



Appeal Decision

Site visit made on 28 June 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2022

Appeal Ref: APP/L5810/W/21/3278779

24 Cambrian Road, Richmond TW10 6JQ

- 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 Matthew Armitt against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 21/0530/FUL, dated 15 February 2021, was refused by notice dated 13 April 2021.
 - The development proposed is single storey rear extension, removal of glazed extension at ground floor, rear dormer roof extension, 3 rooflights on front roof slope, cycle and refuse stores and associated hard and soft landscaping to facilitate the conversion of two flats to one dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's refusal reasons cited, amongst other things, a lack of assessment into flood risk, while no evidence was submitted to demonstrate water consumption at 110L per person. Information covering those matters has accompanied the appeal, and the Council is satisfied that its concerns have been addressed. Consequently, those refusal reasons do not form part of my assessment of the appeal.
3. In addition, the Council is satisfied that information has been provided which demonstrates that the scheme would improve the street scene and the parking situation on Cambrian Road. Together with the details provided on water and energy consumption, the suite of documents submitted would overcome the Council's concerns regarding the loss of housing. This matter has therefore also been addressed and will not form part of my deliberations.

Main Issues

4. The main issues are:
 - whether the proposal makes adequate provision toward infrastructure, with particular reference to affordable housing; and
 - whether the proposal complies with the requirements of sustainable construction having regard to local planning policies.

Reasons

Affordable housing

5. The appeal site comprises a mid-terrace property, formerly consisting of two self-contained flats. It is proposed to change the tenure to a single dwelling house.
6. Policy LP36 of the Richmond Upon Thames Local Plan (2018) (Local Plan) requires that for this development a financial contribution equivalent to the cost of 4% of the gross number of dwellings should be provided. This position is also reflected, and elaborated on in more detail, in the Supplementary Planning Document on Affordable Housing (2014) (Affordable Housing SPD), published by the Council. However, the policy pre-dates the National Planning Policy Framework (the Framework) which states that affordable housing should not be sought for residential schemes that are not major developments.
7. The Council has provided me with substantive evidence that there is an acute need for affordable housing in the Borough, the importance of small sites in delivering this, and that these requirements do not place a disproportionate burden on developers. The appellant does not dispute the relevance of Policy LP36 of the Local Plan to the proposal. Therefore, based on this specific local evidence, the Framework's provisions, do not outweigh the development plan in this instance.
8. Policy LP36 does allow for viability to be considered when calculating the affordable housing contribution necessary. However, the policy is explicit at criteria D that the developer will also be required to underwrite the costs of a Council commissioned economic viability assessment, where a reduction in the affordable housing contribution is sought.
9. The appeal has been accompanied by a viability assessment. The report examines the existing use value, the site acquisition costs including stamp duty and legal fees, the gross development value, build cost assessment, contingency and professional fees. The report concludes that in this instance, the total land and development costs deducted from the gross development value result in a negative figure and so the proposal is not viable to provide an affordable housing contribution.
10. Notwithstanding the report's findings, the appellant has not complied with the policy insofar as funding the costs of a Council viability assessment. Moreover, I have no evidence of any attempts to contact the Council and commission an assessment. In the absence of this, the Council have been unable to provide a detailed response to the appellant's conclusions. The lack of any counter evidence fails to accord with the policy and prevents me from making a robust and reasoned assessment of this case. Without this information I cannot be certain that an affordable housing contribution, as claimed by the appellant, is unviable in this respect.
11. I conclude that there is insufficient information before me to provide certainty that the proposed development makes adequate provision toward infrastructure, with particular reference to affordable housing. Therefore,

the proposal conflicts with Policy LP36 of the Local Plan, together with the Affordable Housing SPD, the objectives of which are referred to above.

Sustainable construction

12. Policy LP22 of the Local Plan requires developments to achieve the highest standards of sustainable design and construction to mitigate the effects of climate change. Schemes for 1 dwelling unit or more, will require a completed sustainable construction checklist (SCC) to accompany the application. The Sustainable Construction Checklist Supplementary Planning Document (the SCC SPD) provides guidance on what is required in this regard.
13. The SCC covers relevant matters not assessed under the Building Research Establishment Environmental Assessment Method (BREEAM) (e.g. Transport and Biodiversity) and points may be gained for providing design features which contribute towards better sustainability practice. As a result, the SCC will also measure 'additional' sustainability impacts of the proposed development which are particularly relevant to the Borough, and which will not require repetition of information already provided as part of a BREEAM assessment.
14. The BREEAM pre-assessment accompanying the appeal sets out that an Excellent rating can be achieved. Furthermore, estimated energy consumption and water efficiency measures show that the development could comply with the minimum standards. However, as indicated in the SPD further information is required for the purposes of completing the SCC and I have no details of these, or an explanation why they've not been provided.
15. In the absence of any detailed analysis and information to form a completed SCC, I cannot reach a firm conclusion on whether the proposal would achieve the highest standards of sustainable design and construction to mitigate the effects of climate change. Therefore, the proposal fails to comply with the requirements of sustainable construction outlined in Policy LP22 of the Local Plan and the SCC SPD, the provisions of which I have referred to.

Other Matters

16. The appellant states that the proposal fulfils the three principles of sustainable development as outlined in the Framework. It is acknowledged that there would be social and economic benefits through the creation of a new family home and the additional spending in the locality during the construction and occupation phase. However, due to the lack of a completed SCC the proposal would fail to accord with the development plan. Moreover, the environmental objectives of sustainable development, referred to in the Framework, of mitigating and adapting to climate change, have not been demonstrated. On this basis the modest benefits of the scheme would not outweigh the significant harm I have identified.
17. The appeal site forms part of the Richmond Hill Conservation Area (CA), which derives its significance, in part, from the uniform arrangement and

historic qualities of the many mid-late 19th century houses. Other than the installation of some modest conservation roof lights, the proposal would result in limited alterations to the exterior of the building. Accordingly, it would maintain the largely unaltered appearance of the street's frontage and would not harm the significance of the CA.

Conclusion

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

RE Jones

INSPECTOR