



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: 21st September 2022

Appeal Ref: APP/L5810/W/21/3286010

Rear of 63-65 Raleigh Road, Richmond, TW9 2DU

- 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 Colin Ferns Limited against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 20/3463/FUL, dated 3 December 2020, was refused by notice dated 25 May 2021.
 - The development is described as *"proposed change of use of vacant substation at the rear of the premises to staff facilities together with the retention of a permitted single storey side and rear extension (Ref; 20/0424/FUL) dated 8 April 2020"*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's third reason for refusal relates to the lack of a fire safety strategy, which is a requirement of Policy D12 of the London Plan (2021). However, it is common ground that this is capable of being dealt with by a suitably worded planning condition. I see no reason to disagree, and I have therefore not considered this matter in any further detail.
3. The site has previously been subject to 3 dismissed appeals (Refs APP/L5810/W/18/3195261, APP/L5810/C/18/3217580 and APP/L5810/W/19/3222431). I have taken the previous Inspectors' findings into account in my decision. Nonetheless, I have reached my own findings based on the circumstances of the present case.

Applications for Costs

4. Applications for costs were made both by Colin Ferns Limited against the Council of the London Borough of Richmond-upon-Thames, and by the Council of the London Borough of Richmond-upon-Thames against Colin Ferns Limited. These applications are the subject of separate decisions.

Main Issues

5. The main issues are, firstly, the effect of the development on the living conditions of neighbouring occupiers with regard to overlooking, noise, and disturbance and, secondly, whether the development would prejudice highway safety.

Reasons

Living conditions

6. The appeal site consists of an existing vehicle repair workshop, a former electricity substation, and disused open land to the rear. It is a narrow, backland site in close proximity to the rears of Nos 65-83 Raleigh Rd.
7. At present, both pedestrian and vehicular access to the site is taken via Raleigh Road and there is no alternative route into the site. Whilst the proposed access onto Sandycombe Road is labelled as being for emergency access only, it would pass in close proximity to the rear gardens of several adjacent properties and would provide elevated views over them. Any regular use of this route has the potential to result in a significant loss of privacy to the adjacent rear gardens, which are relatively compact and private in nature. Views into the rear windows of those properties would also be available at relatively close quarters.
8. It is asserted that a suitably worded planning condition could ensure that this route is used as an emergency access only. However, any use of this route by customers or employees would be very difficult to detect and enforce against and would require significant and ongoing monitoring. In this regard, such a condition would not pass the test of enforceability in my view. Moreover, this would be a far more convenient route for employees or customers approaching from the southeast, and it would lead directly to the proposed office area.
9. A new 2 metre high trellis fence and planting is proposed along the boundary with Nos 65-83 Raleigh Rd in order to mitigate overlooking. However, it is unclear how much privacy this style of fence would afford, and any new planting would take time to mature. It is also unclear how easy it would be to install such a fence given the presence of existing trees and planting along the boundary. Moreover, the appellant was unable to provide access to this part of the site during my visit and so I am unable to be sure that such a fence would be sufficient to mitigate these concerns.
10. The introduction of a new access door next to the proposed office and welfare facilities would also be likely to encourage the use of the outdoor area by staff for lunch and cigarette breaks, etc. This would further undermine the privacy of adjoining occupiers and would be very difficult to detect and enforce against, for the reasons set out above. Moreover, were this door to be left open during warmer weather it would allow noise to escape from the workshop, which would be likely to disturb the tranquillity of adjoining gardens.
11. For the above reasons, I conclude that the development would be likely to significantly harm the living conditions of neighbouring occupiers with regard to overlooking, noise, and disturbance. It would therefore be contrary to Policy LP 8 of the Richmond Local Plan (2018), which requires development to protect the living conditions of neighbouring properties.

Highway safety

12. Previous appeal decisions have found the narrow access route between Nos 63 and 65 Raleigh Road to be unsafe. This area is used for parking by vehicles associated with the business, and in order for a vehicle to exit the site it is often necessary for several parked vehicles to reverse back onto Raleigh Road. This manoeuvre is difficult due to the narrowness of the road and the presence of parked cars on either side of the entrance. Accordingly, previous Inspectors

found that earlier proposals involving a significant intensification of the business use would unacceptably prejudice highway safety.

13. The previous appeal schemes involved the use of the former substation building for the repair and maintenance of motor vehicles. As such, those proposals would have facilitated the expansion of the workshop area and would have been likely to increase the number of vehicles using the access route from Raleigh Road. However, the current appeal proposal differs from the previous schemes in that it would consist mainly of welfare and office facilities, alongside a relatively small storage area. The workshop area would not be expanded. In my view, this arrangement would be unlikely to increase the intensity of business activities at the site or the use of the existing access route.
14. Concerns are also raised about the potential to use the open land at the rear for storage purposes or as an outdoor workshop. However, the use of this area for outdoor storage over any significant period of time would be relatively straightforward to detect (unlike its use as a pedestrian access). The use of this area as an outdoor workshop is also highly unlikely given its narrow width and lack of shelter, and in any case, this would generate a significant amount of noise and so would be easy to detect. Accordingly, a condition could control the use of this area to prevent these specific uses of the land.
15. For the above reasons, I conclude that the development would not prejudice highway safety. It would therefore accord with Policies LP 44 & LP 45 of the Richmond Local Plan (2018), and the National Planning Policy Framework, which together seek to ensure that development does not harm highway safety and provides sufficient levels of car parking.

Other Matter

16. During my site visit I viewed the interior of the premises and saw the welfare facilities that are currently available. These are of generally poor quality and are limited in size. The provision of replacement modern welfare facilities would clearly be beneficial to both employees and customers of the business.

Conclusion

17. As set out above, I conclude that the development would significantly harm the living conditions of neighbouring occupiers and would be contrary to the development plan in this regard. Whilst it would not prejudice highway safety, would provide improved welfare facilities, and would make use of disused land and buildings, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR