

Appeal Decision

Site visit made on 18 October 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2022

Appeal Ref: APP/L5810/W/22/3302175

45 Langham Road, Teddington TW11 9HF

- 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 and Mrs Staton against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 22/0523/FUL, dated 1 February 2022, was refused by notice dated 28 April 2022.
 - The development proposed is erection of a 5-bedroom dwellinghouse with associated outbuilding, parking and landscaping following demolition of the existing bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a 5-bedroom dwellinghouse with associated outbuilding, parking and landscaping following demolition of the existing bungalow at 45 Langham Road, Teddington TW11 9HF in accordance with the terms of the application, Ref 22/0523/FUL, dated 1 February 2022, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr and Mrs Staton against Richmond Upon Thames London Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. A Preliminary Ecological Appraisal Report, Bat Activity Survey Report and a Sustainable Construction Checklist (SCC) were submitted, amongst other things, with the appeal. The Council, and third parties, have had the opportunity to comment on these documents as part of the appeal process. As such, no party has been prejudiced by their submission. During the appeal, the Council withdrew its third and fifth reasons for refusal relating to an affordable housing contribution and the SCC. Moreover, it also withdrew its concerns regarding privacy and biodiversity, although it retains concerns regarding the extent of landscaping in relation to the character and appearance of the area. This has informed the following main issues.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area;
 - The living conditions of the occupiers of No 39 Langham Road (No 39) with particular reference to outlook from the rear garden.

Reasons

Character and appearance

5. The appeal site includes a detached bungalow on a large and spacious plot. It is located on a residential street characterised by large, attractive two-storey houses. The small size of the bungalow and its simple design are at odds with this character, although due to its size, it is not a dominant detracting presence in the street.
6. The width of frontages varies along the street, some are wider, but most are generally narrower than the appeal site – particularly those containing semidetached houses. Both Nos 37 and 39 Langham Road immediately to the north are wider plots containing large, detached houses with wide frontages. In contrast, the neighbouring plots to the south, from Nos 47 to 60 Langham Road (Nos 47 to 60), are narrower with deep houses. Nos 47 to 60 include semi-detached and detached houses and have narrow gaps in between the buildings.
7. There would be a particularly narrow gap between the proposed building and No 47. Due to the height of the proposed dwelling, its combined massing with No 47 would have a much greater presence in the street scene than the existing situation. Nonetheless, the hipped roofs of the two buildings would accentuate the gap between the dwellings and they would be clearly seen as two distinct detached houses. In this part of the street, with other narrow gaps between buildings to the south prevalent and with a general lack of strict rhythm in the street scene, its positioning in relation to No 47 would not appear out of character.
8. There would be a greater gap to the north toward No 39. Moreover, this building has a single storey section with a hipped roof to the side. As such, there would be an open break between the two storey elements of the proposed dwelling and No 39. Overall, having regard to the above, I am satisfied that the positioning of the dwelling would harmonise with the established and varied spacing in the street.
9. Although No 37 was approved prior to the Council's current development plan policies, it nonetheless, is an established part of the street scene. The proposed replacement dwelling would be considerably larger than the existing bungalow. However, set in the context of the other large houses it would not appear an unduly dominant dwelling. Moreover, it would transition well, in its scale and proportions in its plot, with the narrower plots and houses to the south and the wider plots and large houses to the north. In this context, it would not appear excessively wide.
10. The proposed dwelling would have balanced proportions, with two front facing gables that would give a pleasing symmetry in the street scene. It would not replicate any single house design in the street, but it would draw from the architectural detailing of other houses. Given the variety of houses along the street, including the contemporary design of the neighbouring dwelling, the proposal would harmonise with its surroundings.
11. The proposal would result in a small reduction of soft landscaping from 163m² to 158m². Such a small loss is not a significant reduction. Moreover, although no firm details are before me in respect of the schedule of landscaping, such

details could be reserved by way of a condition. This could include specific details of wildlife friendly planting and other measures for ecological enhancement. There is no substantive evidence before me that such measures could not be achieved. Given the extent of soft landscaping that would be retained, and the opportunities for planting, the proposal would not harm the verdant character of the rear gardens.

