



Appeal Decision

Site visit made on 29 June 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2022

Appeal Ref: APP/L5810/W/21/3287393

Land to rear of 600-602 Hanworth Road TW4 5LJ & 21 Conway Road TW4 5LL

- 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 Mrs Sheel Gupta against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 20/3766/FUL, dated 16 November 2020, was refused by notice dated 16 July 2021.
 - The development proposed is described as '*Construction of a block of 4 flats and a detached bungalow on land to the rear of 600-602 Hanworth Road (owned by Mrs S Gupta) and 21 Conway Road (owned by Mr B Sandhu)*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on biodiversity;
 - whether or not the proposal would make an appropriate contribution towards affordable housing;
 - whether or not the proposal would be safe with regard to fire risk.
 - whether or not the proposal would be adequately accessible and serviced; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

Biodiversity

3. The appeal site comprises the far ends of the respective rear gardens of 600 and 602 Hanworth Road and 21 Conway Road. They in part contain grass areas, hedging and shrubbery and are a portion of the wider swathe of back garden space between Conway Road and Hanworth Road. Thus, there is the potential for the redevelopment of the site to negatively impact biodiversity.
4. Policy LP39 (B) of the Local Plan (adopted 2018) states, amongst other things, that back garden land which provides wildlife habitats must be retained. Policy LP15 further provides that where development would impact on species or a habitat, the potential harm should firstly be avoided, secondly be adequately mitigated, or, as a last resort, appropriately compensated for.

5. In the absence of an assessment of the biodiversity value of the site and how that may be affected by the proposal, I am unable to begin to apply these policy tests. The appellant states that such evidence was not requested when the planning application was validated, but even if that is so, it does not absolve us of the requirement to address this issue in the here and now.
6. Consequently, in these circumstances, I must conclude that the proposal would conflict with the biodiversity aims of Policies LP15 and LP39 of the Local Plan and the National Planning Policy Framework (the Framework).

Affordable Housing

7. Policy LP36 of the Local Plan requires development of this type and quantum to provide a commuted sum towards the provision of offsite affordable housing. The appellant is willing to do so and a document calculating a payment accompanies the appeal. However, I understand the sum it sets out falls short of that required pursuant to Annex A of the Affordable Housing Supplementary Planning Document (2014). Furthermore, even if the sum is correct, there is no mechanism before me to secure it as a planning obligation. As such, I must conclude that the proposal would not make an appropriate contribution towards affordable housing, in conflict with Policy LP36 of the Local Plan, the Affordable Housing Supplementary Planning Document and the Framework.

Fire safety

8. Policy D12(A) of the London Plan (adopted 2021) requires schemes to have the highest standards of fire safety. In doing so, it sets out criteria to be addressed. These criteria are not addressed in the evidence before me and therefore the potential for the scheme to present unacceptable fire risk to future and existing residents cannot be ruled out. I am mindful of the location of the site at the end of a private road, with likely inhibited access for fire appliances.
9. The appellant points out that Policy D12 was not adopted when the application was submitted. However, it was adopted before the Council refused permission, and it is part of the development plan now. Accordingly, I must conclude that the proposal would not be safe with regard to fire risk. It would conflict with the requirements of Policy D12(A) of the London Plan and the Framework.

Access and servicing

10. The site plan demonstrates that adequate vehicle parking spaces and refuse storage would be provided. In my view, the proximity of the refuse store to the public highway is tolerable in terms of dragging distances, being similar to the adjoining houses in Kimber Place. Electric vehicle charging points and cycle storage could be secured by conditions, had I been minded to allow the appeal.
11. However, access is proposed through Kimber Place, which is not owned by the appellant, and it is clear that the owners are not presently willing to allow access for future occupants of the proposal. A Deed of Easement has been supplied with the appeal, but this appears to relate to 600 Hanworth Road only.
12. This creates significant doubt in my mind as to whether or not a route through Kimber Place would be possible for residents of the proposed development and their visitors and service providers. On this basis, I must conclude that the scheme would not be adequately accessible or serviced. As such, it would conflict with Policies LP39 and LP45 of the Local Plan, the Transport

Supplementary Planning Document (2020), the Recycling and Refuse Requirements Supplementary Planning Document (2015) and the Framework.

Character and appearance

13. The site is in Character Area 8 as defined by the Whitton & Heathfield Village Planning Guidance Supplementary Planning Document (the SPD) and subsection 3 of that area (Hanworth Road). The Local Plan has a cautious approach to infill and backland development. However, the SPD is clear that this area, particularly around Conway Road and Meadow Close, is characterised by infill redevelopment, some of which I observed is high density.
14. Within this context, the proposal, which effectively continues the design, scale, building density and pattern of the infill development at Kimber Place, would be a complementary addition to the townscape. The bungalow would correspond to the other bungalows in the area, including 21 Conway Road. Whilst the areas forward of the buildings would largely comprise forecourt parking, with limited soft landscaping, this is consistent with the Kimber Place street scene.
15. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the design aims of Policies LP1 and LP39 of the Local Plan, the Small and Medium Housing Sites Supplementary Planning Document (2006), the Design Quality Supplementary Planning Document (2006), the SPD, and the Framework.

Other Matters

16. The Council is also concerned about comings and goings to and from the proposed development effecting the living conditions of residents within Kimber Place and Meadow Close. However, in my view, the intensification of residential use within what is an established residential area is unlikely to have a significant effect on levels of noise and disturbance experienced in the locality.

Planning Balance

17. I have found that the scheme would be unacceptable in relation to biodiversity, affordable housing, fire safety and access and servicing. The resultant policy conflicts draw the proposal into conflict with the development plan when read as a whole. The scheme would contribute five adequately sized residential units to the local supply without harm to the character and appearance of the area nor the living conditions of adjacent residents. However, the benefits of the housing provision are of limited weight and do not amount to other considerations which serve to outweigh the conflict with the development plan.

Conclusion

18. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones
INSPECTOR