



Appeal Decision

Site visit made on 14 October 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2025

Appeal Ref: APP/L5810/W/24/3358041

**Grosvenor Garage, Fitzgerald Avenue, East Sheen, Richmond Upon Thames
London SW14 8SZ**

- 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 Hestia Homes (Surrey) Limited against the decision of the London Borough of Richmond Upon Thames Council.
 - The application Ref is 24/0789/FUL.
 - The development proposed is demolition of existing buildings on site and construction of five apartments, three houses and a commercial unit with associated access, landscaping and car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Richmond Local Plan (2018) referred to by the Council in its decision notice has been superseded by policies in the Richmond Local Plan (RLP) (2025) which has been adopted since the appeal was submitted. The appellant and the Council have both commented on the new policies. I must make my decision based on the development plan prevailing at the time of my determination.
3. Following determination of the planning application the appellant has produced additional information in the form of plans showing the position of the air source heat pumps and photovoltaic solar panels; details of the bins and cycle storage; updated Flood Risk Assessment (FRA); BREEAM pre-assessment; plant noise assessment and a completed Unilateral Undertaking (UU). I have taken these documents into account in coming to my decision and I am satisfied that no interested parties have been prejudiced by my approach.
4. The Council advise that following further review of their case the development could be made acceptable in respect of the impact upon trees through the imposition of planning conditions. Based on the evidence before me I have no reason to find otherwise and have not addressed this in my reasoning below.

Main Issues

5. The main issues are:

- The effect of the proposed development upon the provision of employment land;
- Whether it has been adequately demonstrated that retention and refurbishment of the existing flat is not possible;
- Sustainability;
- Whether the proposal would provide adequate refuse storage arrangements;
- Flood risk;
- The effect of the proposed development upon the character and appearance of the area;
- The effect of the proposed development upon the living conditions of nearby occupiers with regard to outlook, privacy and noise;
- Whether affordable housing is required to make the scheme acceptable in planning terms; and
- Whether the proposal would provide adequate vehicular and cycle parking.

Reasons

Provision of employment land

6. The appeal site whilst currently vacant comprises workshops, offices, private lock up garages, a flat and circulation areas. The development proposed is for a mixed-use development formed of both residential and commercial units.
7. As part of the scheme around 107sq.m of commercial floorspace falling within Use Class E is proposed re-providing existing floorspace that currently exists on site.
8. The Council contend that due to not taking into account the external circulation areas the scheme would result in the net loss of industrial floorspace rather than a modest uplift of floorspace as advanced by the appellant.
9. Based on the evidence before me the circulation areas provide access not just to the workshops but the lock up garages and most likely the flat as well. Taking into account these separate elements and the mixed-use nature of the site it is unlikely that the external areas were solely used for commercial activities or the storage of vehicles.
10. Whilst the Council has drawn my attention to aerial photographs showing vehicles parked on the site between 2021-2023 these are essentially snapshots in time and to my mind do not sufficiently demonstrate that the use of the external circulation areas have been consistently used in commercial use. There is also nothing to suggest that planning permission has been granted for an alternative employment use of these areas.
11. As such, I am satisfied that the proposed development would not result in the loss of employment floorspace and thereby reducing employment opportunities in the

Borough. In this regard it would accord with RLP Policies 22 and 24 and Policies E2, E4 and E7 of the London Plan (2024) (LP) which, amongst other things, seek to retain existing industrial land, a sufficient supply of such land and the re-provision of high-quality workspaces.

