



Appeal Decision

Site visit made on 23 May 2024

by S Edwards BA MA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2024

Appeal Ref: APP/L5810/W/23/3333651

21 and 23 Queens Road, Richmond Upon Thames TW10 6JW

- 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 Anil Bangar against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref is 23/1623/FUL.
 - The development proposed is described as "Change of use from student accommodation to C3 residential use, side extension, erection of a part width rear extension to the lower and upper ground floor and the creation of vehicular access to no 23 Queens Road with alterations and improvements to the front boundary walls and landscaping of both no 23 and no 21 Queens Road".
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Decision

1. The appeal is allowed and planning permission is granted for "Change of use from student accommodation to C3 residential use, side extension, erection of a part width rear extension to the lower and upper ground floor and the creation of vehicular access to No. 23 Queens Road with alterations and improvements to the front boundary walls and landscaping of both no. 23 and no. 21 Queens Road", at 21 and 23 Queens Road, Richmond Upon Thames TW10 6JW, in accordance with the terms of the application, Ref 23/1623/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development detailed on the application form has been amended in subsequent documents. I have adopted the description used in the Council's Decision Notice, which reflects clearly and precisely the appeal proposal.
3. The revised National Planning Policy Framework (the Framework) published in December 2023 sets out the Government's planning policies for England. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The main parties had the opportunity to address the revisions to the Framework during the course of the appeal.
4. The Richmond Publication Local Plan has reached an advanced stage of preparation but has yet to be found sound. Most relevant to this appeal is Policy 48. In accordance with paragraph 48 of the Framework, this policy only carries limited weight.
5. The planning application subject to this appeal was solely refused on highway safety grounds. However, the Council has since had regard to amendments

proposed to the Transport Supplementary Planning Document (Transport SPD). Although these amendments are to be subject to a period of public consultation, they have been approved by the Council's Environment, Sustainability, Sports and Culture Committee and represent an important material consideration for the determination of this appeal. Taking these amendments into account, as well as the appellant's Transport Appeal Statement, the Council has withdrawn its objection on highway safety grounds, subject to the imposition of a number of conditions.

Main Issue

6. Having regard to the above considerations, I consider that the main issue is the effect of the proposal on highway safety.

Reasons

7. The appeal proposal includes the provision of a parking and turning area within the front garden of 23 Queens Road (no 23), as well as a vehicular crossover access, which would be located within relative proximity to the nearby junctions with Marlborough Road and Cambrian Road. The proposed access would also be close to a southbound bus stop serving a regular bus service throughout the day towards Kingston Town Centre. Queens Road is a classified single carriageway which is subject to a 20mph speed limit and parking restrictions, as there are double yellow lines along both sides of the road.
8. The Council's proposed changes to the Transport SPD seek to ensure that crossovers are not "constructed within 5.0 metres of a road junction (measured from the edge of the kerb), or where the proximity of a crossover to a junction would compromise road safety". The proposed vehicular access would be situated more than 5 metres away from the nearest junction. Moreover, the appellant's submissions confirm that there were no recorded collisions in the vicinity of the proposed access or adjacent junctions over the period surveyed for the purposes of the appeal proposal.
9. The traffic survey data provided by the appellant also show that the average number of vehicles using the Queens Road junction with Cambrian Road remains relatively low. Given the built-up nature of this area and the 20mph speed limit, drivers are expected to exercise caution and are unlikely to travel at great speed. Although the average mean speeds recorded as part of the surveys carried out in 2023 still exceed 20mph, they appear to have reduced compared with the results of the 2021 surveys. Whether or not this reflects a behavioural change, showing that drivers may be adapting to the lower speed limit restriction implemented in 2020, the presented evidence clearly demonstrates that vehicles generally travel at low speed within the surveyed area.
10. The revised Transport SPD no longer includes minimum visibility splays requirements. However, by virtue of the speed and parking restrictions along Queens Road, I am satisfied that adequate visibility can be achieved as part of the proposed development to ensure that the safety of highway users is not compromised. Furthermore, and as noted above, the proposed access would be close to a bus stop, but the Council is satisfied that drivers exiting the site would be able to see motorists overtaking a bus parked, and I have no reasons to disagree with this view.

11. The proposed turning area would not accord with the minimum size requirements set out in the Parking SPD. However, as per the recent changes to the Parking SPD, these requirements only apply to crossover proposals for classified roads with a speed limit of greater than 20mph. The requirements do not therefore affect the appeal proposal, as Queens Road is subject to a 20mph speed limit restriction. Furthermore, the swept path analysis prepared by the appellant demonstrates that subject to a number of manoeuvres, a car that is 4.7m long and 1.8m wide can enter and exit the site in a forward gear. This would help ensuring that the proposal does not compromise the free flow of traffic.
12. For the reasons given above, the appeal scheme would not have an adverse effect on highway safety. I thus find no conflict with Policy LP45 of the London Borough of Richmond upon Thames Local Plan and the Transport SPD. These notably require new development to make provision for the accommodation of vehicles while minimising the impact of car based travel including on the operation of the road network and local environment.

Other Matters

13. Both properties are locally designated as Buildings of Townscape Merit, and are located within the St Matthias Conservation Area, the special interest of which is primarily derived from its fine collection of mid and late Victorian buildings. No concerns have been raised by the Council regarding the effect of the proposed development on the Conservation Area. Having regard to the available evidence, I see no reasons to reach an alternative view and confirm that the appeal scheme would preserve the character and appearance of St Matthias Conservation Area.

Conditions

14. I have considered the conditions suggested by the Council in the light of government guidance and policy on the use of conditions, making minor amendments where necessary. The appellant has confirmed his agreement to the suggested pre-commencement conditions. In addition to the standard time limit, I shall impose a condition specifying the relevant drawings which the development must accord with, in the interests of certainty and to provide clarity. A pre-commencement condition requiring the submission of a Construction Management Plan is considered necessary to minimise any disturbance during the construction of the development. A pre-commencement condition is also needed to make sure that the Preliminary Ecological Appraisal remains up to date to preserve protected species.
15. Furthermore, I shall impose a pre-commencement condition requiring the submission of an Arboricultural Method Statement and Tree Protection Plan to protect existing trees and in the interests of the character and appearance of the area. Conditions requiring the use of matching materials, the submission of a tree planting scheme, as well as hard and soft landscaping details are necessary to preserve the character and appearance of the appeal buildings and the conservation area. For similar reasons, I shall impose conditions regarding refuse storage arrangements.
16. Conditions to ensure that the dwellings reach the BREEAM Domestic Refurbishment Rating 'Excellent' rating, as well as water consumption and energy reduction targets, are considered necessary in the interests of

sustainability. For similar reasons, a condition requiring further details of the photovoltaic panels and Variable Refrigerant Flow (VRF) system is needed. A condition to secure the provision of cycle parking facilities is necessary to encourage alternative modes of transport.

17. To protect the living conditions of neighbouring residents, I shall also impose conditions to make sure that the scheme proceeds in accordance with the approved acoustic report, and to control emissions generated by equipment or vehicles used during the construction phase of the development. Conditions to make sure that the development complies with the Fire Safety Report and is constructed in accordance with the recommendations of the Basement Impact Assessment are needed to protect the living conditions of future occupiers of the development and neighbouring residents.
18. A condition to restrict the use of the roof area as a balcony or terrace is not considered necessary, as such a use would not be permitted development. Such a development would therefore require planning permission.

Conclusion

19. For the reasons given above the appeal should be allowed.

S Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: QR_181_REV-F, QR_182_REV-G, QR_183_REV-F, QR_184_REV-O, QR_185_REV-E, QR_186_REV-G, QR_187_REV-E, QR_189_REV-E, QR23_190, 2994-LA-01 P1, 2994-LA-02 P1, Sustainable Construction Checklist.
- 3) No development shall take place, including any works of demolition, until a detailed Construction Management Plan (to include any demolition works) using the Council's proforma document (https://www.richmond.gov.uk/media/22165/construction_management_plan_guidance_notes.pdf) has been submitted to and approved in writing by the Local Planning Authority. The development shall not be implemented other than in accordance with the approved plan.

