



Appeal Decision

Site visit made on 20 May 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/L5810/W/23/3332811

13 & 15 Tayben Avenue, Richmond upon Thames, Twickenham TW2 7RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Rajinder Singh Khosa against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref is 22/3276/FUL.
 - The development proposed is the construction of two storey one-bedroom attached dwellinghouse; and associated internal alterations; (following demolition of existing garage, garden shed and workshop/storage, re position of boundary); provision of car parking space, refuse/cycle storage, and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that the Council issued a certificate for lawful development for roof extensions to 13 Tayben Avenue (No.13) on 20 December 2022 under application 22/3277/PS192. At the time of my site visit works to extend the roof had been completed. Based on the evidence before me the appellant omitted the roof extensions from the plans showing the dwelling as existing as at the time of submitting the application for planning permission the roof extensions had not been completed. Given that they are completed, and were approved separately, my assessment will focus on the Council's two other reasons for refusal.
3. The appellant has referred to policies within the emerging Publication Local Plan (PLP). I note that the draft plan is at Regulation 19 stage and may be subject to modifications. Further, although the PLP is at an advanced stage and is a material consideration, at the current time it does not form part of the statutory development plan. As such I give it only limited weight in my assessment of the appeal.

Main Issues

4. The main issues are:
 - whether the proposal requires a contribution towards affordable housing;
 - the effect of the proposal on the safe and efficient operation of the local highway network with regard to parking provision; and
 - the effect of the development on the character and appearance of the area.

Reasons

Affordable housing

5. On sites of less than 10 dwellings the local plan requires a proportional financial contribution to be paid towards the provision of off-site affordable housing. The appellant has not disputed the requirement for affordable housing provision and has indicated that they would be willing to provide the affordable housing contribution. This could be secured by way of a Unilateral Undertaking (UU). However, no completed or draft planning UU has been submitted with the appeal.
6. In the absence of a UU, there is no certainty that the appropriate financial contribution would be secured. I therefore find that the proposal would not make an appropriate contribution to the provision of affordable housing and would conflict with the relevant requirements of Policy LP36 of the LP.

The effect of the proposal on the operation of the highway

7. The application site is within a controlled parking zone (CPZ), which is indicative of a level of parking stress as existing. I also noted on my site visit that the front gardens of most properties in the area had been converted to private parking spaces; with driveways restricting opportunities for on-street parking.
8. The area has a PTAL rating of 3 which indicates a moderate level of public transport connectivity. Whilst future occupants may not be dependant on private cars for day to day transport requirements they might want to own and park a vehicle for those journeys that aren't possible or practical on public transport. This would exacerbate the level of parking stress in the area and have a detrimental impact on the safe and efficient operation of the local highway network.
9. There would be insufficient space within the plot to provide off-street parking and the proposed dwelling would be required to be car-free. Therefore, a planning obligation would be required to prevent dwelling from being occupied by an individual that holds a parking permit.
10. The appellant has stated that they would be willing to enter into an agreement to prevent them from applying for a parking permit. However, in the absence of a completed planning obligation to secure the development as car free, I have no mechanism for securing the required restriction. Therefore, the proposal fails to comply with the requirements of Policy LP 45 of the LP which requires that new development minimises the impact of car based travel on the operation of the road network.

Character and appearance

11. Tayben Avenue is an 'L' shaped street and the six properties on the southern end of it face Chertsey Road and are separated from it by a high hedge. No.13 is a two storey detached property with accommodation in the attic, it has a unique front facing gable with a catslide roof and it appears that 7 Tayben Avenue (No.7) has a similar design originally.
12. There is a large degree of variance in terms of architectural styles and plot widths on the whole of Tayben Avenue. This is particularly evident on the

southern end close to the appeal site where each property is unique, due to variance in plot widths, original architecture, or subsequent extensions. No.7 has been extended on its side elevation to create a separate dwelling. Other neighbouring properties in the area have also been extended, which has eroded the space between them resulting in only minimal gaps.

13. The proposal is for the demolition of ancillary buildings that serve 13 and 15 Tayben Avenue to allow for the erection of a two storey one-bedroom property that would be attached to the side elevation of No.13. The proposed dwelling would be stepped back from the front elevation resulting in a staggered arrangement. This set back as well as the design, external materials and fenestration style would result in the dwelling reading as an extension to No.13 and echoes the design approach taken for the additional dwelling at No.7. While it is acknowledged that this scheme was assessed against a previous Local Plan; it is an example of how a narrower plot can successfully be integrated within the street scene in this particular instance.
14. The proposed layout would leave a gap of approximately 1m between the proposed development and No.15. While this gap is small, it would reflect the minimal spacing of properties within the immediate area.
15. The proposed plot would be smaller than other properties in the area. Nonetheless, the development would allow for a front and rear garden of a sufficient area given the capacity of the proposed dwelling. Further, due to the degree of variance within the existing street scene, the smaller than average plot would not clearly read as such.
16. For the reasons detailed above the proposed development would not have a harmful effect on the character and appearance of the area. As such the proposal is in accordance with Policies LP 1 and LP 39 of the LP which require that development is compatible with local character and that infill development is of a sufficient width for adequate separation between dwellings and retains similar spacing between new builds to any established spacing.
17. The appellant has highlighted that there is also support for small housing sites within the emerging PLP, that this reflects policies within the London Plan 2021. I note this support is in recognition of the contribution infill sites can make in meeting the need for housing within London. However, as stated above the emerging plan may be subject to modifications and as such I attach only limited weight to it at this stage.

Other Matters

18. The Council have suggested wording for a condition to secure a S106 agreement. Notwithstanding this, in line with Planning Practice Guidance, a negatively worded condition limiting the development that can take place until a planning obligation has been entered into is not an appropriate in this instance. This approach is acceptable only in exceptional circumstances for major or complex development where there is clear evidence that the delivery of the development would otherwise be at serious risk.

Conclusion

19. The appeal proposal would result in a new dwelling and would be a modest contribution to the housing supply within the Borough. In so doing, the proposal would comply with some policies within the development plan. This

would include policy H2 of the LonP, which amongst other things, encourages the development of small sites in order to meet London's housing needs. For the same reasons the proposed development would also be compliant with the advice within the NPPF in relation to boosting the supply of housing. Given the scale of the contribution to housing supply I attach moderate positive weight to this factor.

20. In my assessment the development would not have a harmful effect on the character and appearance of the area, the absence of harm in this respect is a neutral factor in my assessment of the appeal. However, there is no suitable mechanism before me to secure an affordable housing contribution or restrict parking resulting from the development. As such the proposal would fail to mitigate the harm caused by a lack of affordable housing and increased parking pressure within the CPZ. The benefits of the proposal would not outweigh the harm I have identified, and the proposed development would conflict with the development plan as a whole. There are no material considerations to indicate a decision otherwise than in accordance with the development plan.
21. For the reason given above the appeal is dismissed.

C Livingstone

INSPECTOR