



Appeal Decision

Site visit made on 15 April 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2024

Appeal Ref: APP/L5810/D/23/3335963

40 Acacia Road, Hampton, Richmond Upon Thames TW12 3DS

- 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 Mrs Tina Devis against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 23/2638/HOT dated 22 September 2023, was refused by notice dated 24 November 2023.
 - The development proposed is described as garden outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for garden outbuilding at 40 Acacia Road, Hampton, Richmond Upon Thames TW12 3DS in accordance with the terms of the application, Ref 23/2638/HOT dated 22 September 2023, and the plans submitted with it, subject to the conditions set out below:
 - 1) The development hereby permitted shall begin not later than the expiration of 3 years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Block Plan ARO01 Rev I; and Proposed Outbuilding ARO_12_REV-A.
 - 3) The external surfaces of the proposed outbuilding including walls, roofs, fenestration and areas of hard surfacing shall be constructed in the materials specified on the approved drawings.
 - 4) The side window serving the 'storage' area hereby permitted shall be fitted with obscured glazing at the time of use. Once installed the obscured glazing shall be retained thereafter.

Main Issues

2. The main issues in this appeal are the effect on the development on (i) the living conditions of occupiers of neighbouring properties; and (ii) trees.

Reasons

Living Conditions

3. The Appellant confirms that the use of the outbuilding would be ancillary to the existing property. The Council contend that the proposed outbuilding would be

used as self-contained living accommodation, which would increase the numbers of residents on the site. This is not necessarily the case, nevertheless, I have not been provided with substantive evidence to demonstrate that the use of a garden outbuilding used ancillary to the existing property would impact the amenity of neighbouring residents.

4. The proposed outbuilding would be located close to the boundary with No.6a Holles Close, approximately 1m. The Council confirm that the rear elevation of No.6a is set away from the boundary by approximately 3.5-3.9m, however part of proposed development would be directly south of part of the adjacent property.
5. I observed during my site visit that there is glazing to the rear of No. 6a with a fence separating the properties, I find that due to the relationship combined with the hipped roof of the proposed development the effect of the proposed development on the occupiers of No. 6a would be limited.
6. The proposal includes a side window facing the rear garden of No. 6a, to ensure privacy is retained a condition requiring this to be obscurely glazed could be imposed.
7. I conclude that the proposed development would not harm the living conditions of the occupants of neighbouring properties.
8. There is no conflict with Policy LP8 of the London Borough of Richmond upon Thames Local Plan (2018)(the Local Plan) which seeks amongst other things to protect the living conditions of occupiers of neighbouring properties.

Trees

9. The Appellant supplied a tree survey, arboricultural method statement and associated plans. The proposed development would involve the removal of 3 birch trees to the rear of the site as detailed in the submitted survey.
10. Policy LP16 of the Local Plan seeks to resist the loss of trees, unless amongst other things the tree has little or no amenity value. Whilst it is advantageous to retain trees within a site I observed that the size and location of the trees offer limited amenity value to the area.
11. I also note that the Council's Tree Officer has no objection to the removal of these trees as they are unsuitable for Tree Preservation Orders.
12. The landscaping within the site is typical of a residential property, the trees are identified as being in fair condition notwithstanding this they can be removed at any time without restriction.
13. I find no harm arising from the loss of trees on site. There is no conflict with Policy LP16 of the Local Plan which seeks amongst other things to resist development which would result in the damage or loss of trees that are considered to be of townscape or amenity value.

Conclusion and Conditions

14. For the above reasons I conclude that this appeal should be allowed.
15. I have imposed a standard condition relating to the commencement of development and a condition specifying the relevant plans as this provides

certainty. In order to safeguard the character and appearance of the area I have imposed a condition concerning materials.

16. The Council's Tree Officer have suggested a condition relating to a tree replacement scheme as noted above the removal of the trees is acceptable on this residential plot, and could be carried out without consent. The condition is not reasonable or necessary.
17. The Council have suggested a condition relating to a submitted fire safety strategy. Policy D12(A) of the London Plan 2021 seeks to ensure that all development proposals achieve the highest standards of fire safety which includes the development of a robust strategy for evacuation. I have not been provided with substantive evidence to persuade me that a condition relating to the fire safety strategy for a garden outbuilding, is reasonable or necessary in this instance.
18. The Council have suggested that a condition should be imposed which restricts the use of the outbuilding for purposes incidental to the main property and shall not be used as ancillary, self-contained living accommodation at any time. The proposed development relates to an ancillary use, therefore the condition is not reasonable or necessary.

C Pipe

INSPECTOR