12. To conclude, the proposal would have an acceptable effect on the character and appearance of the surrounding area. I therefore find no conflict with the requirements of Policies LP1 and LP39 of the Council's Local Plan (LP) (2018), the provisions of the National Planning Policy Framework (Framework) (2021), or the objectives of the Design Quality (2006), Small and Medium Housing Sites (SMHS) (2006) Supplementary Planning Documents (SPDs) or the Hampton Wick and Teddington Village Planning Guidance SPD (2017), insofar as they relate to this main issue. These stipulate, amongst other things, that the Council will require all development to be of high architectural and urban design quality.

Living conditions

13. The proposed dwelling would extend past the rear building line of No 39 and would be clearly visible from its rear garden. The hipped roof form of the proposed dwelling, and the partly stepped design of the rear façade between the ground and first floor, would assist in moderating the effects on outlook from the garden of No 39.
14. Moreover, No 39 has a large spacious garden and although the development would be prominent, the garden would not be unduly hemmed in by the proposal. The built form would be to the side, to the periphery of the garden and the pleasant open and verdant outlook to the rear would remain.
15. I therefore conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of No 39 with particular reference to outlook from the rear garden. I therefore find no conflict with the requirements of Policy LP8 of the LP, the provisions of the Framework or the objectives of the SMHS SPD, insofar as they relate to this main issue. These stipulate, amongst other things, that all development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties.

Other Matters

16. The proposed dwelling would have a similar height to other dwellings in the street. Moreover, although closer to the rear boundary than the existing bungalow it would still be set back a reasonable distance. In a residential street a certain degree of overlooking of gardens from upper floor windows is not unusual. Given the distance to the boundary and the neighbouring properties to the rear, even taking into account of the ground levels, the proposal would not result in a significant degree of overlooking, light intrusion, harm to outlook or loss of light to any of the gardens or houses to the rear.
17. The proposed garden shed would provide cycle parking, amongst other things. It would have a similar relationship to the neighbouring properties as the existing garage. Moreover, there is no firm evidence to indicate that the proposed outbuilding would result in an unacceptable degree of noise and

disturbance. Details of landscaping could be secured by way of condition to ensure that the type of planting is appropriate for the location.

Conditions

18. I have adapted the Council's suggested conditions where necessary in the interests of precision and brevity. Where necessary, consent has been obtained from the appellants for the use of pre-commencement conditions, as the carrying out of building work in advance of approval could prejudice the scope to agree any changes to the submitted details.
19. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development is carried out in accordance with them, as this provides certainty. I have included the fire safety drawings within this list for brevity, rather than separating into two different conditions.
20. A condition relating to the construction management plan is necessary in the interests of safety and proper site management. Conditions relating to the details of materials, landscaping and photovoltaic panels are necessary in the interests of the final appearance of the development. I have adjusted the timing of the materials condition to pre slab level, as it is not necessary to have such details prior to the commencement of development. I have included the details of the green/brown roof, lighting, minor artifacts, and structures including bin storage, and means of enclosure in a single landscaping condition to minimise the need for multiple conditions.
21. Conditions 4 and 5 are necessary to safeguard ecological interest. I have adjusted the Council's suggested ecological conditions to simplify them into two conditions in the interests of brevity and preciseness. A condition regarding cycle parking is necessary in the interests of encouraging means of transport other than by private car. However, the details provided in the plans are sufficient with the cycle parking contained within the garden shed. I do not therefore consider further details to be reasonable in this instance.
22. Condition 10 is necessary in the interests of protecting the development against existing and future flood risk. Conditions 11 and 12 are necessary in the interests of climate change mitigation and sustainability. The proposal aims to achieve a 55.45% reduction in carbon dioxide emissions beyond Building Regulations requirements. However, I have not been referred to a policy requirement for this level of reduction, nor is this level necessary to make the development acceptable. I have subsequently adjusted the minimum level in condition 11 so that it accords with the Council's policy requirements. This would still allow the appellants to achieve their proposed target reduction voluntarily. Condition 13 is necessary to ensure that the home meets future diverse and changing needs in the area.
23. Conditions relating to the air source heat pump, side windows and restricting the roof's use are necessary in the interests of the living conditions of occupiers of neighbouring properties. I have omitted the requirement for the heat pump to be regularly serviced as I do not consider this element to be enforceable.

