



Appeal Decision

Site visit made on 11 July 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2023

Appeal Ref: APP/L5810/W/22/3310227

147 Haliburton Road, Twickenham, Richmond Upon Thames TW1 1PE

- 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 Peter Chaffey and Mrs Susan Hewson against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 22/0487/FUL, dated 21 February 2022, was refused by notice dated 18 July 2022.
 - The development proposed is erection of a 3 bedroom attached dwelling and demolition of existing timber outbuildings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 3 bedroom attached dwelling and demolition of existing timber outbuildings at 147 Haliburton Road, Twickenham, Richmond Upon Thames TW1 1PE, in accordance with the terms of the application Ref 22/0487/FUL, dated 21 February 2022, subject to the conditions in the attached schedule.

Procedural Matters

2. The refusal reasons cited the lack of a completed legal agreement to secure financial contributions to deliver affordable housing off-site that would address housing need in the Borough. A signed and dated legal agreement made under Section 106 of the Town and Country Planning Act, as amended (S.106 agreement), was provided during the appeal, that commits the developer to financial contributions towards affordable housing. The Council has raised no objection to its contents and therefore, I consider that this matter has been addressed.
3. During the course of the appeal planning permission¹ was granted at the site for a similar proposal, albeit with the first-floor bathroom removed. On this basis and the completion of the legal agreement referred to, the Council no longer wish to contest the refusal reasons relating to affordable housing and flooding. Accordingly, the focus of my assessment will be on the refusal reason relating to neighbour amenity.

Main Issue

4. In view of the above the main issue is the effect of the proposed development on the living conditions of occupiers of No 147 Haliburton Road (No 147), with particular reference to outlook.

¹ Local Planning Authority application Ref 22/3315/FUL, granted 10th August 2023

Reasons

Living conditions

5. No 147 has a first-floor rear window located close to the side boundary of the appeal site. The property has an existing two storey rear outrigger that projects beyond that first-floor window. The close proximity of the outrigger diminishes the outlook from the window and outward south-westerly views. Notwithstanding those prevailing circumstances, outward views over neighbouring gardens and the attractive boundary trees further to the west / north west are relatively unimpeded.
6. The proposal includes a two-storey outrigger that projects from the dwelling's main back wall. The outrigger's first floor has been appreciably set in from the boundary and reduced in height by around 1m to address concerns following a previously dismissed appeal².
7. Given the level of separation and the reduced height, the first floor of the proposed outrigger would not appear to project excessively from the rear of the proposed dwelling or enclose the nearest first floor window referred to at No 147 to any significant extent. A significant outlook from that window over the appeal site's amenity space towards the garden of No 143 and the tall boundary trees beyond would still be obtainable. There would also be some skyward views over the roof of the outrigger, as a result of the reduced ridge and eaves height. Occupiers of this neighbouring room, served by the first floor window, would therefore still maintain acceptable views and levels of outlook.
8. Even though the presence of the proposed dwelling would be visible from some other rear windows at No 147, I am satisfied that because of the proposal's separation and off-set position from those windows, occupiers would maintain satisfactory levels of outlook.
9. In view of the above, the proposal would not have an unacceptable effect on the living conditions of occupiers of No 147, with particular reference to outlook. It would accord with the requirements of Policy LP8 of the Local Plan where they require proposals that are not visually intrusive or have an overbearing impact as a result of their height, massing or siting.

Conditions

10. I have had regard to the Council's suggested conditions and the appellant's comments, amending or omitting them where necessary for clarity and to ensure compliance with the tests set out in paragraph 56 of the Framework.
11. It is necessary that planning permission is granted subject to conditions that relate to the standard time limit for commencement of development and a schedule of plans that the development relates to. These are necessary for the avoidance of doubt and in the interests of certainty.
12. Conditions requiring the submission of external finishes, details of landscaping, external lighting and the ecological management and enhancement of the site are considered necessary in the interests of local character and biodiversity.
13. A cycle storage condition is considered necessary to ensure that this alternative mode of transport can be effectively stored at the site. A condition requiring details

² Appeal decision Ref – APP/L5810/A/14/2224049, dismissed 1 December 2014

of the provision and storage of bins is necessary in the interests of character and appearance.

