



Appeal Decision

Site visit made on 30 August 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2022

Appeal Ref: APP/L5810/W/22/3291683

9 Cheyne Avenue, Twickenham TW2 6AN

- 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 Mark Cooper against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 21/4141/FUL, dated 2 November 2021, was refused by notice dated 28 January 2022.
 - The development proposed is described on the application form as 'Construction of two storey, two bedroom three bed space attached dwelling house with associated provision of refuse/parking/cycle storage, and amenity space; host dwelling roof conversion from hip to gable, incorporating proposed rear dormer, and 1st Fl rear fenestration changes'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has referred to inaccurate drawings on their decision notice. It considered that the inaccuracies did not preclude them from making a recommendation and issuing a decision. I have considered the appeal on the same basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and the surrounding area;
 - whether the proposal would provide adequate car parking;
 - the effect of the proposal on the provision of affordable housing in the area; and
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to privacy.

Reasons

Character and Appearance

4. The appeal site lies in a residential area at the junction of Cheyne Avenue and Sheringham Avenue. The area is characterised by semi-detached houses and bungalows. The properties are set back from the highway, within generous sized plots, and have well defined 'building lines' to both roads. Hipped roof and bay windows are prominent features of the area. The property forms part

of a pair of semi-detached houses and is similar in design to others within the cul-de-sac. Whilst some of the properties within the locality have been extended, the overall character of the built environment has changed little.

5. The construction of a new two storey dwelling, as proposed, would result in the subdivision of an existing house plot. It would result in dwellings that occupy a substantial part of their plot, with limited external space. In this regard I also note an additional area of land between the illustrated amenity space and the parking space, however the evidence before me does not indicate any intention for it to serve as amenity space for either dwelling. As a result, the proposed development would be in stark contrast to the surrounding properties which predominantly comprise of large houses set within generous grounds. Moreover, it would introduce a short terrace, which is out of keeping with the other properties in the locality and not currently represented in the area. Consequently, it would be out of keeping with its immediate surroundings.
6. The proposed dwelling would occupy a prominent corner position, well forward of the established 'building line' of the properties in Sheringham Avenue. Furthermore, its two storey gable wall would be close to the back edge of the pavement. As a result of its siting, and significant bulk, the proposed dwelling would be prominent when viewed from the adjoining roads, with its rear elevation being particularly conspicuous when viewed from Sheringham Avenue. In this regard I do not accept the appellant's view that the road and pavement widths are generous to an extent that would mitigate the impact of the proposed development. Consequently, I find that the proposal would appear as an incongruous and detrimental feature within the street scene.
7. I acknowledge that the proposed alterations to the roof of the host property would be located between the proposed dwelling and the neighbouring at No.11. That said, the extensions are linked, and not clearly severable from the proposed dwelling. They would be viewed as part of the larger scheme. In particular the proposed dormer would combine with the proposed dwelling adding to the overall bulk and mass of the resultant development. As a result, the proposal would appear overly large. Therefore, the overall scheme would be detrimental to the character and appearance of the host property and the area.
8. I have taken into account the extensions to other properties within the locality, as referred to me by the appellant, and the earlier appeal decision¹ relating to a two storey side extension at the appeal site, as cited by the Council.
9. On my site visit I took particular note of the extensions at 7 Cheyne Avenue and 192 Waverley Avenue, the latter being allowed on appeal. I saw that the extension at No.7 was located close to the back edge of the pavement, and comprised of a part two storey, part single storey side extension. Whilst I accept that the extension had a similar relationship to the adjoining roads, and was of a similar scale and mass, its first floor was set back by a small distance from the pavement. Furthermore, its visual impact was mitigated by existing trees. I noted that the side extension at 192 incorporated a long sloping roof with dormers and was not directly adjacent the pavement.
10. Furthermore, I noted that for the most part, where two storey extensions had been erected, they appeared as subservient elements to the host property. As

¹ APP/L5810/D/17/3182507 Dismissed on 27 November 2017

a result, whilst acknowledging that side extensions with 2-storey elements have been built in the locality, their design and context was different. Therefore, the examples submitted by the appellant of other developments in the locality are not directly comparable with the appeal proposal. They do not provide justification for it.

11. Insofar as the previous appeal decision relating to the site is concerned this is a material consideration that I am required to take into account in determining this appeal. In this regard I acknowledge that the current proposal includes provision for a new dwelling to the side of the host property as opposed to an extension. That said, I find that the current proposal is not significantly different, in terms of its siting, scale and mass, to the scheme that was previously dismissed. Whilst noting that the appeal decision was made in 2017, prior to the adoption of the current development plan, from what I saw during my site visit the circumstances on the ground had not significantly changed. Consequently, I give this matter significant weight.
12. In light of the above, I conclude that the proposed development would have a harmful effect on the character and appearance of the host property and the surrounding area, contrary to Policies LP1 and LP8 of the London Borough of Richmond Upon Thames Local Plan (2018) (LP), the Design Quality Supplementary Planning Document (2006) (DQSPD), the House Extensions and External Alterations Supplementary Planning Document (2015) (HEEASPD) and the Whitton and Heathfield Village Planning Guidance Supplementary Planning Document (2014)(WHVPGSPD). These policies and guidance, amongst other matters, require high quality design that responds to the site's immediate and wider context and local character.

Car Parking

13. Policy LP45 of the LP seeks to ensure that development makes provision for the accommodation of vehicles to meet its needs.
14. The appeal site has a Public Transport Accessibility Level (PTAL) rating of 1b which is considered very poor. The host property's parking space would be transferred to the new dwelling and not replaced. Whilst the Council accept that the proposed development would provide sufficient off-street parking for the new dwelling, they have concerns about whether adequate parking would be provided for the host property. In particular they argue, that in the absence of a parking survey which demonstrates sufficient capacity in the local area to accommodate future parking, the proposal would be detrimental to pedestrian and vehicular safety on the surrounding roads.
15. In this regard the appellant asserts that the occupier of the host property would be entitled to park on the street, and consequently there would be no incremental on-street parking arising from the proposal.
16. During my site visit, which took place in the afternoon, I noted that there were a number of vehicles parked on the forecourts of properties fronting Cheyne Avenue and Sheringham Avenue, with a limited number of vehicles parked on the public highway. The traffic along the roads was flowing freely, with no evidence of vehicles being impeded by parked vehicles. Whilst I appreciate that circumstances may change at different times of the day and week, I have no compelling evidence to suggest that on-street parking currently represents an insurmountable problem in the locality.

17. The parking space, identified for use by the occupiers of the new dwelling, currently exists with the provision of a dropped crossing. Whilst its use would involve vehicles reversing onto, or from, the highway, which is not ideal, it is an accepted feature within the locality. Consequently, I find that its continued use would not result in any increased detriment to highway safety. That said, in the absence of dedicated off-street parking space for the host property there would be a net increase in on-street parking. This additional on-street parking would be likely to take place close to the junction of Cheyne Avenue and Sheringham Avenue. Therefore, whilst the number of additional vehicles parking on the highway might be small it would nonetheless increase danger to pedestrians and drivers using these roads.
18. Accordingly, the proposal would be contrary to Policies LP44 and LP45 of the LP, and the Transport Supplementary Planning Document. These policies and guidance seek, amongst other matters, to promote safe, sustainable and accessible transport solutions and minimise the impact of car-based travel on the local road network.

Affordable Housing

19. Policy LP36 of the LP requires a contribution towards affordable housing on all housing sites, and therefore applies to the proposed dwelling.
20. The appellant has indicated that he would be willing to make a reasonable contribution towards the provision of off-site affordable housing. In this respect, I note that discussions regarding the amount of the contribution have taken place between the Council and the appellant. That said, no legal agreement has been presented to me for consideration.
21. I conclude, on this main issue, that the proposal would fail to contribute towards affordable housing, which is a recognised local housing need. As a result, it would be contrary to Policy LP36 of the LP and the Council's Affordable Housing Supplementary Planning Document (2014). This policy and guidance, amongst other matters, seeks to ensure that small sites contribute to affordable housing provision in the Borough.

Living Conditions

22. Reason 1 of the Council's decision refers to 'an unacceptable degree of overlooking of neighbouring rear gardens, to the detriment of neighbouring amenities'. That said, the Council's officer report indicates that the removal of a proposed Juliet balcony, and 'unacceptably' large windows, as previously proposed, is considered to overcome officers previous concerns regarding a real and perceived sense of overlooking of neighbouring gardens.
23. In this regard, from what I saw on my site visit, and based on the proposal before me, I find that the proposal would not give rise to any significant increase in overlooking, above and beyond what would normally be expected in a residential area. Therefore, in this respect I agree with the assessment made within the officers report regarding any potential overlooking.
24. Accordingly, the proposal would not have a harmful effect on the living conditions of the occupiers of neighbouring properties, with particular regard to privacy. As a result, it would not be contrary to Policies LP1 and LP8 of the LP, the DQSPD, the HEEASPD and the WHVPGSPD. These policies and guidance seek developments that, amongst other matters, are compatible with one

another, taking account of any potential adverse impacts arising from the layout and design, including any potential overlooking.

Other Matters

25. I note the appellants assertion that the London Borough of Richmond Upon Thames has missed their target for new housing units by almost 40% on average for the last two years. The Council argues that this is not the case with a five year housing supply plus a 5% buffer in place. Nevertheless, even if there was a shortfall, the provision of a single dwelling on the site proposed, would give rise to planning harm and conflict with the development plan. Matters to which I attach substantial weight.
26. In this regard I also accept that small sites can contribute towards housing supply, and both the London Plan and the National Planning Policy Framework place emphasis thereon. However, in this instance, I find that the harm that would arise from the proposed development outweighs any benefit of an additional dwelling.
27. I also note that the Council has raised no objection with regards to ecological, and landscaping matters subject to appropriate conditions being imposed in the event that the appeal is allowed. Furthermore, they consider that the proposal is policy compliant with respect to sustainability and, given that the proposal is for one new dwelling, there is no policy requirement with regards flood risk and sustainable drainage. I have no reason to disagree with them on these matters. These matters however are neutral factors in my consideration of this case.

Conclusion

28. I have found that the proposal would not have an adverse effect on the living conditions of the occupiers of neighbouring properties, with particular regard to privacy. However, the absence of harm is a neutral factor and does not weigh in favour of the proposal.
29. However, I have found that the proposal would be harmful to the character and appearance of the area and would not make provision for the accommodation of vehicles to meet its needs. In addition, the absence of a legal agreement, in respect of the payment of a financial contribution towards affordable housing, means that the proposal also fails to address a recognised local housing need.
30. There are no other material matters, of sufficient weight, that indicate the application should be determined other than in accordance with the development plan as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

John Gunn

INSPECTOR