



Appeal Decision

Site visit made on 23 August 2022

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2022

Appeal Ref: APP/L5810/W/22/3291108 73A High Street, Hampton, TW12 2SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Dean Citroen of TJS Developments Ltd against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/3568/DD04, dated 1 October 2021, sought approval of details pursuant to condition No U0083044 of planning permission Ref 19/3568/FUL, granted on 10 June 2020.
 - The application was refused by notice dated 5 January 2022.
 - The development proposed is replacement of existing single-storey detached bungalow to provide a pair of two-storey semi-detached dwelling houses with habitable roofspace, each with 5-bedrooms; off-street parking provision for two vehicles per dwelling; the removal of the existing two dropped kerbs and reinstatement of footpath, and subsequent creation of a central dropped kerb; and associated hard and soft landscaping and cycle and refuse stores.
 - The details for which approval is sought are described as: "*U0083044 - Boundary Treatments*".
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted on 10 June 2020 (Ref 19/3568/FUL) for the construction of 2 dwellings, subject to conditions. This appeal seeks to discharge condition No U0083044 'boundary treatment', which requires the submission of details indicating the positions, design, materials and type of boundary treatment to be erected. The reason given for imposing this condition is "*to ensure that the proposed development is in keeping with the existing buildings and does not prejudice the appearance of the locality*".
3. In this context, the main issue is whether the submitted details are sufficient to discharge condition U0083044 'boundary treatment'.

Reasons

4. In granting permission Ref 19/3568/FUL, the Council approved a series of plans under condition No U0083038 'approved drawings'. A number of these plans specify details relating to boundary walls and fencing. With regard to the

boundary with No 73, approved plan 19-26-GA-200-03¹ states "*existing party wall to be rebuilt, including new foundations to height of 2.58m, and rendered to match existing wall*". In addition, approved plan 19-26-GA-099-02² identifies a "*new brick wall 2m high*" along part of this boundary and a "*new boundary fence 2m high*" along the remainder.

5. The plans submitted under this appeal include a number of details that differ from those specified on the approved plans. In particular, the existing boundary treatments to the side and rear of the development are proposed to be retained, rather than replaced with new walls and fencing. This would clearly contradict the approved plans identified above.
6. In addition, the introduction of a 1m high brick wall between the frontages of the 2 proposed dwellings would be at odds with approved plans 19-26-GA-501³ and 19-26-GA-099-02⁴. Both of these plans show an open shared frontage that would allow a vehicle to enter, turn and exit the site in a forward gear. Conversely, the plans submitted with this appeal would provide little space for turning, which would be likely to necessitate reversing manoeuvres to/from High Street, which is a busy main road.
7. In these circumstances, there is a clear conflict between the approved plans and those submitted to discharge condition No U0083044. However, the details submitted to discharge this condition cannot supersede or alter the approved plans. That can only be done by an application to vary the approved plans condition. Accordingly, I have no option but to dismiss the appeal.

Conclusion

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

Thomas Hatfield

INSPECTOR

¹ 'Proposed Front and Rear Elevations'

² 'Proposed Landscape Plan'

³ 'Proposed Swept Path Analysis'

⁴ 'Proposed Landscape Plan'