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## Appeal Decision

Site visit made on 24 January 2024

**by G Roberts BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> February 2024**

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**Appeal Ref: APP/L5810/D/23/3334255**

**41 Fifth Cross Road, Twickenham, TW2 5LJ**

- 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 Pui Lam Patrick Yip against the decision of the London Borough of Richmond Upon Thames.
  - The application Ref. 23/1956/HOT, dated 15 July 2023, was refused by notice dated 11 September 2023.
  - The development is proposed drop kerb, vehicle hardstand, new boundary wall to each side of front drive.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have adopted the description of development as set out in the Council's decision notice as this provides a fuller description of the proposal.
3. A revised version of the National Planning Policy Framework (Framework) was published in December 2023, after the appeal was lodged. Even so, the design and highway policies of the Framework remain unchanged, albeit some of the paragraph numbering is different.

### Main Issues

4. The main issues in this appeal are the effect of the proposed development on:  
(a) the character and appearance of the area; and (b) highway and pedestrian safety.

### Reasons

#### *Character and appearance*

5. The appeal site comprises a semi-detached house with a front garden that contains a number of small trees/shrubs, a pedestrian gate in the centre of the front boundary and a well maintained boundary hedge. Similar boundary hedging, fencing and small trees/shrubs are to be found within the front gardens of properties to the north-west and opposite the appeal site. This group of properties are generally characterised, therefore, by well landscaped frontages that are a positive visual quality of this part of the road. They provide welcome relief from the large areas of hardstanding and crossovers that are also found on the frontage to a large number of other the properties in the road.

6. The submitted plan shows that approximately half of the front garden to the host property would be paved to provide for parking. Either side of this would be landscaping, with a 600mm high wall, either side of the new drive, replacing the existing boundary hedge. The plan does not show whether any existing trees/shrubs would be retained or any detailed landscaping proposals.
7. Based on the above, the proposal would result in a marked change in the visual appearance of the appeal site. The replacement of the mature boundary hedging and landscaping, and the introduction of new paving for the car parking space, would have a harmful impact on the character of this part of the road and on the contribution that this garden makes, with those on the adjoining properties and opposite, to the streetscene. The proposed low boundary walls and gap for the drive would open up the frontage of the site and provide clear views into the proposed parking area.
8. The Appellant has referred to other examples of parking in front gardens along Fifth Cross Road. However, I have considered the appeal proposal on its individual merits having regard to the particular circumstances of the case. Even so, I do not know the full planning circumstances of these cases, and I do not regard some of them as good examples to follow.
9. I also note that the examples of existing crossovers referred to in the Appellants Grounds of Appeal (GOA), either appear to have no planning records and were possibly installed under permitted development or were granted planning permission in the early 1990's. As such, they predate the up to date design and highway policies that have emerged through the adoption of the Council's Transport Supplementary Planning Document (June 2020) (TSPD) and also the adoption of the Richmond Local Plan (July 2018) (RLP).
10. Combined, policies LP1 and LP45 of the RLP and the guidance within the TSPD seek to resist front garden parking where this would have a harmful impact on the character and appearance of the local area. The TSPD also states that even where there are examples of crossovers nearby these should not be taken as a precedent if it is apparent that they were installed under a previous policy context. The Council's Delegated Report (CDR) also refers to 'Character Area 6: Cross Roads' of the Twickenham Village Planning Guidance Supplementary Planning Document (January 2018), within which the appeal site is located. This village guide identifies the loss of front gardens to parking and the loss of front garden boundaries and their replacement with a different design and materials, as threats to the character of Area 6.
11. The Appellant has suggested that the existing hedging and trees/shrubs in the front garden to the host could be removed under permitted development. However, that is not a matter for me to determine within the context of an appeal made under section 78 of the Town and Country Planning Act 1990. I can only determine the proposal that is before me, which is for a dropped kerb and alterations to the front garden and boundary to create an off-street parking space.
12. For the above reasons, I find that the proposal would result in harm to the character and appearance of the host property and this part of the local area contrary to policy LP1 of the RLP, the guidance within the TSPD and paragraph 135 (previously paragraph 130) of the Framework. Reference has also been made to the alleged conflict with the House Extensions & External Alterations Supplementary Planning Document (May 2015). However, my attention has

not been drawn to any specific reference or part of this document and I am not convinced that it is directly relevant to the proposal that is before me.

*Highway and pedestrian safety*

13. Policy LP45 of the RLP states that car parking within front gardens will be resisted unless it can be demonstrated, amongst other requirements, that there would be no harmful impact on road or pedestrian safety and existing on street parking demand is less than available capacity. The policy must be read in conjunction with the guidance within the TSPD, where paragraph 12.1 states that a net increase in crossovers and dropped kerbs is undesirable as it reduces pedestrian priority, makes the provision of segregated cycle and bus lanes more difficult, detracts from the even-ness of the footway and results in the loss of communal kerbside parking.
14. Paragraph 5.5 to the Appendix of the TSPD also states that on classified roads new vehicle crossovers will only be approved if it can be demonstrated that a vehicle can enter and leave site in forward gear. This is because classified roads are heavily trafficked, they support cycle and bus routes and are also prone to heavy pedestrian traffic, and thus the ability to turn a vehicle on site avoids vehicles having to reverse onto these busy roads, creating a road safety hazard.
15. The CDR states that the Council's Transport Team objected to the proposal due to the lack of compliance with the guidance within the TSPD. This included the fact that Fifth Cross Road is a 'C Classified Road' where vehicles were required to enter and exit the site in forward gear, and as the proposal would lead to the loss of a designated on-street parking space that could not be mitigated by its relocation elsewhere. As the relevant local highway authority, I attach significant weight to that objection.
16. The submitted plan shows the provision of one parking space with no ability to maneuver or to turn the vehicle around on site, and as such vehicles would have to reverse into or out of the site. As a consequence, vehicles reversing over the footpath would represent a danger to the safety of pedestrians and particularly school children given the proximity to Waldegrave School, which is located immediately to the south-east of the appeal site. Reversing into or out of the appeal site would also represent a danger to other highway users.
17. The danger to pedestrians and highway users would be accentuated by the presence of on-street parking in front of the properties immediately to the north-west of the appeal site. These would compromise the visibility of vehicles exiting the appeal site and with the presence of the road junction with Appleby Close diagonally opposite, it would create the potential for accidents to occur. Whilst I have not been provided with any survey or similar evidence, those safety problems could be further compounded by the presence of the School, particularly during peak periods when children are being dropped off or picked up by their parents or walking to school.
18. The Appellant contends that the loss of the on-street parking space would be mitigated by the provision of the off street space. However, the latter would only be available to the occupiers of the appeal site, whereas the on-street parking offers communal spaces that are available to the public. Moreover, there is no evidence before me, in the form of, for example, a parking stress survey, to demonstrate whether existing on-street parking demand is less than

available capacity. During my site visit, which was undertaken mid-morning, the majority of the designated on-street parking spaces were occupied.

19. The CDR suggests that parking demand in the area is high due to the presence of the School, and as I mentioned above, it seems likely that during peak times at the School the demand for on-street parking could be higher compounding the problems with highway and pedestrian safety, albeit for only short periods of the day.
20. The Appellant has indicated that the proposed parking space would assist their elderly parents and young children and whilst I acknowledge those benefits, as well as the benefit of providing an electric charging point, neither the benefits nor the personal circumstances of the Appellant are sufficient to affect my findings on this issue or to mitigate for the harm that would result from the proposal.
21. Accordingly, I find that the proposal would be contrary to policy LP45 of the RLP and the guidance within the TSPD, which, amongst other requirements, seek to resist front garden parking on classified roads where this would result in harm to road and pedestrian safety. This policy is consistent with paragraph 114 b) (previously paragraph 108 b)) of the Framework, which seeks to ensure that applications for development incorporate safe and suitable access to the site for all users.

## **Conclusions**

22. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*G Roberts*

INSPECTOR