Existing residential accommodation

12. RLP Policy 14 seeks to retain existing house stock. That said, part C. permits the redevelopment of existing housing subject to a number of criteria but where it has been first demonstrated that the existing housing is incapable of improvement or conversion to a satisfactory standard to provide an equivalent scheme (considering embodied carbon and the circular economy).
13. The appellant's Condition Inspection Report indicates that the overall site is in a very poor and unmaintained condition, with the flat in a poor condition also. The report suggests that to bring the buildings up to current standards requires a very significant programme of repair and improvement and the isolated refurbishment of the flat would not provide good quality accommodation.
14. Despite the absence of a carbon life cycle analysis, based on the information before me, it is evident that the flat, and the buildings on site for that matter, are incapable of conversion to an appropriate standard without significant intervention. The refurbishment of the flat in isolation would also, to my mind, prejudice the comprehensive redevelopment of a brownfield site and the associated benefits that would come with it including an uplift in housing.
15. In terms of carbon footprint, the proposed development aims to reduce materials and waste incorporating energy efficient sustainable materials, low carbon and renewable energy, green roofs and sustainable drainage. Moreover, it would result in a notable reduction in carbon emission and a carbon offsetting payment, secured through the submitted UU, which would at least in part offset the carbon emissions associated with the demolition of the current buildings on site.
16. As such, sufficient justification has been provided to demonstrate that the existing flat on site is incapable of improvement and conversion. Accordingly, there would be no conflict with RLP Policies 2, 3, 4, 14 and 28 which, amongst other things, seek to tackle climate change; minimise greenhouse gas emissions and the unjustified loss of existing housing and buildings.
17. The Council has referred to Policy 7 in the second reason for refusal, however, I find that with specific regard to this main issue I give it negligible weight in coming to my decision.

Sustainability

18. The Council's reason for refusal turns on whether a satisfactorily completed BREAM Pre-assessment has been provided. In this regard the appellant has submitted such an assessment which predicts an 'excellent' score for the proposed development.
19. Turning to wider sustainability matters the appellant's Sustainability and Energy Statement sets out measures to reduce materials and waste, use of energy efficient sustainable materials, low carbon and renewable energy, green roofs and sustainable drainage to reduce the environmental impact of the scheme and to mitigate the effects of climate change.

20. As such, I am satisfied that based on the available information and subject to the imposition of conditions the proposed development would achieve the required standards of sustainable design and construction.
21. The proposal therefore does not conflict with RLP Policies 3, 4 and 6 which, amongst other things, seek to reduce greenhouse gas emissions, mitigate climate change and require sustainable and energy efficient design during design, construction and operation of the development.

Waste and recycling facilities

22. The Council advise that the commercial unit, the apartments and the houses would require separate general waste, food waste and recycling facilities. As part of the appeal the appellant has submitted further information in relation to this matter which show the location and specification for waste and recycling facilities serving the different components of the development proposed.
23. On the basis of the information before me and subject to conditions securing its implementation, I am satisfied that the scheme would provide adequate waste and recycling arrangements for its intended occupiers. It, therefore, accords with RLP Policy 7 and the 'Refuse' Supplementary Planning Document which, amongst other things, require adequate refuse and recycling storage space and facilities.

Flood risk

24. Based on the Environment Agency flood maps and the submitted FRA the site falls within Flood Zone 1 which represents a low probability of flooding. That said, the FRA indicates that the site is at risk of surface water and groundwater flooding.
25. With regard to surface water runoff Part H of RLP Policy 8 states that developments should manage runoff as close to its source as possible ideally on site. It goes on to say that surface water discharge should discharge to greenfield run-off rates but where this is not feasible proposals will need to achieve at least a runoff rate of 2 l/s or 50% attenuation of the site's surface water runoff at peak times based on existing levels.
26. The FRA indicates that in order to achieve current greenfield runoff rates excessively large onsite attenuation and extremely small flow control openings would be required which would increase the risk of blockages and long-term maintenance issues.
27. Whilst I concur with the Council that the appellants justification for not being able to achieve greenfield run-off rates is somewhat thin it is evident that the drainage strategy as proposed would be able to achieve a runoff rate of 2 l/s and a significant reduction in peak run-off far exceeding the 50% threshold through the use of green roofs, rainwater harvesting, permeable paving and underground storage tanks and which aligns with the hierarchy outlined in the LP.
28. On balance, I am satisfied that the proposed development would adequately minimise the risk of surface water flooding and would not conflict with RLP Policy 8 and LP Policy SI13.

Character and appearance

29. The appeal site is irregularly shaped and is formed of low scale buildings of different forms, design and age and extensive hardstanding. The immediate context is characterised by streets formed of two storey terraced and semi-detached dwellings. The appeal site acts as a transition between the tight urban grain of terraced dwellings to the north on Buxton Road and the slightly more spacious semi detached layout on Fitzgerald Avenue.
30. I acknowledge that the height of the proposed development would be commensurate to that of dwellings either side. However, it would extend across the entire Fitzgerald Avenue frontage appearing as an incongruous monolithic structure. Its overall scale and massing would be an unduly bulky and dominant presence in the street scene.
31. This would be further accentuated by the size and position of the balconies and privacy screens and the overly tall and bulky form of the mansard roof. The number and position of windows in the roof space would result in prominent vertical features and a top-heavy appearance failing to successfully integrate into the area.
32. I note that bay columns are a design feature of dwellings locally, however, the ones proposed neither serve to appropriately break up the mass of the building or act as features to draw the eye given the overall bulk of the scheme. In my judgement they would appear 'lost' within the overall design.
33. In coming to my decision, I have paid regard to the design variety that exists locally including properties with dormer windows and mansard roofs and taller flatted developments. However, it is apparent that their context is different and not directly comparable to the scheme before me. The presence of these examples do not lead me to reach a different conclusion in respect of this matter.
34. The current poor and unmaintained condition of the site is not justification for a scheme that I have found to be harmful in respect of this main issue. Whilst the best use of land is encouraged this should not be at the expense of good design.
35. I conclude that the proposed development would adversely affect the character and appearance of the area contrary to RLP Policies 15 and 28, and Supplementary Planning Documents 'Design Quality' and 'Small and Medium Housing Sites' which, amongst other things, require a character and design led approach to site optimisation and proposals to reflect the character of the surrounding area and high architectural and urban design quality.

Living conditions of existing occupiers

36. The Small and Medium Housing Sites SPD advises that in order to respect the privacy of occupiers main facing habitable rooms should preferably be no less than 20 metres apart.
37. Positioned along the southern boundary of the site is residential property 13 Fitzgerald Avenue. Plots 2 and 3: the three storey dwellings proposed, include first and second floor bedroom windows facing the rear garden of No.13. The Council contend that the distance between the garden and the proposed development would be around 7.8m and there is nothing before me to suggest that this figure is not accurate.

38. The elevated position of the proposed windows combined with a separation of below 20m, as set out in the SPD, would result in direct overlooking from plots 2 and 3 into the garden of No.13 resulting in an unacceptable loss of privacy for the occupiers of this property.
39. I do not accept that the impact would be no worse than the relationship between the existing flat on site and No.13 as currently the flat offers oblique views towards the bottom end of the garden. The proposed development in contrast would offer expansive views across the entire rear garden resulting in a significant degree of overlooking.
40. First and second floor apartments (apartment numbers 2 and 4) would have habitable room windows facing 26 Buxton Road. No.26 benefits from two distinct areas of private amenity space – one to the rear of the property and one to the side. Whilst the areas are small they are both used by the occupiers for recreational purposes.
41. The proposed development would be set right on the southern edge of South Worple Avenue with a number of habitable room windows facing No.26. Given the limited separation between the two and the number of windows proposed it would result in actual and perceived overlooking adversely affecting the living conditions of the occupiers of this property.
42. I acknowledge that close relationships between properties are not uncommon in dense urban areas. However, the height of the proposed development in very close proximity to this property would be visually intrusive resulting in a significant overbearing effect upon the occupiers of this property and unacceptably diminishing their living conditions with regard to outlook.
43. Turning now to the proposed air source heat pumps the appellant's Plant Noise Assessment indicates that they have a low noise output which would be attenuated by the boundary fencing proposed. The noise levels would not exceed local noise criteria and I am also mindful that such units are intended to be used within residential environments. As such, I am satisfied the air source heat pumps would not result in a noise nuisance for neighbouring occupiers and there would be no conflict with RLP Policy 53.
44. Despite the above, the proposed development would adversely affect the living conditions of the occupiers of 13 Fitzgerald Avenue and 26 Buxton Road by reason of outlook, overlooking and loss of privacy. As such, it would be contrary to RLP Policy 46 which, amongst other things, requires development to protect the amenity and living conditions of neighbouring properties.

