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# Appeal Decision

Site visit made on 31 January 2022

**by Les Greenwood MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 February 2022**

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**Appeal Ref: APP/L5810/D/21/3284789**

**14 Trafalgar Road, Twickenham TW2 5EJ**

- 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 Ms Claire Rogers against the decision of the Council of the London Borough of Richmond upon Thames.
  - The application Ref 21/2067/HOT, dated 7 June 2021, was refused by notice dated 12 August 2021.
  - The development proposed is the renovation of a boundary wall and installation of an iron fence and gate for vehicular access, removal of a tree and creation of permeable hard standing.
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## Decision

1. The appeal is dismissed.

## Main issues

2. The main issues are:
  - i) whether the proposal would preserve or enhance the character or appearance of the conservation area and the setting of an identified Building of Townscape Merit (BTM); and
  - ii) whether adequate provision would be made for sustainable drainage of surface water.

## Reasons

### *Character and appearance*

3. 14 Trafalgar Road is a semi-detached Victorian villa within the Trafalgar Road Conservation Area, identified by the Council as a BTM. The Council's Conservation Area Study (CAS) says that these mid-19<sup>th</sup> Century villa style houses set amid heavy planting of trees and shrubs give dignity and delight to this tranquil residential area. The trees, both in the street and in front gardens, are a notable part of the street scene and are an important aspect of the street's character.
  4. No 14 is set back from the street with several trees and shrubs in the front garden, behind a low brick wall. The proposal would add brick piers with metal
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- railings between, and would replace the existing wooden gates with metal railing gates. The revised front enclosures would reflect the design of others nearby, representing a minor improvement and enhancement.
5. The Council's concern is about the loss of a mature holly tree and shrubs to make way for a new vehicular access and parking area in the front garden. The submitted tree survey indicates that the holly tree is in good condition and vitality, with a reasonably long potential life span. It places the tree in Category B(2)<sup>1</sup>, meaning that it is considered to be a tree of moderate landscape value. In my assessment the holly is in a prominent position at the front of the plot where it makes a notable contribution to the street scene, particularly in winter when many of the nearby trees are not in leaf. Its loss would therefore significantly harm the character and appearance of the conservation area.
  6. I recognise that a replacement tree could be planted in the garden. No such details have been submitted, however, and any replacement would be set further back where it would have less value in the street scene. Its stature would also likely be limited by its proximity to the house.
  7. The shrubs are of much less value and could be removed in any case, without the need for planning approval. The provision of off-street car parking would be a neutral factor in heritage terms. Taking some of the parking pressure off this very heavily parked up street would be beneficial, but this minor visual gain would be balanced by minor visual harm from the introduction cars into this front garden.
  8. Overall, I find that the harm caused by the loss of the holly tree would outweigh the positive changes to the front boundary enclosure. In the terminology of the National Planning Policy Framework (the Framework), the harm to the designated heritage asset (the conservation area) would be 'less than substantial'. In accordance with Framework paragraph 202 such harm should be weighed against the public benefits of the proposal. There would be some public benefit from the provision of additional off-street parking, although this would partly be cancelled out by the loss of an on-street space. This benefit is not sufficient to outweigh the harm that would be caused to the conservation area and the setting of the BTM.
  9. I conclude that the proposal would harm the character and appearance of the conservation area and the setting of the BTM. It therefore conflicts with the aims of London Borough of Richmond upon Thames Local Plan Policies LP1, LP3, LP4 and LP16, the *Buildings of Townscape Merit* Supplementary Planning Document, the *House Extensions and External Alterations* Supplementary Planning Document, the *Twickenham Village Planning Guidance* Supplementary Planning Document, the Trafalgar Road Conservation Area Statement and Study and the Framework, to resist development which results in the damage or loss of trees that are considered to be of townscape or amenity value and to ensure that development conserves the historic environment including conservation areas and non-designated heritage assets like this BTM.

### *Sustainable drainage*

10. The Council advises that although this area is in Flood Zone 1 (low risk of flooding from rivers), it is at risk of surface water flooding. It argues that, in

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<sup>1</sup> British Standard BS5837:2012

the absence of a Sustainable Drainage Systems Statement, there could be an unacceptable increase in surface water drainage from the site. I note, however, that permeable paving is proposed and evidence has been provided that the underlying soil in this area is free-draining.

11. On this basis I am satisfied that surface water drainage from this minor development could be adequately controlled by condition. The proposal therefore does not conflict with the aims of LP Policy LP21 and the Framework, to ensure that developments avoid or minimise contributing to sources of flooding, through the use of sustainable drainage systems.

*Other matters*

12. I take into account that some neighbours support the proposal. The appellant states that the holly tree partially blocks the opening of the pedestrian gate, potentially hindering emergency access to the property. It seems very likely, however, that this issue could be dealt with without needing to remove the tree. Finally, I understand that a Controlled Parking Zone is to be implemented in this area, but do not find this to have any significant impact on my assessment.

**Conclusion**

13. For the reasons set out above in respect of the first main issue, and having regard to all matters raised, I conclude that the appeal should not succeed.

*Les Greenwood*

INSPECTOR