



Appeal Decision

Site visit made on 25 April 2022

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2022

Appeal Ref: APP/L5810/C/21/3274636

Twickenham Volkswagen, 40 South Road, Twickenham, TW2 5NT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Citygate Automotive Ltd against an enforcement notice issued by Richmond Upon Thames London Borough Council.
 - The notice was issued on 6 April 2021.
 - The breach of planning control as alleged in the notice is: The resurfacing of part of the land along the western boundary from grass to tarmac.
 - The requirements of the notice are: Remove the unauthorised tarmac that replaced the two strips of grass on the western boundary and reinstate grassed soft landscaping to match that which previously existed.
 - The period for compliance with the requirements is: Three calendar months.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the resurfacing of part of the land along the western boundary from grass to tarmac at Twickenham Volkswagen, 40 South Road, Twickenham TW2 5NT as shown on the plan attached to the notice.

Main Issue

2. The main issue is the effect of the development carried out on the character and appearance of the area.

Reasons

3. I acknowledge that in a previous appeal decision (APP/L5810/A/12/2172005) related to the refurbishment and extension of the car dealership, the other Inspector commented on the positive value that at least some limited planting in the grass strip(s) would have on the character of the area. Accordingly, the Inspector imposed a condition requiring details of trees and shrubs to be submitted including the provision of at least three trees. However, notwithstanding that landscaping details were submitted and approved related to the erection of the car showroom in 1995, no details were submitted in relation to the 2012 appeal decision, and it has not been disputed that for the last 15 years cars for sale have been parked across the grass strips anyway.

4. Also, whilst the grass strips may not have been shown to have cars parked on them in the original permission or the one allowed at appeal, there is no evidence to show that there is any way of preventing this or that any action has ever been taken to ensure landscaping other than grass is provided. As such, the foliage enhancements envisaged at least since 2012 have never occurred and the grass has largely been covered by cars for sale. Consequently, the hard surfacing has not changed the way that the area has looked over a long time. To put the land back to its condition before the breach took place, the enforcement notice could also only require the reinstatement of grass. It could not require further landscaping such as trees. There would, therefore, be no positive visual landscaping improvement.
5. Furthermore, it appears that since the last appeal decision the area has undergone other changes that have had a much more significant effect on the character and appearance of the area. These include the reduction in height of boundary walls and the loss of mature vegetation along South Road which has opened views of the garage and its car display area irrespective of the hard surfacing subject of this appeal. Also, recent developments at the DIY store and supermarket opposite with their associated large car park means that this side of South Road has a distinctly commercial character defined significantly by hard surfaces for vehicle parking and cars displayed for sale. The small areas of hard surfacing by comparison next to the access road into the retail area have not had a noticeable impact on the wider street scene.
6. I do appreciate that soft landscaping should be an integral part of any developments. In this respect I noted at my visit that the DIY and supermarket car park which appears to have been recently remodelled, has small areas of tree and shrub planting. Nevertheless, the circumstances of this case mean that the development carried out has not harmed the character and appearance of the area.
7. The development accords with the design and landscape requirements of policies LP1 and LP16 from the London Borough of Richmond Upon Thames Local Plan (LP). A neighbour has referred to LP policy LP14. However, this former street verge did not contribute to the local character of the area for the reasons given and so the hard surfaces do not conflict with this policy. The development accords with the development plan taken as a whole. The appeal development also meets the design aims of the National Planning Policy Framework 2021. The Council has referred to the London Plan 2021, but no conflicts have been identified related to specific policies for me to consider.

Other Matters

8. It can be frustrating for neighbours to see development carried out without obtaining planning permission first. However, the planning system legitimately allows for retrospective schemes, including by way of deemed planning applications following the serving of an enforcement notice. There is no substantive evidence that the hard surfacing has directly contributed to local flooding problems. The development does not adversely affect neighbour amenities. These matters do not outweigh my findings above.

Conclusion

9. For the reasons given, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The appeals on grounds (f) and (g) do not therefore fall to be considered.

Gareth Symons

INSPECTOR