The Statement shall detail:

1. Contact details, including a 24hr emergency contact (details of which shall be displayed on any hoarding/security fencing);
2. Programme length and phasing;
3. The number, type and dimensions of vehicles required;
4. Vehicle routing;
5. Details of holding areas for construction traffic and communication strategy for their arrival;
6. Methods of spoil removal and concrete supply;
7. Details and location where plant and materials will be loaded and unloaded;
8. Security hoarding and maintenance of such;
9. Site setup drawings showing the position of vehicles, skips, concrete supply, etc. at a minimum scale of 1:200, showing the site in context of the surrounding highway and neighbouring properties;
10. On classified roads generally, vehicles will be expected to enter and exit the site in forward gear. Swept path analysis drawings will be required to demonstrate this;
11. Details of how the safety of highway users and vulnerable pedestrians will be managed;
12. Details of how access to neighbouring properties will be maintained;
13. Details of how any trees and street furniture (i.e. lighting columns, communication cabinets, bollards, etc.) are to be protected during the works;
14. Details of any required footway and/or road closures, or highway licences;
15. Any necessary parking suspension details;
16. Details of any wheel-washing facilities, if required;
17. Details of measures that will be applied to control the emission of noise, vibration and dust including working hours. This should follow Best Practice detailed within BS 5228-1:2009+A1:2014, Code of Practice for Noise and Vibration Control on Construction and Open Sites; as well as for dust control: COSHH 2002 (as amended 2020), The London Plan 2021 Policy SI-1-D and HSE Construction Information Sheet CIS36 18.

Where applicable, the Construction Management Plan should be written in conjunction with the Arboricultural Method Statement, and in accordance with British Standard BS5837:2012 'Trees in relation to design, demolition and construction. Recommendations', in particular sections 5.5, 6.1, 6.2, 6.3 and 7.

- 4) The submitted Arboricultural documentation "Arboricultural Impact Assessment (AIA) and Tree Constraints Plan (TCP) for a development at 23 Queens Road, March 2022" must inform an Arboricultural Method Statement (AMS), incorporating a Tree Protection Plan (TPP). The AMS shall be submitted prior to commencement of development and approved in writing by the Local Planning Authority. The AMS must:
1. Be written in accordance with and address sections 5.5, 6.1, 6.2, 6.3 and 7 of BS5837: 2012 – Trees in relation to design, demolition and construction – Recommendations;
 2. Outline any tree constraints and explain any impacts for both above and below ground and specify mitigation measures in line with BS5837;
 3. Detail all tree protection by way of a specification, in line with BS5837 (including plans);
 4. Detail any specifying engineering for construction within the Root Protection Area;
 5. Detail any facilitation pruning that may be required. The specification for tying back and/or pruning must be measurable and prepared by a suitably qualified Arboriculturist or Arboricultural Contractor. All tree work must be undertaken in accordance with British Standard BS3998:2010 – Tree work - Recommendations (or an equivalent British Standard if replaced), unless otherwise agreed in writing by the Local Planning Authority.
 6. Provide written confirmation of the appointment of an Arboricultural Consultant for the duration of the development and a schedule of inspections to achieve an auditable monitoring and supervision programme, including a timetable for submission to the Local Planning Authority.

The development shall not be implemented other than in accordance with the approved AMS.

- 5) Prior to the occupation of the development hereby approved, a tree planting scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be written in accordance with British Standard [BS5837:2012 - Trees in relation to design, demolition and demolition and construction. Recommendations' (section 5.6) (or an equivalent British Standard if replaced) and BS8545:2014 - Trees: From nursery to independence in the landscape - Recommendations' (or an equivalent British Standard if replaced) and include the quantity, size, species and positions of all trees to be planted, how they will be planted and protected and the proposed time of planting, as well as a 5-year maintenance and management programme.

The tree planting shall be carried out in accordance with the approved specification and in any event prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. Written and photographic confirmation of the tree planting confirmation of the tree planting as specified in the Tree Planting Scheme shall be submitted to the Local Planning Authority upon completion.

If, within a period of 5 years from the date of planting, the tree (or any tree planted in replacement for it), is removed, uprooted, destroyed or idea or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, then the tree shall be replaced to reflect the specification of the approved planting scheme in the next available planting season or in accordance with a timetable agreed in writing with the Local Planning Authority.

- 6) No new external finishes (including fenestration), including works of making good, shall be carried out other than in materials to match the existing.
- 7) No part of the development hereby permitted shall be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof. The cycle parking facilities shall then be retained and maintained thereafter.
- 8) No part of the development hereby permitted shall be occupied until refuse facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof. The refuse facilities shall then be retained and maintained thereafter.
- 9) No refuse or waste material of any description shall be left or stored anywhere on the site other than within a building or refuse enclosure.
- 10) The dwellings hereby approved shall achieve a 35% reduction in carbon dioxide emissions beyond Building Regulations requirements (2013) in accordance with the Sustainability and Energy Statement (Rev 01.3_DM_201022).
- 11) The dwellings hereby approved shall not be occupied other than in accordance with the water consumption targets of 105 litres or less per person and per day, and 5 litres or less per person and per day for external water use.
- 12) The dwellings hereby approved shall achieve BREEAM Domestic Refurbishment Rating 'Excellent', in accordance with the Domestic Refurbishment Pre-Assessment and the requirements of the BREEAM Guide (or such national measures of sustainability for house design that replace that scheme), unless otherwise agreed in writing by the Local Planning Authority.
- 13) Before constructing any new hard or soft landscaping as part of the development hereby permitted, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artifacts and structures (e.
- 14) If no development takes place within two years of the original Preliminary Ecological Appraisal report, dated January 2023, an updated survey and report shall be submitted to and approved in writing by the Local Planning Authority prior to any works taking place.
- 15) Prior to occupation of the development hereby permitted, and notwithstanding the details shown on the approved drawings, further details

of the photovoltaic panels and VRF unit shall be submitted to and approved in writing by the Local Planning Authority, which shall include siting, design and energy saving measures. The development shall be implemented in accordance with the approved details and maintained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

- 16) During onsite construction of the development hereby permitted, all non-road transportable industrial equipment or vehicles which are fitted with an internal diesel powered compression ignition engine between 37 and 560KW and not intended for transporting goods or passengers on roads are required to meet Stage IIIB of EU Directive 97/68/E and be NRMM registered. Such vehicles must be run on ultra-low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel'). 'Ultra-low sulphur diesel means fuel meeting the specification within BS EN 590. Where these standards are succeeded, they should be applied when reasonable. Exemptions to these standards may be granted for specialist equipment or for equipment with alternative emission reduction equipment or run on alternative fuels. Such exemptions shall be applied for in writing to the Local Planning Authority in advance of the use of such vehicles, detailing the reasons for the exemption being sought and clearly identifying the subject vehicles. Such vehicles must not be used until written exemption has been issued by the Local Planning Authority. No vehicles or plant to which the above emission standards apply shall be on site at any time, whether in use or not, unless it complies within the above standard, without the prior written consent of the Local Planning Authority.
- 17) The development must be carried out in accordance with the provisions of the Fire Safety Report, unless otherwise agreed in writing by the Local Planning Authority.
- 18) The basement hereby permitted shall be constructed in accordance with the recommendations made throughout the Basement Impact Assessment Ref 20029/BIA/Rev1.04 (dated April 2022 rev October 2022) unless otherwise agreed in writing by the Local Planning Authority.
- 19) The plant hereby permitted shall not be installed or operated other than in strict accordance with the details provided in the acoustic report submitted by Acoustics Plus reference 104284.ad.Issue2 and dated 25th March 2022. If at any time, the plants determined by the Local Planning Authority to be failing to comply with this condition, it shall be switched off upon written instruction from the Local Planning Authority and not used again until it is able to comply.

END OF SCHEDULE