14. A condition controlling the issuing of parking permits is necessary to limit parking pressure along the street. Conditions requiring fire safety and construction management statements are necessary in the interests of local amenity and the health and safety of construction workers, and existing and future living conditions nearby.
15. I have omitted the Council's suggested conditions relating to energy reduction, water consumption and compliance with part M of the Building Regulations, as these would duplicate the requirements of that legislation. The suggested condition removing Class E permitted development rights (PD rights) is considered unreasonable, as the proposed rear amenity area is deep and affords sufficient space to allow future permitted structures, to be built, whilst maintaining adequate separation from neighbouring properties. The suggested condition removing PD rights for alterations and extensions is also unreasonable as the height and scale of works under those classes would ensure that neighbouring amenity would not be significantly harmed given the site and boundary circumstances. The condition requiring refuse or waste material to only be stored on site could present issues for bin operatives who would likely require collections to take place on the street. As a consequence, I have omitted that condition.

Conclusion

16. For the reasons given the appeal is allowed and planning permission is granted.

RE Jones

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; 3980-01; 3980-02; 3980-03; 3980-04; 3980-05; 3980-06; 3980-07; 3980-08; and 3980-089.
3. No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the dwelling 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 / samples.
4. No development shall take place, including any works of demolition, until a Construction Management Statement (to include any demolition works) has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) Details and location of parking for site operatives and visitor vehicles (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - b) Details and location where plant and materials used in constructing the development will be stored, and the location of skips on the highway if required;
 - c) Details where security hoardings (including decorative displays and facilities for public viewing) will be installed, and the maintenance of such;
 - d) Details of any wheel washing facilities;
 - e) Details of a scheme for recycling/disposing of waste resulting from demolition and construction works (including excavation, location and emptying of skips);
 - f) Details of measures that will be applied to control the emission of noise, vibration and dust including working hours. This should follow Best Practice detailed within BS5288:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites;
 - g) Details of any highway licenses and traffic orders that may be required (such as for licences for any structures / materials on the highway or pavement; or suspensions to allow the routing of construction vehicles to the site);
 - h) Details of the phasing programming and timing of works, including a 24 hour emergency contact number.
5. No works shall commence until an Ecological Construction Management Plan has been submitted to and approved in writing by the local planning authority and thereafter constructed in accordance with these details. In particular this shall outline how the River Crane is to be protected during the construction process and where materials shall be stored. No materials shall be stored within the rear half of the garden area and should be protected throughout the development with secure fencing. A plan to show how and where the fencing is to be installed shall be submitted and agreed in writing

by the local planning authority and thereafter implemented in accordance with these details.

6. Prior to commencement of development, an ecological enhancement plan shall be submitted and agreed in writing by the local planning authority and thereafter implemented in accordance with these details. This should include: 1no integrated bat bricks to be provided; 1no integrated house sparrow terrace brick to be provided; All planting should be native or be wildlife friendly. Details should include specific locations (including proposed aspect and height), specific product/dimensions and proposed maintenance.
7. No development shall take place 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; car parking layouts; hard surfacing materials. Soft landscape works shall include planting plans; written specifications (including cultivation and establishment); details of the quantity, density, size, species, position and proposed planting programme together with an indication of how they integrate with the proposal and surrounding streetscape in the long term with regard to their mature size. All species should be of native or non-native plants of known value for wildlife and include examples of seed/fruit bearing species, pollinator plants and those which attract night flying insects.
8. Before the development hereby permitted begins a scheme shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident/commercial occupier of the development shall obtain a resident/commercial parking permit within any controlled parking zone which may be in force in the area at any time, nor a season ticket/enter into a contract to park in any car park controlled by the Council.
9. Prior to the commencement of above ground works a Fire Safety Statement shall be submitted to and approved in writing by the local planning authority. This shall include details that identify:
 - a) unobstructed outside space for fire appliances to be positioned on areas for use as an evacuation assembly point;
 - b) appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures;
 - c) design measures that minimise the risk of fire spread;
 - d) means of escape and an associated evacuation strategy for all building users;
 - e) a strategy for evacuation which can be periodically updated and published;
 - f) suitable access and equipment for firefighting.The development shall not be implemented or occupied other than in accordance with the approved details.
10. No part of the development shall be occupied until details showing the provision at the site of secure parking facilities for bicycles have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the bicycle parking facilities have

been implemented in accordance with the approved scheme. These facilities shall thereafter be kept available for the parking of bicycles in association with the development at all times.

11. No part of the development shall be occupied until details of a bin storage area and recycling facilities within the site have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the bin storage area and recycling facilities have been implemented in accordance with the approved scheme. These facilities shall be kept available for use in association with the development at all times.
12. Prior to installation, details of all external lighting - including locations, technical specifications, horizontal lux plan shall be submitted to and agreed in writing by the local planning authority and thereafter constructed in accordance with these details. The details should accord with CIBSE guide LG6 and ILP/BCT Bat guidance note 8; there should be no upward lighting or lighting onto the open sky, buildings, trees and vegetation, or potential roost features.

*****End of Schedule*****