Conclusion

24. To conclude, the proposal would have an acceptable effect on the character and appearance of the surrounding area and the living conditions of the occupiers

of No 39 with particular reference to outlook from the rear garden. The proposal would accord with the development plan and Framework when read as a whole.

25. For the reasons set out above, and having regard to all other matters raised, the appeal is allowed subject to conditions.

Mr R Walker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg Nos 7353/: EX/00, EX/01, EX/02, EX/03, EX/04, EX/05, PL/01, PL/02, PL/03, PL/04, PL/05, PL/06, PL/07, PL/08, PL/09, PL/10, PL/11, PL/12, PL/13, PL14, PL/15, PL/16, PL/17, PL/18 and PL/19.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall take place, including any works of demolition, until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall be in accordance with the Syntegra Preliminary Ecological Appraisal and Syntegra Further Bat Survey both dated May 2022. The approved CEMP shall be adhered to throughout the construction period.
- 5) No development shall take place, including any works of demolition, until full details of all ecological enhancements have been submitted to and approved in writing by the local planning authority. The details shall be in accordance with the Syntegra Preliminary Ecological Appraisal (PEA) and Syntegra Further Bat Survey both dated May 2022. Should works not start prior to November 2024, an up-to-date PEA shall be submitted to and approved in writing by the Local planning Authority. The works shall be carried out in accordance with the approved details and retained thereafter.

- 6) No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - proposed finished levels or contours; means of enclosure; all external hard surfacing materials; minor artifacts and structures including bin storage; lighting; proposed and existing utility services above and below ground.
 - Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
 - Details including specification of the green/brown roof (vegetated roof system). The species mix shall be focused on wildflower planting, and no more than a maximum of 25% native sedum coverage with an extensive substrate base (min depth 80mm).
 - an implementation and management/maintenance programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

- 8) Prior to the installation of photovoltaic panels, final details shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 9) The dwelling hereby approved shall not be occupied unless the cycle parking as shown on the approved plans has been provided in accordance with those plans. Thereafter the cycle parking shall be kept available at all times for those purposes.
- 10) The development hereby approved shall be implemented and maintained thereafter in strict compliance with the approved Flood Risk Assessment and Sustainable Drainage System Strategy report ref. SWDS-2021-000077 prepared by STM Environmental Consultants Ltd dated 28/01/2022.
- 11) The dwelling hereby approved shall achieve a minimum of 35% reduction in Carbon dioxide emissions beyond Building Regulations requirements (2013).
- 12) The dwelling hereby approved shall not be occupied other than in accordance with the water consumption targets of 105 litres or less per person per day, and 5 litres or less per head per day for external water use.
- 13) The development hereby approved shall not be constructed other than in accordance with Building Regulation M4(2).

- 14) Noise from the air source heat pump to which the application refers shall not exceed a level 5 dB(A) below the existing lowest LA90(15min) background noise level at any time when the plant is operating and where the source is tonal it shall not exceed 10 dB(A). The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises or at 1.2m above any adjacent residential garden, terrace, balcony or patio. If at any time the plant is determined by the local planning authority to be failing to comply with this condition, it shall be switched off upon written instruction from the local planning authority and not used again until it is able to comply.
- 15) The first-floor windows in the side (North and South) elevations of the dwelling hereby approved shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.7 metres (5'7") above the relevant floor level.
- 16) The roof of the building shall not be used for any purpose other than as a means of escape in emergency or for maintenance of the building.

End of Schedule