



Appeal Decision

Site visit made on 24 September 2024

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2024

Appeal Ref: APP/L5810/W/24/3339926

31-33 Moonstone, Park Road, Richmond Upon Thames, Teddington TW11 0AB

- 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 S Hasham against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref is 23/2166/FUL.
 - The development proposed is retrospective application for addition of a side storage space and entrance lobby for the flat on first floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appellant's name from the details set out on the appeal form, rather than from the initial planning application form. In doing so I am satisfied that the applicant / appellant is one-and-the-same despite differences in the setting out of the name.
3. The reasons for refusal refer to policies of the Richmond Local Plan (2018) (RLP). Reference has been made in the Council's delegated officer report, but not in the refusal reasons, to the emerging Local Plan (Regulation 19 version). I have not been advised as to the status of the emerging plan or its policies and whether or not it has been formally adopted. As such, the weight that I can give it is limited.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023, after the Council's decision on the planning application but prior to the submission of this appeal. I am satisfied that both parties have had sufficient opportunity during the appeal process to address the provisions of the current version of the Framework and I have determined the appeal accordingly.

Main Issues

5. The main issues are effects of the proposed development upon:
 - The living conditions of occupiers of the residential first floor flat; and
 - The provision of facilities for refuse and cycle storage.

Reasons

Living conditions

6. Planning permission was originally granted in 2009¹ (the 2009 scheme) for the creation of a residential flat at first floor level above a ground floor pharmacy use. That flat was, and continues to be, accessed via an internal flight of stairs accessed from an enclosed yard area at the side of the building.
7. The area to the side is awkwardly shaped and constrained in its extent. As such, the appeal scheme's extension reflects the limitations imposed by the site's irregular shape and occupies much of what would have been the rear-most portion of the yard.
8. I am advised that this area was, as with the rest of the side yard area, outside space associated with the first floor residential flat. Whilst the appellant has stated that this area has never been used as such, and indeed the parties agree that the 2009 scheme was not implemented in accordance with the approved plans, it was nevertheless intended to be so as part of the approved scheme. Were it to be available to future occupiers of the upper floor flat, they may also have wished to have done so.
9. However, the presence of the extension at the side of the building significantly reduces the available space at the side of the building and restricts the attractiveness, practicality and usability of this area as outdoor space for the upstairs flat. The remaining area is evidently shared between providing access to the flat from the street and to areas used for external storage in connection with the pharmacy use. Indeed, at the time of my visit to the site, there were a large number of plastic crates stacked up immediately in front of the extended part of the building taking up a further portion of the already reduced space at the side of the building.
10. It has also been stated by the appellant that as the area at the side of the appeal building had been used for external storage purposes associated with the operation of the pharmacy prior to the construction of the appeal scheme, and as the extension provides additional internal storage for the pharmacy, the upper floor residential unit has not lost any outdoor amenity space.
11. I disagree. It is not disputed between the parties that the 2009 scheme made provision for outdoor amenity space for the residential at the side of the building. Whether or not this has been provided, or used as such, does not negate that the 2009 scheme was, in part, granted planning permission on this basis. Even if I were to accept, as the appellant invites me to, that the appeal scheme has not resulted in a loss of outdoor amenity space and that the remaining space at the side of the yard provides sufficient outdoor amenity space it seems to me that this space would, at best, be shared with uses and activities related to the commercial use. As such, the space, such as it is, would be neither particularly usable nor especially pleasant for residential activities such as sitting out or drying clothes.
12. London Plan (LP) Policy D6 seeks to promote high quality design. One of the ways it seeks to do so is to ensure appropriate levels of private outside space in residential developments. The Council's *'House Extensions and External*

¹ LPA Ref No: 09/2762/FUL

Alterations' Supplementary Planning Document² (SPD) states that extensions should not lead to a substantial reduction in existing garden areas so as to ensure that usable open space is retained. Whilst neither party has quantified the amount of space left at the side of the building following the construction of the extension, what there is is congested, used in part for commercial storage associated with the building's ground floor pharmacy use and is neither high quality nor particularly usable. The appeal scheme is contrary to LP Policy D6 and the provisions of the SPD in seeking to provide high quality development.

Refuse and cycle storage

13. It is quite common for details of refuse storage, such as enclosures for the siting of refuse and recycling containers, and cycle storage in the form of racks or covered areas, to be secured by way of planning condition. Indeed, it is stated that the area now occupied by the extension was in part intended to provide such facilities.
14. The appellant has indicated a willingness to again make such provision, but this time in the remaining space at the side of the building and in front of the extension. I agree that such a course of action could theoretically be secured by planning conditions. However, given the congested nature of the remaining area that I observed during my visit to the site, the competing demands on this space to accommodate such provision and also usable outdoor amenity space, and in the absence of any indication on the submitted plans how such provision could be made, I am not persuaded that planning conditions would be an appropriate course of action in this instance.
15. Thus, the appeal scheme fails to make appropriate provision for the storage of refuse and recycling or the parking of cycles, and is therefore in conflict with the provisions of LP Policies LP44 and LP45 and the guidance set out in the Council's 'Refuse and Recycling Storage Requirements' Supplementary Planning Document³. Together, these set out to ensure the appropriate provision of waste storage facilities within new development and the provision of cycle parking and storage to encourage means of transport other than the private car.

Other Matters

16. The appeal site lies within the Park Road (Teddington) Conservation Area (the CA). The nearby Park Hotel is a listed building whilst building adjoining the appeal site on the corner of Adelaide Road and Park Road and The Cedars residential development are identified as Buildings of Townscape Merit. Whilst not similarly designated, the appeal building's traditional shopfront also contributes positively to the character and appearance of the CA.
17. The extension is located at the side and towards the rear of the existing building, where the building and vegetation on the neighbouring garden plot afford the extension a significant degree of screening. It is not, as a consequence, widely visible within the Park Road streetscene.
18. The Council has concluded that the appeal scheme would not cause harm to the character or appearance of the CA. I agree and, in the terminology of

² May 2015

³ Adopted April 2015

section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the appeal scheme preserves the character and appearance of the CA.

19. It is agreed between the parties that the appeal scheme would not increase the vulnerability of the site to flooding. Whilst the Council have concerns regarding certain elements of drainage matters I have not been presented with any further evidence to demonstrate that such matters could not be resolved by way of suitably worded planning conditions. However, as I have found that harm arises in respect of the main issues, as set out above, I have not considered the matter of drainage further.
20. So too, with regard to matters of fire safety and as the appeal fails for other reasons, I have not considered this matter further.

Conclusion

21. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR