



Appeal Decision

Site visit made on 30 June 2023

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/L5810/W/22/3293904

28 Mayfair Avenue, Twickenham, TW2 7JG

- 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 Mathew Clissold against the decision of the London Borough of Richmond Upon Thames Council.
 - The application Ref 21/2756/FUL dated 3 August 2021, was refused by notice dated 21 February 2022
 - The development proposed is described on the application form as "Single storey self-contained studio flat with demolition of existing garage".
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant has confirmed that they would be agreeable to the provision of a unilateral undertaking to provide a financial contribution towards affordable housing and the evidence shows that if the Council did not have objections to other aspects of the scheme, it would have allowed additional time for this to be completed. As a consequence, this is not, in principle, a contested matter between the parties.
3. In view of this, and because I am dismissing the appeal for other reasons, I see no need to make a finding on whether such an obligation would meet the tests set out in the Community Infrastructure Levy Regulations 2010 (as amended).

Main issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. My assessment of the locale accords with character appraisal contained in the Village Planning Guidance¹, which describes the Constance Road area as containing a consistent style of 1930s semi-detached suburban housing with double bay frontages (often set below peaked mock-Tudor gables), much of which has retained its original architectural detailing and is predominantly finished in brown brick to the ground floor with render/pebbledash above and pantile roofs.

¹ Whitton and Heathfield Village Planning Guidance, Supplementary Planning Document, 1 July 2014, London Borough of Richmond upon Thames.

6. The appeal site contains a detached double-width garage with flat roof that fronts onto Constance Road. This structure, which the proposed dwelling would replace, was constructed for parking purposes in connection with the host dwelling (No 28 Mayfair Avenue).

Character and appearance of the area

7. The proposed dwelling would adjoin the north, east and western boundaries of the appeal site, with a small partly enclosed frontage providing a bin & cycle storage area and single parking space. As a consequence, it would have a disproportionately small amount of outside space within its curtilage when compared to its built footprint, which would give it a cramped and contrived appearance and convey the impression that it had been squeezed onto the site. This would be wholly out of character with the surrounding area, where the prevailing pattern of development and urban grain is characterised by semi-detached 2-storey dwellings set on spacious plots with private gardens to the rear. The development would also be publicly visible from the road which would intensify its harmful impact.
8. The appellant states that it would be inappropriate for a mock 1930s property on the site and that a dogmatic approach to design would prevent innovation and hinder any solution to the housing crisis. However, the proposed flat roof would be wholly out of character with the prevailing roofscape which is characterised by pitched roofs and its architectural detailing & fenestration design would not reinforce the locale's sense of place derived from its consistency of architectural form with strong cruciform/bay window rhythm and symmetrical frontages. In any event, even allowing scope for architectural creativity and new development being honest to its time, it is my view that the scheme's modern non-descript design falls well below the quality necessary for it to result in a new positive addition to the character and appearance of the area that would justify a change to the established street character and urban grain.
9. In support of the scheme, my attention has been drawn by the appellant to the prevalence of studio flats in the surrounding area. Be that as it may, I found none at my site visit to be comparable to the scheme before me and have therefore determined the appeal on its own merits.
10. The evidence does not reveal any specific private amenity space standards for new and existing dwellings, which has led me to assess this matter on the merits of the scheme before me. The proposed dwelling would be of a very limited size with no more than 1 or 2 adult occupants and I therefore consider it highly unlikely that it would be used by families with children. In light of this, and because of its close proximity to recreational facilities at Murray Park and the Whitton Park Sports Association, along with food & drink establishments on Whitton High Street, I do not consider the absence of outside space would prove harmful to the living conditions of future occupants in this particular instance. I am also satisfied that a sufficient amount of garden space would remain for the host dwelling.
11. In view of the above, I conclude that the development would be harmful to character and appearance of the area. The proposal would therefore conflict with Policies LP1 and LP39 of the Local Plan², which collectively seek, amongst

² Local Plan, Adopted 3 July 2018, London Borough of Richmond upon Thames.

other things, to ensure that development respects and enhances local character and has regard to existing development patterns, grain, scale, massing, height, proportions, form and detailing.

12. The scheme would also conflict with the Village Planning Guidance which seeks, amongst other things, to ensure that development protects and reinforces the distinctive character of the area. It would also conflict with the Council's Design Guide³ which states that; (1) while the replication of past architectural forms is not always appropriate, design should reflect the locality; and (2) in places where there already exists a very distinctive character, new development should reflect the prevalent unifying cues.
13. I also find that the scheme conflicts with Paragraphs 127, 130 and 134 of the Framework⁴, which seek, amongst other things: (1) high quality design; (2) visually attractive development that is sympathetic to local character; (3) schemes that maintain a strong sense of place; and (4) the refusal of development that is not well designed.

Other matters

14. I note the appellant's frustrations regarding the manner in which the formal application was processed and the length of time it took, but these have little bearing on the planning merits of the scheme before me and are a matter between the parties.

Planning balance

15. Although the Local Plan is over 5 years old, Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
16. Policies LP1 and LP39 of the Local Plan are broadly consistent with the Framework insofar as they relate to the main issues of the case and I am satisfied that the proposal conflicts with the development plan when taken as a whole.
17. I recognise that the scheme would result in benefits from;- (1) an additional dwelling on a smaller site in a sustainable location close to the district retail centre at High Street Whitton and Whitton Train Station; (2) the provision of accommodation for an elderly relative; (3) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the surrounding area; and (4) local employment during construction. However, given that only one dwelling is proposed, I consider these benefits to be of limited value and that the adverse impacts of the scheme would outweigh these, when assessed against the policies in the development plan and other material considerations.
18. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

³ Design Quality, Supplementary Planning Document, Adopted February 2006, London Borough of Richmond upon Thames.

⁴ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

Conclusion

19. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR