



Appeal Decision

Site visit made on 16 May 2023

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 24 May 2023

Appeal Ref: APP/L5810/W/22/3297500

116A Amyand Park Road, Twickenham, TW1 3HP

- 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 London Roc against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 21/3806/FUL, dated 3 November 2021, was refused by notice dated 25 February 2022.
 - The development proposed is the demolition of existing buildings. Erection of 2 x 2 storey with accommodation in the roof semi-detached houses with associated landscaping, parking, and refuse/cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development plan comprises the policies of the London Borough of Richmond Upon Thames Local Plan (July 2018) (the Local Plan).

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the living conditions of the occupiers of 112-116 Amyand Park Road with particular reference to overlooking and loss of privacy,
 - The effect of the proposed development on ecology, and
 - Whether or not the proposed development would make adequate provision for affordable housing.

Reasons

Living Conditions

4. The appeal site is accessed from Amyand Park Road via a narrow track, and comprises land and a detached dwelling incorporating a steeply pitched roof with dormer to front and an integral garage. The proposal seeks the demolition of the existing building and the erection of a pair of semi-detached dwellings on this backland site.
5. Policy LP8 of the Local Plan provides that all development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties. This is reinforced by Policy LP39 of the

Local Plan which specifically concerns infill, backland and backgarden development and which, amongst other matters, provides that such development must not result in unacceptable adverse impact on neighbours, including loss of privacy to existing homes or gardens.

6. The frontage of the proposed semi-detached dwellings would directly face towards the rear gardens of 114 and 116 Amyand Park Road, with rear external amenity space at 112 Amyand Park Road being positioned to the west northwest of the front of the proposed building. There are several other properties arranged in plots close to the site and to the above identified neighbouring properties and, as I observed on my visit, there already exists a degree of mutual overlooking from the upper floors of those buildings to neighbouring dwellings and their associated private garden spaces.
7. The existing building at the site has two window openings to the front above ground floor level. Both the small dormer window and modest scaled window above the integral garage look out towards the rear of 114 and 116 Amyand Park Road.
8. The front elevation of the proposed building would include a significantly greater number of window openings at first floor and at the second floor level of accommodation within the roof space. Those windows would be substantial in scale and, within a projecting bay window at first floor, would serve bedrooms. The dormer window openings at the second floor roof space, would serve rooms annotated on the submitted plans as bedroom/study. In respect of the submitted plans, it is noted that there are discrepancies between the plan showing the front (northwest) elevation of the proposed building which appears to incorporate additional rooflight openings, and the second floor and roof plan which does not show any such rooflight openings.
9. The window openings at first and second floors would provide opportunities for increased levels of overlooking and loss of privacy at the identified neighbouring properties at 112, 114 and 116 Amyand Park Road, and especially in respect of overlooking the rear private garden spaces at those properties.
10. It is noted that there would be less intensive occupation of the proposed building when compared to a recent proposal for a scheme of six units of residential accommodation at the site. However, this appeal scheme would result in an increased degree of overlooking to neighbouring properties when compared to the existing modestly scaled building at the site. Whilst I also acknowledge that the separation distance between the proposed building and the rear of dwellings that front onto Amyand Park Road would be approximately 22 metres, the rear private garden spaces at those neighbouring properties adjoin the site and would be significantly overlooked by windows at first and second floors of the proposed semi-detached dwellings.
11. The Appellant has put it to me that overlooking into the rear of the identified neighbouring properties would be prevented by additional planting of trees at the shared boundaries. However, in order to prevent unacceptable degrees of overlooking and loss of privacy such trees would have to be a significant height which would be likely to result in unacceptable loss of outlook and loss of light into the rear of those neighbouring dwellings and a significant loss of light for their associated southeast facing garden spaces, unacceptably affecting the living conditions of existing residents at those properties.

12. In combination with the above proposed additional planting and separation distance between buildings, the Appellant also maintains that unacceptable degrees of overlooking, and loss of privacy, would be overcome by including obscured glazing to one of the window openings at each of the first floor projecting bays, and by the addition of obscured glazing for the dormer windows at second floor level.
13. However, the inclusion of obscured glass for one of each of the windows at first floor would not prevent opportunities for overlooking and loss of privacy with regards to neighbouring properties, from other openings included in those proposed bay windows. Furthermore, whilst it is noted that the accommodation at second floor level is annotated on plans as being for bedroom/study, the plans depict beds located within those rooms. In that respect and in terms of the effect on the living conditions of future residents of the scheme with regards to outlook, it would not be suitable to include obscured glazing for those habitable rooms. Additionally, the inclusion of rooflights on the second floor front elevation of the proposed building would also introduce further opportunity for overlooking and loss of privacy at the above identified neighbouring rear garden spaces.
14. In summary of the above, whilst separation distance between the buildings may not result in an unacceptable loss of privacy at the neighbouring dwellings, the proposed development would result in unacceptable levels of overlooking and loss of privacy at the neighbouring rear garden spaces, being detrimental to the living conditions of existing residents at those properties. Consequently, the appeal scheme would conflict with the aims and provisions of Policies LP8 and LP39 of the Local Plan.

Ecology

15. Policy LP15 of the Local Plan provides that the Council will protect and enhance the borough's biodiversity and this will be achieved by, amongst other matters, supporting enhancements to biodiversity and by incorporating and creating new habitats or biodiversity features into development sites and into the design of buildings themselves where appropriate.
16. There would be an overall increase in the footprint of built form at the site when compared to the existing position and which would result in the loss of areas of existing soft landscaping. In that regard, biodiversity net gain could be achieved through an enhanced landscaping scheme which could be secured by planning condition.
17. A preliminary ecological appraisal and preliminary roost assessment report was submitted in support of the planning application which concluded that, whilst there was no evidence of bats within the existing building at the site, by reason of bats having been recorded within the area and due to certain gaps and spaces within the existing building itself, an additional bat emergence and re-entry survey should be undertaken during the period May to September. No further survey results were provided in support of the application.
18. Nonetheless, the evidence before me confirms that the appeal site has been the subject of a further planning application for a scheme that would be similar to the present appeal scheme in terms of design, scale and spread, and which was supported by an additional bat emergence and re-entry survey undertaken in late May 2022. That survey report found that there would be no direct

impacts on roosting bats. However, it was recommended that a low impact lighting strategy be employed, and which would reduce light spill. The survey further suggested enhancements in the form of bat boxes to be incorporated into the design and construction of the proposed building.

19. In light of those conclusions and subject to the recommendations and enhancements proposed within that survey to be secured by planning condition, I find that the appeal scheme would not have an adverse effect on bats. Furthermore, as above, subject to planning conditions requiring submission and approval of an enhanced landscaping scheme at the site, the proposal would result in biodiversity net gain. Consequently, the proposed development would not conflict with the aims or provisions of Policy LP15 of the Local Plan.

Affordable Housing

20. Policy LP36 of the Local Plan provides that a contribution towards affordable housing will be expected on all housing sites subject to considerations of viability. The policy continues by providing that where a reduction to an affordable housing contribution is sought on the basis of viability, then developers should provide a development appraisal to demonstrate that schemes are maximising affordable housing.
21. The Appellant maintained that the proposed development would not be sufficiently financially viable to support any affordable housing contributions and provided a viability assessment in support of the planning application.
22. Whilst it appears that the Appellant did not provide any payment in respect of costs associated with the independent assessment of the viability report, the Council confirm that assessment of viability in respect of the abovementioned subsequent planning application for a similar pair of semi-detached dwellings at the site, was conducted. In that respect, the Council disagrees with the conclusions of the Appellant's viability report that the scheme would be unviable if affordable housing contributions were included. However, the Council has not provided any evidence or submissions as to specifically why they disagree with the Appellant's viability report.
23. Given the lack of information which challenges the figures or details provided by the Appellant with regards to viability, I am not satisfied that it has been shown that the Appellant's viability assessment contains errors or has come to an incorrect conclusion regarding the viability of the scheme and its ability to provide affordable housing contributions. As such, I cannot conclude that this specific scheme would be required to provide those contributions. Consequently, I find no conflict with the requirements of Policy LP36 of the Local Plan or with the provisions of the Council's Supplementary Planning Document on Affordable Housing (March 2014).

Other Matters

24. Interested parties raise additional concerns on the grounds of; impact on the living conditions of future residents with regards to external amenity space standards; noise and disturbance; design and impact on designated heritage assets; highway safety and parking; impact on local infrastructure and flood risk. Whilst I have carefully considered all of the evidence and submissions

before me in those regards, given my above findings and below conclusions, these are not matters that have been critical to my decision.

Planning Balance and Conclusion

25. In summary of the above, whilst I find no conflict with the policies of the Local Plan that concern the protection and enhancement of biodiversity and in respect of affordable housing contributions, the appeal scheme would result in unacceptable living conditions for neighbouring residents.
26. The social benefits of the scheme would be limited to the provision of an additional unit towards housing supply. Limited economic benefits would arise from short term employment opportunities during the construction phase of the proposed development and through the spend of future occupants within local businesses. There would be some environmental benefits in terms of biodiversity net gain subject to planning conditions as described above, and through the use of previously developed land.
27. In my view the benefits of the appeal scheme would attract only limited weight. Given the importance placed on providing a good standard of residential amenity within the National Planning Policy Framework, and by reason of the identified harm to the living conditions of existing residents and the subsequent conflict with the policies of the development plan when taken as whole, to which I attach substantial weight in the determination of this appeal, I conclude that the adverse impact on the living conditions for nearby residents would not be outweighed by the benefits of the scheme.
28. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR