
Appeal Decision

Site visit made on 4 March 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2024

Appeal Ref: APP/L5810/W/23/3325414

24 Hampton Road, Twickenham, Richmond upon Thames TW2 5QB

- 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 A Davies against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref DC/EMC/22/2417/FUL, dated 1 August 2022, was refused by notice dated 9 March 2023.
 - The development proposed is Erection of 1no. single storey dwelling and a pair of two storey semi-detached dwellings with associated access, parking and amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of the Twickenham Green Conservation Area including the effect of the proposal on a Eucalyptus Tree covered by tree preservation order. The second is the effect of the proposal on the setting of 24 Hampton Road. The third is whether it would be viable for the scheme to make a contribution towards affordable housing.

Reasons

Twickenham Green Conservation Area

3. The appeal site is a largely undeveloped and open site which along with a parcel of land to the north and the often substantial in depth rear gardens of properties on First Cross Road and Second Cross Road combine to form a substantial area of open space. These areas are set away from the surrounding streets and properties affording this small part of Twickenham a quieter character as a result.
4. The Long back gardens of First Cross Road are mentioned within the Twickenham Green Study¹ where it is stated that they create an open space which is significant both visually and ecologically. Whilst not currently in use as a garden, and noting the positions of the Council and appellant on this matter, the appeal site shares those open and quiet characteristics. It therefore contributes positively to the significance of the Conservation Area, which in this location is heavily derived from those characteristics.

¹ Twickenham Green Study – Conservation Area No.9 – London Borough of Richmond upon Thames.

5. The provision of three dwellings within the appeal site, two of which would be two-storey would substantially alter the appearance of the site, substantially altering its existing open appearance. They would further introduce a substantial degree of activity and comings and goings into this area, which would contrast sharply with its existing quiet character. These changes would detract from the significance of the Conservation Area, harming its character and appearance.

Eucalyptus Tree

6. In terms of the ability to retain the tree and protect it in pure physical terms during the development, the evidence submitted by the appellant is more compelling and it would appear on the basis of the evidence before me that this would be possible, even accounting for peripheral aspects of the development such as service runs.
7. However, post development impacts are identified as a potential issue within the evidence. Given the compact layout of the development and the proximity that unit 3 would have to the boundaries on that side of the site, the area under the tree would appear to provide the main external amenity space for that dwelling. Further, the allocated parking space for unit 1 would appear to be placed largely beneath the canopy adjacent to that amenity area.
8. Although I accept that the tree would be rather obvious to future occupiers, nonetheless, this arrangement may not prove satisfactory in the long term to future occupiers and matter dropping from the tree is likely to cause a degree of irritation that would lead to future pressure for the removal of the tree.
9. The tree contributes positively to the character and appearance of the area linking it in terms of appearance to the gardens to the north which are more verdant in appearance. Permitting this proposal would result in pressure for its future removal. Such a removal would detract from the heritage significance of the Conservation Area which lies in part with the open space to the north including its trees and would harm its character and appearance.

Conservation Area Conclusion

10. Policy LP 3 of the London Borough of Richmond upon Thames Local Plan (2018) (RTLTP) amongst other things states that development should as a minimum conserve the historic environment of the borough. It also states that any changes that could harm heritage assets will be resisted unless, in the case of less than substantial harm to the significance of the heritage asset, the public benefits outweigh that harm. Policy LP1 requires that amongst other things development should as a minimum maintain the heritage of the borough. There would be conflict with this Policy.
11. The harm to the character and appearance of the Conservation Area would be less than substantial. Paragraph 208 of the Framework² along with Policy LP 3 of the RTLTP require such harm to be weighed against any public benefits of the proposal.

² National Planning Policy Framework 2023.

24 Hampton Road

12. There is nothing compelling within the evidence which convinces me that the appeal site is garden land that was historically associated with the existing property close to the entrance to the site. Much of the significance of that property appears to sit with its attractive and interesting front elevation which contributes to a high quality street-scene along Hampton Road.
13. I do not therefore find that the proposal would adversely affect the setting of 24 Hampton Road and I do not find conflict with Policy LP 4 of the RTLP that seeks the protection of non-designated heritage assets.

Viability

14. Policy LP 36 of the RTLP seeks a financial contribution towards affordable housing on small sites. The Council suggest that the site is viable to provide a contribution to the affordable housing although the appellant suggests that this would not be reasonable.
15. Part of the difference between the parties appears to relate to build costs. Unit 3 would occupy a substantial ground floor area and has a rather bespoke design and material pallet. I consider that this could account for some of the difference in build costs. Further, some rather intricate ground works and service arrangements would likely be required to allow for services and parking areas to be fitted around the Eucalyptus tree. It is also the case that increasing and then sustained higher interest rates since the application was submitted up until this point will have placed further pressure on borrowing costs.
16. Therefore, on the basis of the evidence before me, relating to this particular scheme, there appear to be limitations to the scheme in terms of offering a contribution towards the affordable housing fund. Given this, the proposal would not conflict with Policy LP 36 of the RTLP. I have not identified direct conflict with the Affordable Housing SPD.

Other Matters

17. There would be no significant adverse impacts of the development in terms of flooding and drainage with proposals utilising favourable ground conditions to aid in the management of surface water drainage. Any finer details could be managed by condition were I minded to allow the appeal. There would therefore be no conflict with Policy LP 21 of the RTLP nor policies SI 12 or SI 13 of the London Plan (2021) (LP) which amongst other things seek to manage Flood Risk and promote Sustainable Drainage.
18. Adequate recycling and refuse arrangements would be capable of being provided at the site. Whilst drawings have been supplied with the appeal clarifying these matters, in any event this is a matter that could be conditioned were I minded to allow the appeal. Given the limited scale of the scheme, the rather awkward arrangement to Hampton Road and the limited additional distance to move bins over suggested SPD guidance, acceptable arrangements would appear to be able to be provided. I have not identified conflict with Policy LP 22 of the RTLP with regard to this matter.
19. The existing parking spaces, whilst possibly rather tight for three cars, which I was able to observe during my visit, would remain unaffected from their existing arrangement by the proposed development. There would therefore be

no adverse impact on parking arrangements or consequently highway safety as a result of the proposals.

20. The evidence does not indicate that the site hosts any suitable opportunities for bat roosts. Although it is likely on the basis of the evidence that bats forage and commute over the site, it should be possible through mitigation measures to limit any impact upon species using the site and such details could likely be conditioned were I minded to allow the appeal. There would therefore need not be conflict with Policy LP 15 of the RTLP which amongst other things states that the Council will protect and enhance the borough's biodiversity.
21. The evidence indicates that an appeal for two dwellings on part of the appeal site was previously dismissed (T/APP/L1580/A/96/268892). The appellant argues that there were differences between that scheme and the one before me and consider that the previous appeal decision should attract limited weight.

Planning Balance and Conclusion

22. I have not found harm with regard to many of the matters identified by the Council. There would be social benefits in the provision of the dwellings on a sustainably located site and there would be further economic benefits including construction spend usually associated with all developments of this type.
23. However, these public benefits would not outweigh the harm to the Twickenham Green Conservation Area that would arise from the scheme, a matter which I have afforded considerable importance and weight. There would therefore be conflict with Policy LP 3 of the RTLP and the Framework.
24. The proposal would conflict with the development plan and there are no material considerations which indicate a decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

T Burnham

INSPECTOR