate to the context. It would have traditionally detailed and proportioned external elevations, with a hipped roof over, replacing what is currently a rather unsympathetic dwelling. Furthermore, while larger than the existing structure, the proposal would be set away from surrounding buildings sufficiently to ensure that it is read visually as a separate and distinct building. In this respect, it would not compete for dominance with buildings within the CA. Moreover, it would be located sufficiently separate from the closest Buildings of Townscape Merit, 114 and 116 Amyand Park Road, as well as 12 and 13 Victoria Road, to ensure that it does not appear discordant with them.
23. Where the proposed building would be visible from the surrounding area, this includes glimpses along the vehicular access to Amyand Park Road, glimpsed views between the buildings along Amyand Park Road, as well as from a more open area along Victoria Road, it would be seen as a discrete structure, sitting within a backland site, with a clear separation between it and existing buildings. It would not be overly dominant in these views, particularly given

that the scale of the building would be commensurate with, and not grander than, the neighbouring properties.

24. Accordingly, the scheme would have an acceptable effect on the character and appearance of the area, including the setting of the Amyand Park Road Conservation Area and nearby Buildings of Townscape Merit. Thus, the scheme accords with policies LP1, LP3, LP4 and LP39 of the Local Plan. Together, and amongst other things, these policies seek to ensure that development responds to local character, that the setting of designated and non-designated heritage assets is conserved, and that backland development respects local character.

Other Matters

25. I recognise that the proposed scheme would contribute towards the provision of housing. However, this matter does not outweigh the harm that I have identified
26. Since the refusal of planning permission, the adoption of the London Plan (March 2021) has, further to policy D12, introduced requirements in respect of fire safety. As I am dismissing the appeal with reference to the main issues identified in the reasons for refusal, this is not a matter that I need to consider further.

Conclusion

27. I have found no harm in respect of the loss of outlook or to the character or appearance of the area. However, the proposal would fail to contribute towards the provision of affordable housing, would result in the harmful overlooking of neighbouring properties, would not provide adequate living conditions for occupiers, would result in the unjustified loss of housing, and would have an adverse effect on biodiversity. These matters are decisive.
28. For the reasons given above I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR