



Appeal Decision

Site visit made on 16 August 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2022.

Appeal Ref: APP/L5810/W/22/3293976
18 Twickenham Road, Teddington, TW11 8AG

- 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 & Mrs Mike & Caroline Curran against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 21/3415/FUL, dated 30 September 2021, was refused by notice dated 1 February 2022.
 - The development proposed is the reversion of existing building to 1No. single family dwelling from 3Nos. self-contained flats.
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Decision

1. The appeal is allowed and planning permission is granted for the reversion of existing building to 1No. single family dwelling from 3Nos. self-contained flats at 18 Twickenham Road, Teddington, TW11 8AG in accordance with the terms of the application Ref 21/3415/FUL, dated 30 September 2021, subject to the conditions set out in the attached Schedule.

Application for Costs

2. The appellants made an application for costs against the Council. This is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposal on the Borough's housing stock.

Reasons

4. The officer report on the original application is comprehensive in its coverage. The proposal is assessed against a range of headings, 10 in all, and is found to satisfy 9 of the issues identified. Based on the available information, I have no reason to disagree with the assessments made in respect of those 9 issues.
5. The Council's concerns, however, centre on the loss of housing stock in the scheme, which amounts to 2 units. This aspect is dealt with in the officer report under the heading of '*Principle of Development*'. Central to the assessment is Policy LP38 of the Richmond Local Plan (RLP), which deals with loss of housing.

6. In their assessment, however, officers appear to me to have elevated some of the provisions of Policy LP38's supporting text to a level equating to policy. I am reminded of the judgement¹ where Richards LJ said:

'...when determining the conformity of a proposed development with a local plan the correct focus is on the plan's detailed policies for the development and use of land in the area. The supporting text consists of descriptive and explanatory matter in respect of the policies and/or a reasoned justification of the policies. That text is plainly relevant to the interpretation of a policy to which it relates but it is not itself a policy or part of a policy, it does not have the force of policy and it cannot trump the policy.'

7. Policy LP38 distinguishes between reversions, conversions, and redevelopment. The proposal is described as a reversion, and the Council has treated it as such. There is no dispute that the property was once a single dwelling, which was converted some time ago into 3 flats. The appellants wish to revert to the former use as a single dwelling.

8. Against the general background that existing housing should be retained, as set out in Part A of Policy LP38, Part B of the policy says simply:

Proposals for reversions and conversions should assess the suitability of the property and design considerations.

9. This and the supporting text to the policy strongly suggest to me that, despite the general presumption against the loss of existing housing, reversions are not to be frowned upon as a matter of course but assessed having regard to the considerations set out in the body of the policy itself, the supporting text but also to other policies of the RLP.
10. The appeal property is a substantial and attractive property designated by the Council as a Building of Townscape Merit (BTE), or a locally listed building, being a heritage asset in the terms of the Framework². Having seen its condition, internal and external, I have no reason to disagree with the appellants' description of it as being in extremely poor condition. The refurbishment would be extensive, and the costs will inevitably be high, but this does not appear to be in dispute having regard to the Council's acceptance of the appellants' submitted viability exercise. The proposal, to my mind, since it would vastly improve the property's condition and revert it into its original use and purpose, would serve to enhance the character and appearance of a non-designated heritage asset in accordance with the thrust and objectives of RLP policy LP4.
11. The Council says that the development will bring but minor external changes having a neutral effect on the street scene. But the reversion to a single dwelling in this spatial context would have other positive benefits.
12. The character of this residential street is largely informed by family housing, including a significant proportion of detached dwellings. I walked the length of the street and saw no other example of flatted accommodation, and the Council has not pointed to any. The use of the subdivided property as flats is therefore uncharacteristic of its' surroundings. The reversion proposal accordingly

¹ Cherkley Campaign Ltd, R (on the application of) v Mole Valley District Council & Anor [2014] EWCA Civ 567 CoA

² The National Planning Policy Framework 2021

- chimes with the requirements of RLP policy LP35(A) which says that development should generally provide family sized accommodation and that the housing mix should be appropriate to the site-specifics of the location.
13. Secondly, the development is also wholly in accord with those provisions of RLP policy LP1 directed to '*Local Character and Design Quality*'. The policy requires development proposals to have to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance, and take opportunities to improve the quality and character of buildings.
 14. Since the external changes proposed to the front elevation are modest, the design considerations in the required policy LP38 assessment are satisfied.
 15. The Council acknowledges that relatively significant environmental benefits would occur in assessing the proposals against the provisions of RLP policy LP22³. But the Council says that what '*it is assessing in this instance is whether this improvement could not occur without the reversion*', that is, if the 3 flats were to be refurbished. However, the Council has not adequately explained why the approach it adopted is a requirement of policy.
 16. I share the Council's view that the parking and transport benefits derived from the scheme would be marginal and neutral in their effects.
 17. The Council has not seriously disputed the claim that the Borough is currently exceeding the housing targets set out in the London Plan. Indeed, it says that it is likely to exceed them by 2025. However, it says that it has adopted a long-term view, due to a limited land supply and high land values in the Borough. The Council says it appreciates that the two units lost here appear minor in the context of its housing targets, however, it says there is '*the potential for cumulative impacts of such conversions*'. I have not been provided with any evidence to demonstrate what '*potential*' the Council has in mind, and Policy LP38 make no reference to this factor. In any event, any possible future proposals should be considered on their merits, as required.
 18. Reference has been made to two appeals⁴ concerned with similar development proposals in the Borough. I have given some weight to that produced by the appellants, but since the decision in the appeal referred to by the Council preceded the adoption of the RLP, it attracts little or no weight in my considerations.
 19. On first reading the appeal documentation, I noted that the appellant had resubmitted another similar application for the reversion. Had it been approved, it would have been material to my considerations, but on enquiry, I am given to understand that the application is yet to be determined.
 20. The Council's comments on the issue of affordable housing have been noted, in the context of its acceptance of the content of the appellants' submitted viability assessment.
 21. All other matters in the representations have been taken into account but none outweighs those considerations which led me to my conclusions.

³ Directed to Sustainable Design and Construction

⁴ Ref APP/L5810/W/17/3188240 & 18/3215027

Planning Balance and Conclusions

22. For the reasons set out above, I find the proposal would comply with relevant RLP policies in that it would enhance a non-designated heritage asset; be entirely in accord with the character of the street and bring significant environmental benefits. Against that, any parking and transport benefits would be negligible, and two housing units in poor condition would be lost, albeit that I agree with the Council that this loss would be minor in the context of the achievement of its housing targets.
23. On balance I find that the benefits of the scheme outweigh its disbenefits, and find that the proposal complies with RLP policy 38 in that the property is both suitable for the proposed reversion and that the design considerations are acceptable.
24. I therefore conclude that the the effects of the proposed development on the Council's housing stock would be minimal and acceptable having regard to the benefits of the scheme.

Conditions

25. It is necessary in the interests of certainty that the development should be carried out in accordance with the approved plans.
26. The Council's suggested conditions in respect of BREEAM compliance, water consumption and energy reduction are reworded in a single condition, which is imposed in the interests of sustainability. The Council's suggested Fire Strategy condition shall be imposed, albeit in a slightly modified form, to ensure compliance with Policy D12 of the London Plan.
27. I consider all other conditions suggested by the Council to be unnecessary or unreasonable. The Council's proposed landscaping condition appears to me to be a condition more appropriately directed to far larger schemes than proposed here. Future residents should be capable of laying out their own garden in the manner they desire. Similarly, arrangements in respect of refuse storage and cycle parking for a single dwelling can be safely left to the appellants and future residents.
28. During my visit I noted that works have been carried out both internally and externally, albeit that these seemed largely directed to clearance rather than the reversion. It would not therefore be appropriate to impose the Council's proposed construction management plan in its current form. Moreover, the proposed condition appears to be a standard one, directed to larger schemes than is the case here. I shall not impose it since I consider its requirements excessive and unreasonable. However, in the interests of protecting neighbouring living conditions I shall impose a condition restricting construction working hours, and in the interests of pedestrian safety and convenience, another condition shall be imposed to safeguard the use of the footway outside the site.

G Powys Jones

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1792.01.03.EXG.001, 1792.01.03.GEN.020, 1792.01.03.EXG.002, 1792.01.03.EXG.060, 1792.03.03.PLN01.020 & 1792.02.03.PLN01.060.
3. The development hereby permitted shall be carried out in accordance with the provisions and recommendations of the appellants' submitted documents in respect of BREEAM, Energy Reduction and Water Consumption.
4. The development shall be carried out in accordance with the provisions of the Fire Safety Strategy, received by the Council on 19 October 2021, unless otherwise approved in writing by the Local Planning Authority.
5. No construction or other works or activities arising from the development hereby permitted giving rise to noise on the site's boundaries shall be carried out at the site between the hours of 19.00 and 07.30 on weekdays, or between 13.00 and 08.00 on week-ends and bank holidays.
6. No materials shall be stored on the footway fronting the site, which shall be kept free of obstruction at all times during the construction period.