Affordable housing

45. RLP Policy 11 relates to affordable housing. Part B sets out an expectation for contributions towards affordable housing on all housing sites. On sites below the threshold 'capable of ten or more units gross' a financial contribution towards the Affordable Housing Fund will be sort. As the proposed development would, in part, involve redevelopment of an employment site an affordable housing contribution of 80% is required.
46. The appellant's Financial Viability Assessment (FVA) concludes that there is a deficit position and the scheme cannot support an affordable housing contribution.

However, the Council did not seek to undertake an independent review of the FVA on account of the unacceptability of the proposal on other grounds.

47. Despite the submission of the FVA, in the absence of an independent assessment I am unable to come to a view as to whether the site is financially viable or not and in turn whether the development proposal is able to support a contribution towards affordable housing in the Borough.
48. On this basis, the proposed development would be contrary to RLP Policy 11 and the Affordable Housing Supplementary Planning Document which, amongst other things, seek an appropriate and proportionate contribution towards affordable housing.

Vehicular and cycle parking

49. In terms of parking, there are two areas of concern raised by the Council. Firstly, the overprovision of car parking spaces for the commercial unit and secondly, the absence of information pertaining to cycle parking.
50. Taking each matter in turn the proposed commercial unit would fall within Use Class E which covers a range of commercial, business and service uses. As no end user has been identified and given the wide range of uses that could occupy the unit, I am of the view that the additional parking would provide a degree of flexibility for visitor parking or deliveries.
51. To me, this would be a better arrangement than either vehicles parking on the adjoining highway, in an area where there is evidenced parking stress, or delivering kerbside and which would likely have a greater undue impact upon the safe and efficient operation of the highway. Moreover, I am not persuaded that the overprovision of just 1 space would have an impact on the use of alternative sustainable transport methods when travelling to the unit.
52. Turning now to cycle parking, the Council contend that between 2 and 6 spaces for the commercial unit and a minimum of 15 long stay spaces and 2 short stay spaces would be required to serve the apartments and dwellings. Secure cycle storage is to be positioned in front of the dwellings and within the entrance hall of the apartments. These locations would be adequate for residents who would likely lock their bicycles away securely when not being used. However, no information has been provided in respect of short stay spaces for visitors nor is there any information in respect of cycle parking for the commercial unit.
53. As such, based on the evidence before me the proposed development would not provide adequate cycle parking and would fail to promote active and alternative sustainable travel modes. It would therefore not accord with RLP Policies 47 and 48 and LP Policy T5 which, amongst other things, seek adequate provision for off street cycle parking to reduce the impact of car based travel and to create healthy environments.

Other Matters

54. I note the representations made by local residents to the appeal raising additional matters. However, given my findings in respect of the appeal there is no need for me to address these points in detail.

55. The Council have made reference to the potential fire safety issues in their statement relating to new local plan policies. As this matter does not form one of their reasons for refusal and has been introduced at a late stage of the appeal process I have not addressed this matter in my decision.

Planning Balance

56. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
57. The redevelopment of the site for houses and apartments would make a modest contribution to the borough's housing supply. On the other hand, I have found that the proposed development would adversely affect the character and appearance of the area. In addition, it would harm the amenities of nearby residents and it would fail to provide appropriate cycle storage and affordable housing.
58. The adverse effects of the proposal would significantly and demonstrably outweigh the benefits and cannot be made acceptable through the imposition of conditions. I conclude that the scheme before me conflicts with the development plan, when read as a whole. There are no other considerations that outweigh that harm.

Conclusion

59. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR