



Appeal Decision

Site visit made on 24 January 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2023

Appeal Ref: APP/L5810/W/22/3303890

14 Trafalgar Road, Twickenham TW2 5EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Ms C Rogers against London Borough of Richmond upon Thames Council.
 - The application Ref 22/1096/HOT, is dated 31 March 2022.
 - The development proposed is creation of pedestrian and vehicular access and permeable hardstanding area for car parking. Alteration to front boundary wall to increase visibility and installation of new iron fence and gate.
-

Decision

1. The appeal is dismissed and planning permission for the creation of pedestrian and vehicular access and permeable hardstanding area for car parking, alteration to front boundary wall to increase visibility and installation of new iron fence and gate is refused.

Preliminary Matters

2. The Council issued a decision notice on 1 August 2022 refusing planning permission for the proposed development. However, this was after an appeal had been lodged on 26 July 2022. Thus, it was not a formal determination as the jurisdiction to determine the application, transferred from the Council upon receipt of this appeal. The appeal is therefore against the Council's failure to determine the planning application within the relevant statutory timeframe. I have had regard to the Council's delegated officer report, which provides clarity in terms of the reason why the Council would have refused planning permission, had it been able to do so. This has formed the main issue below.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Trafalgar Road Twickenham Conservation Area (CA), with particular regard to the setting of a Building of Townscape Merit (BTM).

Reasons

Character or Appearance of the Conservation Area

4. The appeal site is located within the Trafalgar Road Twickenham CA. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I am required to pay special

attention to the desirability of preserving or enhancing the character or appearance of the CA.

5. The significance of the CA lies in its consistent scale and style of planned 2-storey semi-detached Villa style dwellings of high quality architecture, set back behind mature gardens, delineated by low brick walls with iron railings. Trees located within the front gardens provide a sense of enclosure, partially obscuring the visibility of the dwellings at times. Tree planting within front gardens is a particular feature and a notable part of the character of Trafalgar Road.
6. The appeal site is one such villa-style dwelling located on the north-eastern side of Trafalgar Road. Both parties agree that the dwelling is a locally listed BTM, its significance being derived from its age and aesthetic architectural value. Tree planting within the front garden contributes to the verdant setting of the BTM.
7. The proposal would see the creation of an off-street car parking area along with the reconfiguration of the front garden boundary, including a pair of double gates and iron railings. The Council do not object to the provision of off-street car parking per se, and based on the evidence before me, I see no reason to take a differing view. Rather the concerns relate to the impact of the proposal on trees within the appeal site, specifically a mature birch adjacent the boundary with 16 Trafalgar Road and a mature holly tree to the front, which contribute to the verdant quality of the area. Given its evergreen nature and its location within the plot, the holly tree in particular, makes a notable contribution to the character of the street scene, even in winter when other trees are not in leaf.
8. The proposed site plan indicates that the holly and birch trees would remain. Nonetheless, there is no evidence before me by way of a Tree Survey, Arboricultural Impact Assessment and cross-section drawing, to indicate the depth of excavation required to form the car parking area, how this would impact on the root protection area (RPA) of the trees, and whether this could be mitigated through the use of specialist construction techniques for example, hand-digging.
9. It seems to me from my observations of the extent of the crown spreads of the holly and birch trees, that works to excavate and form the proposed car parking area are likely to conflict with the RPA of both trees. Damage to the roots is likely to result in the future loss of the trees. Given their maturity and prominence, such loss would fail to preserve or enhance the character or appearance of the CA and would further harm the setting of the BTM.
10. I have considered the extent to which a condition could secure detailed information relating to the protection of the existing trees. However, in the absence of any baseline arboricultural data to advise whether it is possible in this instance, to construct the proposed car parking area without causing damage to the existing trees, it would not be reasonable to secure this information by condition. Given that the impact on both trees is unknown, any requirement for suitable mitigation would also be unknown and therefore, unreasonable to condition.
11. The proposed front boundary enclosures would reflect the design of others nearby and would represent a minor enhancement to the appearance of the

appeal site. However, this would not outweigh the potential harm that would be exerted on the existing trees as a result of the proposed development.

12. In the absence of any detailed information to ensure that the retained trees would not be adversely affected, it has not been demonstrated that the proposed car parking area would preserve or enhance the character and appearance of the CA. Nor has it been demonstrated that the proposal would not harm the setting of the BTM. It therefore conflicts with Policies LP1, LP3, LP4 and LP16 of the Richmond upon Thames Local Plan 2018. These policies aim amongst other things, to ensure development preserves or enhances the character and appearance of a CA, and resist development that would result in the loss or damage of trees considered to be of townscape or amenity value. The development would also conflict with the Transport SPD (2020) and Twickenham Village Planning Guidance SPD (2018) which aim to maintain the harmony and continuity of a street frontage, including the retention of planting.
13. I recognise that the impact of the proposal on the CA would be localised, given it would be seen in close views from Trafalgar Road. Consequently, in the words of the National Planning Policy Framework (the Framework), the harm to the significance of the CA would be less than substantial and the harm to the significance of the BTM would be modest. Paragraph 202 of the Framework therefore directs me to weigh the identified harm against the public benefits of the proposal. There would be some benefit to the provision of additional off-street car parking. However, this would be a private benefit to the appellant and at the cost of the loss of the 2 on-street spaces to the front of the access, which could be used by the wider public. No further public benefits have been advanced by the appellant.
14. Consequently, when giving considerable importance and weight to the special regard I must have to the desirability of preserving or enhancing the character or appearance of the CA and the significance of the BTM, I find that the significant harm that would arise from the appeal scheme, would not be outweighed by any public benefits.

Other Matters

15. I am advised that this proposal follows the refusal of 3 similar schemes (application references 20/2865/HOT, 20/3777/HOT and 21/2067/HOT) with the latter being dismissed at appeal (APP/L5810/D/21/3284789). Based on all that I have seen and read I have concurred with the view of the previous Inspector that the holly tree in particular, contributes to the character of the BTM and CA. Whilst the previous proposal appeared to involve the removal of the holly tree which is now proposed to be retained, there is still insufficient evidence before me, to conclude that the proposal would not unduly harm the trees to be retained. Although it appears supporting tree information may have been provided in respect of previous schemes, no such information has been put to me, nor appears to have been before the Council at the time of their decision. Hence, it has not been demonstrated that this scheme would not result in harm to the character of the CA or setting of the BTM from the loss or damage to existing trees.
16. I note that the appellant tried to engage with the Council during the lifetime of the application. Whilst the lack of a response is likely to be frustrating, it is nonetheless a matter for the parties, and is not relevant to my decision.

17. The Council suggest that the proposal conflicts with the Buildings of Townscape Merit SPD (2015). However, it seems to me that this is generally a statement of character rather than providing specific guidelines or policy advice, particularly in respect of proposals such as that before me. Likewise, reference to the House Extensions and External Alterations SPD (2015) does not appear applicable to the creation of off-street car parking within front gardens. Hence, I have not concluded against these documents in relation to this particular proposal.

Conclusion

18. For the reasons set out above, the development would conflict with the aims of the development plan and the Framework read as a whole. There are no considerations advanced that indicate the decision should be made other than in accordance with the development plan or the Framework. Accordingly, the appeal is dismissed, and planning permission is refused.

M Clowes

INSPECTOR