



Appeal Decision

Site visit made on 4 April 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2023

Appeal Ref: APP/L5810/W/22/3290416

27 Heatham Park, Twickenham TW2 7SF

- 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 Mr Stephen and Mrs Paula Elderton against Richmond Upon Thames London Borough Council.
 - The application Ref 21/2693/FUL, is dated 29 July 2021.
 - The development proposed is amalgamation of two flats into a single dwellinghouse and loft conversion and two rooflights.
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Decision

1. The appeal is dismissed.

Main Issues

2. Although there is no formal decision from the Council, it has offered putative reasons for refusal. Based on these, the main issues are:
 - i) Whether the reduction in the number of residential units arising from the proposal, would be acceptable in light of the Richmond Local Plan (2018) ('LP');
 - ii) Whether the proposal makes appropriate provision for affordable housing; and,
 - iii) The effect of the proposal on protected species.

Reasons

Loss of residential unit

3. The appeal site is occupied by a semi-detached property which incorporates two self-contained flats (27 and 29 Heatham Park), occupying the ground and first floors of the property, respectively.
4. Policy LP 38, of the LP, sets out a presumption in favour of retaining existing housing. Nevertheless, this Policy does allow for proposals comprising reversions, conversions and redevelopment, subject to certain requirements.
5. On the information before me, the appeal property was purposely constructed as two separate flats. As such, the proposal would not be a reversion. However, the supporting text to Policy LP 38 of the LP, does allow exceptions to reversions, where there is evidence of tangible benefits arising from the

- proposal. This can include assessments of sustainability or the poor standards of existing units.
6. With regard to environmental benefits and sustainability, a BREEAM - Domestic Refurbishment Rating has been undertaken, this shows that the refurbishment of the appeal property to facilitate the proposal would achieve a 'very good' rating. This includes less energy usage arising from the conversion. The proposal also includes the provision of additional landscaping and ecological enhancement measures.
 7. The proposed dwelling would also use solar panels, as well as an electric vehicle charging point. These are considered positive contributions to energy conservation, renewable energy and climate change adaptation.
 8. Whilst I acknowledge that most of the above benefits could be achieved without the loss of a residential unit. In this case, these are being specifically provided in support of and to facilitate the proposal.
 9. Moreover, it is common ground between the main parties that the existing flats fall short of the Nationally Described Space Standards ('NDSS') for two-bedroom single storey dwellings. Whereas, the proposed 3 bed house, would exceed the NDSS.
 10. I understand that The London Plan has increased the level of housing that the council needs to provide over the next ten years. As such, the Council seeks to replace the loss of existing housing by new housing at existing or higher densities with at least the equivalent level of overall floorspace. Furthermore, the limited land supply and high land values in the borough mean that existing housing is valued, and the loss of such units would challenge the Council in achieving its housing targets.
 11. Even so, whilst there would be some loss of housing, this would be limited to a single unit, which in this case is justified by the environmental and sustainability improvements arising from the proposal, along with the improved quality of the proposed accommodation relative to that which exists. Accordingly, I find no conflict with LP Policy, LP 38.

Affordable Housing

12. LP Policy LP 36 expects that a contribution towards affordable housing will be delivered on all housing sites. On sites below the threshold of 'capable of ten or more units gross,' a financial contribution to the Affordable Housing Fund is sought, in line with the sliding scales set out within this Policy.
13. Furthermore, Policy LP 36 of the LP is clear that this is a requirement for all residential developments and is based on the final number of unit(s) proposed, in this case 1. The Affordable Housing Fund is secured by way of legal agreement.
14. The above Policy does provide some flexibility where for viability reasons, the Affordable Housing Fund cannot be met. This requires the developer to provide a development appraisal to demonstrate that schemes are maximising affordable housing. The developer is also required to underwrite the costs of a Council commissioned economic viability assessment.

15. In the absence of an Affordable Housing Fund contribution and any substantive development appraisal to support the lack of this, the proposal fails to make appropriate provision for affordable housing and conflicts with LP Policy LP 36.

Protected species

16. The appeal property backs onto the River Crane, there is a good degree of landscaping including trees along the riverbank and beyond and within gardens of nearby properties along here. This area also adjoins an 'Other Site of Nature Importance.' Together, these areas are likely to incorporate habitat which could be used by a range of protected and priority species, including bats. Given the location of the appeal property in close proximity to the river, its roof space is also likely to be a suitable bat habitat.
17. The proposal includes alterations to the roof of the appeal property. As such, in the absence of survey evidence that the existing roof of the property does not support bat roosts, the scheme fails to show that bats would be safeguarded. Accordingly, I find conflict with LP Policy LP 15, which says that the Council will protect and enhance the borough's biodiversity.

Other Matters

18. Based on Section 55 of the Town and Country Planning Act 1990, the appellants assert that the amalgamation of two or more dwellings into one is not normally considered to be 'development'. Irrespective, the proposal before me relates to a planning application for development and I have determined it on this basis.

Conclusion

19. Although I have found that the proposal would be acceptable in principle, I have also found that this would not support the provision for affordable housing and fails to show that protected species would not be harmed. For these reasons, and conflict with the development, I conclude that the appeal should be dismissed and planning permission is refused.

M Aqbal

INSPECTOR