



Appeal Decision

Site visit made on 19 September 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Appeal Ref: APP/L5810/W/22/3309366

21 Conway Road, Whitton TW4 5LL

- 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 B Sandhu against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 21/0010/FUL, dated 11 December 2020, was refused by notice dated 21 April 2022.
 - The development proposed is the construction of a block of 6 flats with associated parking and amenity space following the demolition of existing dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. The appeal is accompanied by an application for an award of costs by Mr B Sadhu against the Council of the London Borough of Richmond Upon Thames. This is the subject of a separate decision.

Preliminary Matters and Main Issues

3. As part of their submission, the appellant has put forward an amended plan (15.493 P.02 Rev F Proposed Ground Floor Plan) which indicates an increase in the size of bedroom 2 of Flat 3. I am mindful that it is not the purpose of the appeal process to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the Council. However, in this case the Council have had an opportunity to comment on the amended plan although they have chosen not to. Having considered the nature of the amendment in line with the Wheatcroft principles¹, it is my view that my consideration of it would not prejudice the Council's interests or those of any other party, I have therefore proceeded to determine the appeal on the basis of the amended plan.
4. The Local Planning Authority have confirmed that on the basis of the information provided on the viability of the scheme, which concludes that a contribution towards affordable housing would not be appropriate in this instance, they no longer wish to defend refusal reason 2 relating to the lack of planning obligation to secure an appropriate contribution towards affordable housing. I have determined the appeal accordingly.

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

5. The main issues are therefore:

- The effect of the proposed development on the character and appearance of the area; and
- Whether the proposal would provide adequate living conditions for future occupiers with particular regard to internal layout, outlook and light.

Reasons

Character and Appearance

6. This part of Conway Road is characterised predominantly by two storey houses and bungalows of varying eras. Whilst properties here differ in appearance, generally, they are similar in character in that they are set back from the highway by front gardens and driveways. Although there are some flats on Conway Road, they are purpose-built in an open plan setting and are located some distance from the appeal site.
7. The existing single storey dwelling on the appeal site is stepped slightly forward of 19A Conway Road (No. 19A) but is set significantly further back from the highway than 23 Conway Road (No. 23). This set back from the highway, contributes to a sense of spaciousness in this part of the road.
8. The proposal would see the existing bungalow on the appeal site demolished and replaced with a two-storey building containing 6 flats. Residents parking would be provided to the front.
9. Although the Council acknowledge that they would not wish to encourage one particular style of architecture in this location, and it is acknowledged that the buildings in the road are not uniform in appearance or scale. However, the proposed building would be disproportionately larger than other properties in the road and its staggered front elevation would appear prominent and discordant with the simple front elevations of properties either side. The staggered appearance of the front elevation coupled with its deep flank wall would mean that it would appear bulky and visually dominant especially when viewed from the south.
10. The extensive frontages and suburban style driveways on this part of the road create a sense of spaciousness, whilst still being capable of accommodating multiple vehicles. However, the scheme before would be given over almost entirely to parking. This would appear as an alien feature in the street scene, at odds with the suburban residential character of development which predominates on the road. Despite the inclusion of some soft landscaping, the appeal scheme would not enhance the street frontage and as a result would be an uncharacteristic form of development in the locality.
11. I note the conclusions of a previous Inspector² with regard to character and appearance, nevertheless, from what I have seen and read, that proposal retained the existing bungalow at 21 Conway Road and therefore is not directly comparable to the scheme before me. Their findings on this matter would not lead me to an alternative conclusion in this instance.
12. Consequently, I conclude that the proposal would have an adverse effect on the character and appearance of the area. This would be in conflict with Policies

² APP/L5810/W/21/3287393

LP1, LP8 and LP39 of the Richmond upon Thames Local Plan 2018 (RTLP) which require all development to be of high architectural quality and reflect the character of the surrounding area. The proposal would also fail to follow guidance set out in the Council's Small and Medium Housing Sites (2006), Design Quality (2006) and Whitton & Heathfield Village Planning Guidance (2014) Supplementary Planning Documents, which amongst other things, acknowledge the deterioration of street character which arises from front garden parking.

Living Conditions - Future

13. Bedroom windows in Flats 1 and 2 on the building's side elevation would be approximately 1.7 metres away from the boundary with No. 23. The outlook from these rooms would be in close proximity to development on the boundary, which coupled with their north facing orientation would result in a sense of enclosure and gloomy outlook, which would be unduly oppressive to occupiers of those rooms.
14. The second bedroom within Flat 3 has been increased in size on the amended plan. As a result, it would comply with the requirements of RTLP policy LP35 and the Nationally Described Space Standards 2021 (NDSS). The proposed accommodation would therefore provide adequate living conditions for future occupiers.
15. The Council state that the only window in Flat 5 would be an obscured window in the bedroom. There would, however, also be a window in the lounge of the flat in the rear elevation. In that respect, although the outlook from the bedroom would be obscured at its lower level, the window would be of an adequate size to allow sufficient light into the room, coupled with adequate outlook from the lounge over shared amenity space to the rear, living conditions of future occupiers would not be compromised.
16. I therefore conclude that although Flats, 3 and 5 would provide adequate living conditions for future occupiers, the accommodation provided in Flats 1 and 2 would be inadequate with regards to outlook from, and light received by bedroom windows in this side elevation. Therefore, when considered as a whole the proposal would fail to provide adequate living conditions for future occupiers. Whilst the Council have referred to RTLP policy LP35 (B) with regard to the corresponding reason for refusal it seems to me that this part of Policy LP35 relates more internal space standards rather than to matters of outlook and light. However, I am satisfied that RTLP Policy LP8 which the Council has referred to elsewhere in the context of residential amenity adequately covers such matters and the unacceptable outlook and light that would be experienced would be harmful and contrary to this policy. In relation to this main issue, however, I find no conflict with RTLP policy LP35 (B), the London Plan 2021 Table 3.1 or the NDSS.

Other Matters

17. I have had regard to other matters raised including the effect on neighbouring properties at No. 19A and No. 23. However, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.

18. My attention has been drawn to other RTLP policies, London Plan policies and policies contained within the National Planning Policy Framework which the proposal would align with, including the presumption in favour of sustainable development. However, mindful that I have not been made aware by either party that the Council cannot demonstrate a 5-year housing land supply, I can only therefore conclude that the development plan policies are up-to-date and that the provisions of paragraph 11(d) are not engaged.
19. I am mindful that the appeal site is not located in a Conservation Area, is not listed, and the development would have some benefits in terms of its contribution to housing supply with a suitable housing mix where future occupants would be provided with external amenity space. However, these are not sufficient benefits to outweigh the harm identified in the main issues.

Conclusion

20. For the reasons set out above, having considered the development plan as a whole and having taken all other matters raised in account, I conclude that the appeal should be dismissed.

K L Robbie

INSPECTOR