
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: 27 August 2021

Appeal Ref: APP/L5810/W/21/3267779

Heritage House, 145 London Road, Twickenham, TW1 1EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Dalebridge Properties Ltd against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 20/2626/GPH01, dated 22 September 2020, was refused by notice dated 12 November 2020.
 - The development proposed is the construction of an additional storey containing 3no. flats immediately above the existing topmost residential storey, and recreation of the existing roof shape; addition of 3no. off-street parking spaces along with secure bike and bin storage.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the construction of an additional storey containing 3no. flats immediately above the existing topmost residential storey, and recreation of the existing roof shape; addition of 3no. off-street parking spaces along with secure bike and bin storage at Heritage House, 145 London Road, Twickenham, TW1 1EF in accordance with the terms of the application, Ref 20/2626/GPH01, dated 22 September 2020, subject to the additional conditions set out in the attached Schedule.

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.
3. The principle of the development is already established by the provisions of the Order. There is no scope to reconsider this as part of the application for prior approval. The provisions of the National Planning Policy Framework are required to be considered. In addition, I have considered the policies of the development plan only so far as they are relevant to the specific matters for which prior approval is sought.
4. The appellant has submitted amended plans with the appeal, correcting discrepancies in the elevational details that were originally submitted, as well

as including an additional parking space within the site. I am satisfied that these amendments do not materially alter the scheme that was originally applied for and are minor in their nature. The Council has had the opportunity to comment on these submissions. There would be no prejudice to any other parties in me considering the appeal in light of the amended details. I have also amended the description of development to refer to three parking spaces, rather than two.

Main Issue

5. From the evidence before me, I consider that the main issue is whether the development would accord with the provisions of Part 20, Class A of the Order, with regard to the external appearance of the building and the transport and highways impacts of the development.

Reasons

External appearance

6. The building is a three-storey structure with a hipped roof over. The elevations are finished in brick, with quoin detailing. There are a number of large buildings within the vicinity of the site, most notably the four-storey block of flats to the south and a complex of units set over three storeys on the opposite side of London Road. The application seeks approval for the addition of a further storey above the existing, replicating the materials and detailing that currently exist.
7. The Council's concern is centred on the increase in the height, scale, and massing of the building as a result of the addition of the extra storey, concluding that it would be out of keeping with the context of the site. However, consideration of the external appearance of the resultant building must be undertaken in the context of the permitted development right that is established by the Order, which expressly allows for upward extensions.
8. Against the background of this, an objection to the addition of an extra floor on the basis of its height compared to nearby buildings would unduly frustrate the purpose of the permitted development right, which to my mind accepts that the principle of additional storeys would not result in unduly prominent or incongruous buildings. In this case, the addition would appropriately replicate the materials and detailing of the existing structure, ensuring that the additional storey would have a seamless appearance atop the existing. Thus, the upward extension would assimilate acceptably with the structure below and would not result in the building having an unacceptable external appearance.
9. Therefore, within the scope of the consideration of the prior approval matters, the proposed development would result in the building having an acceptable external appearance, that would accord with policies LP1 and LP2 of the London Borough of Richmond Upon Thames Local Plan (the Local Plan), which seek to ensure development results in good design, including appropriate building heights.

Transport and highways impacts

10. The Council originally refused prior approval in respect of the transport and highways impact due to a shortfall in additional parking provision against the standard required by the Local Plan. The original scheme provided two

additional parking spaces, against a required standard of three (one per each additional 1-bed unit). With the appeal, the appellant has submitted amended plans showing the inclusion of one further parking space within the appeal site. Within its appeal statement, the Council now raise no objection to the scheme on the basis of parking provision. I find no reason to find differently.

11. However, in addition, the Council require that the occupiers of the units now proposed be excluded from eligibility for parking permits within the nearby Controlled Parking Zone (CPZ). The Council highlight that while the new units will benefit from a policy compliant parking provision, the existing nine 1-bed units benefit only from 8 parking spaces, there being a shortfall of one space. However, this is an existing situation and not one which the appeal scheme should seek to address. I further note that the existing occupiers of the building are not excluded from eligibility for parking permits within the CPZ. With this in mind, given that the proposed parking provision accords with the Local Plan, I find no justification for requiring that the additional occupiers should be excluded from eligibility, notwithstanding the appellants willingness to agree to such a restriction.
12. Thus, on the basis of the amended parking details, I find that there would be no unacceptable transport or highways effects arising from the development.

Other Matters

13. In addition to the above, effect of the proposal on the amenity of neighbouring premises, has been raised by interested parties, particularly in respect of overlooking, effect on outlook including being overbearing and loss of light.
14. In these respects, I note that there is a sufficient separation between the appeal building and surrounding properties to ensure that any overlooking that may take place would not be significant and would not be sufficient to result in unacceptable living conditions for neighbouring occupiers. This is particularly so given the extent to which overlooking already exists. Furthermore, given the orientation of nearby buildings together with the existing height of the proposal, I find that there would be no harmful effect through the increased height resulting in any overbearing effect
15. In respect of daylight, the separation distances between the appeal building and the surrounding properties is sufficient to ensure that there would be no unacceptable loss of daylight. In terms of sunlight, the increased height of the building does have the potential to increase the amount of shadowing cast on the nearby properties. Nonetheless, any increased effect in this respect would not be significant in its extent and would only be for a limited period each day. Thus, it would not be sufficient to result in unacceptable living conditions for neighbouring occupiers.
16. There is no substantive evidence that the scheme would adversely affect water-run off, trees, or result in an increase in heat to neighbouring properties or undue noise pollution.

Conditions

17. The Orders sets out at paragraph A.2 of Part 20 the conditions under which the development is permitted, which specify that:
 - the development must be completed within a period of 3 years starting with the date prior approval is granted;

- before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated;
 - the developer must notify the local planning authority of the completion of the development as soon as practicable after completion and the notification must be made in writing and include the name of the developer, the address or location of the development and the date of completion; and
 - any new dwellinghouse is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.
18. As amended plans have been submitted, a condition in this respect is necessary, in the interests of certainty, an appropriate external appearance of the building and highway matters. In addition, the Council recommends conditions in respect of the construction of parking spaces and cycle parking, which I consider to be necessary in the interests of highway safety. A condition has been recommended in respect of refuse and recycling storage and I find this necessary in the interests of the external appearance of the building.
19. The application form makes clear that matching materials are to be utilised and as such a materials condition is not necessary. Moreover, as I set out above, I do not consider that any restriction, condition or otherwise, is necessary to limit eligibility to parking permits.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed.

Martin Allen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
934.02.03.Exg.001, 934.02.03.Exg.002, 934.02.03.Exg.022,
934.02.03.Exg.023, 934.02.03.Exg.024, 934.02.03.Exg.025,
934.02.03.Exg.026, 934.03.03.Exg.060, 934.03.03.Exg.061,
934.03.03.Exg.062, 934.03.03.Exg.063, 934.04.03.Pln01.001,
934.04.03.Pln01.023, 934.04.03.Pln01.024, 934.04.03.Pln01.025,
934.04.03.Pln01.026, 934.04.03.Pln01.060, 934.04.03.Pln01.063,
934.04.03.Pln01.022 Rev A, 934.04.03.Pln01.032 Rev A,
934.04.03.Pln01.061 Rev A, 934.04.03.Pln01.062 Rev A and
934.04.03.Pln01.070 Rev A.
- 2) No part of the development hereby permitted shall be occupied until the on-site parking spaces as shown on drawing number 934.04.03.Pln01.032 Rev A have been laid out and made available for use.
- 3) No part of the development hereby permitted shall be occupied until the cycle parking facilities shown on drawing number 934.04.03.Pln01.070 Rev A have been provided and are available to use. The facilities shall be retained thereafter.
- 4) No part of the development hereby permitted shall be occupied until details of refuse and recycling storage arrangements have been submitted to and approved in writing by the local planning authority. The approved arrangements shall be made available to use prior to occupation. The facilities shall be retained thereafter.