



Appeal Decision

Site visit made on 25 April 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2022

Appeal Ref: APP/L5810/W/21/3282498

56 Heathside, Whitton, London, TW4 5NN

- 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 Manrik Thiara against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 21/1079/FUL, dated 25 March 2021, was refused by notice dated 19 August 2021.
 - The development proposed is for the erection of 1 no. single storey 2 bed dwelling house with associated hard and soft landscaping, including modifications to retained existing dwelling's porch.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a signed unilateral legal agreement obligating the appellant to contribute towards affordable housing. It has been confirmed that the completed agreement has been approved by the Council. On this basis I see no reason why the provision of affordable housing, as set out in reason for refusal reference U0107695, would conflict with planning policy and so it is not a main issue for this appeal.
3. There was the previous appeal for a new dwelling to the rear of No 56 which was dismissed in 2020 (reference APP/L5810/W/20/3246676). Due to the similarities of the proposals this is a material consideration with my decision. I am also aware of the allowed appeal in 2012 (ref: APP/L5810/A/12/2171837) for a dwelling to the rear of No 65 Heathside (opposite No 56) which has since been developed. I have also taken this decision into consideration with this appeal.

Main Issue

4. Part of the appeal site to the side of the existing dwelling is within an area designated as Metropolitan Open Land (MOL), to which the development plan gives the same level of protection as Green Belt. However, the proposed dwelling is outside of the MOL area. The main issue is therefore:
 - the effect of the proposal on the character and appearance of the area and on the openness of the adjacent MOL

Reasons

Metropolitan Open Land

5. The appeal site is located at the end of the residential cul-de-sac of Heathside. The proposed dwelling would be to the rear of the dwelling at 56 Heathside. A strip of land to the eastern side of the plot falls within the MOL, as does the cemetery to the east.
6. As opposed to the 2020 appeal at No 56 Heathside, the proposed dwelling in this appeal is positioned outside of the MOL. The area of MOL which falls within the site area is not proposed to be developed, but instead would be further landscaped.
7. Policy LP13 states that "*When considering developments on sites outside Green Belt or Metropolitan Open Land, any possible visual impacts on the character and openness of the Green Belt or Metropolitan Open Land will be taken into account.*" Whilst the dwelling would be positioned near the MOL, there are other dwellings in similar locations near to the MOL. The dwelling itself is of a modest scale with enhanced landscaping proposed and therefore, from the perspective of safeguarding the setting of the MOL, the proposed development would not be materially harmful to its visual amenity or openness.
8. The proposal, therefore, does not conflict with policy LP13 of the Local Plan for these reasons.

Character and Appearance

9. As was similar to the case at the time of the 2020 appeal, Heathside is a street characterised by mostly detached dwellings set towards the front of spacious plots. These spacious plots with mature trees as a backdrop, as viewed between properties, are a positive feature of the streetscene character.
10. However, there is a difference between the northern and southern side of Heathside. The plot at No 56 is typical of the spacious plots with mature vegetation on the boundaries that characterises the residential plots to the southern side of the street. However, to the northern side, which includes the plot at No 65 Heathside where the additional dwelling was allowed at appeal, there is more of a variety of plot sizes. In some cases there are other dwellings or garages (such as some on Atherley Way and Dunleary Close) which are set towards the rear of the Heathside houses, resulting in smaller plots, especially compared to the spacious plot sizes to the southern side of Heathside.
11. For these reasons, particularly due to the difference in character, the allowed appeal at No 65 Heathside is not directly comparable with the proposal at No 56 subject to this appeal.
12. It is my view that the position of the proposed dwelling to the rear of No 56 would be inconsistent with the pattern of development to this side of Heathside and at odds with the typically spacious rear gardens and open character, which contribute positively to the visual amenities of the area. The proposed dwelling would likely be visible to some extent from Heathside and it would appear as an incongruous addition to the street scene.
13. The access road with the parking hardstanding has been omitted from this proposal, therefore differing from that proposed with the 2020 appeal. There is

also no significant length of new fencing with landscaped areas instead. These are improvements over that previously proposed. However, the proposed dwelling would still diminish the distinctive spacious nature of the area to the rear of dwellings on this side of Heathside. The size of plot for the new dwelling would not be small, though the development would also result in a much smaller plot for No 56 than is typical.

14. As with the 2020 appeal decision, the harm as a result of the proposed dwelling would be modest, taking into account features such as the proposed landscaping, modern design, green low profile roof, single storey height (being subservient to the house at No 56) and the site position at the end of the cul-de-sac. These would be mitigating factors. Nonetheless, there would be modest harm as a result of that proposed to the character and appearance of the area and street scene.
15. Due to this harm the proposal would conflict with policies LP1 and LP39 of the Local Plan, which seeks to require development to be compatible with local character including development patterns; with a presumption against back garden development due to the need to maintain local character, amongst other things.

Planning Balance

16. The proposal would provide a dwelling on a small site towards local housing land supply in what is an accessible location, which would have social and economic benefits. There would be increased landscaping and also biodiversity enhancements. There would be sustainable elements to the proposal, such as the solar panels. However, as this is only a single dwelling proposed the benefits would be limited.
17. Overall, whilst the harm I have identified is modest, the benefits would be limited. It is my view that the harm of locating the dwelling in this incongruous position with adverse impacts to the character and appearance of this part of Heathside, would clearly outweigh the benefits of the proposed development.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR