
Appeal Decision

Site visit made on 17 June 2015

by **R W Allen B.Sc (Hons) PGDip MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 July 2015

Appeal Ref: APP/L5810/W/15/3003575

The Old Anchor, 71 Richmond Road, Twickenham TW1 3AW

- 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 Mr B Chisholm against the decision of The London Borough of Richmond-upon-Thames.
 - The application Ref DC/RON/14/2391/FUL, dated 6 June 2014, was refused by notice dated 2 December 2014.
 - The development proposed is erection of two storey extension to existing building to provide additional floor space to the ground floor and 2 new two-bedroom maisonettes above. Alteration to existing flat on the first floor to convert and extend to provide 2 one-bedroom maisonettes. Erection of 1.5 storey side extension to provide separate access to proposed residential dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council had initially sought a Legal Agreement for the proposed development to provide affordable housing, in line with Policy DM HO 6 of the London Borough of Richmond upon Thames Local Development Framework Development Management Plan (DMP), which requires affordable housing to be provided against a percentage of the number of units proposed. The policy however now conflicts with Reference ID: 23b-012-20150326 of the Planning Policy Guidance (the Guidance), which says that contributions should not be sought for small-scale developments of 10 units or less. The Council has subsequently decided not to defend this ground of refusal, and I find it reasonable to conclude that in doing so, the Council would not have been able to demonstrate in this case, that the contribution sought would have been fairly related in scale and kind, and thus it would not have met the tests of paragraph 204 of the Framework. On the evidence before me, I agree, and have disregarded the contribution request.
3. Therefore the main issue is the effect of the proposed development on the safety of highway users and the free flow of traffic with regard to parking.

Reasons

4. The appeal site is a disused public house located at the junction of Richmond Road and Seymour Gardens. The surrounding roads are all regulated by controlled parking zones; the majority of which are for residential use only,

- although some bays are marked out for pay-and-display, business use and 'car club'.
5. The Council and appellant agree that the overall parking stress levels for the surrounding area exceed 90% of capacity, which the Council defines as a 'heavily parked area'. I visited the survey area (roads within an approximate 200m radius from the appeal site) on a weekday around 1300. I observed that those roads were extremely heavily parked; that very little availability was evident in the designated bays; and that there was little existing potential for off-street parking in front of dwellings given their proximity to the highway edge. Many residents may not have been at home at the time of my site visit, and I find it reasonable to conclude that parking demand and pressure would likely grow and worsen in the evenings.
 6. I acknowledge that the net increase in parking demand generated by the proposed development would, taken in isolation, be very small. However I find that the cumulative effect of a number of such small additions to parking demand on the local highway network, where availability is already at a premium, would be severe. It would inevitably lead to an increase in competition for those spaces; would add to the daily trawling for spaces; would further add to traffic congestion; in vehicle queuing; and would be likely lead to inconsiderate and/or dangerous parking on corners and junctions.
 7. The appellant says that at the time observations took place (on a Tuesday and a Thursday at 0400); on-street capacity existed within the survey area, which demonstrates that parking spaces were available. Whilst I accept that some parking spaces were evident at those times, because of the already considerably high stress levels in the area, I am not persuaded that the observation period was sufficiently long enough to demonstrate that a regular or consistent vacancy level for parking was available. I find it equally likely that there would be times of the day and night where no parking spaces would be available, and that a reliance on parking availability further afield would be sought. Because of the limited observation period and the wide variance in stress levels that was shown for the surrounding streets in Seymour Gardens and Haggard Road, I do not find that it can be reasonably concluded that stress levels are on average lower than those in the other surrounding roads.
 8. Parking on the surrounding roads is only restricted during the day time period (CPZ Zone D is restricted Monday to Saturday 0830 to 1830 and CPZ Area S is restricted Monday to Friday 1000 to 1630). Future occupiers of the proposed development would therefore be able to park on-street outside these hours. Nevertheless, without the availability of residents parking permits, private car use would be a substantially less attractive option for these occupiers, who would have ready access to public transport. An inability to apply for residents parking permits would therefore be an effective disincentive to use and park cars in the area. I have considered whether a planning condition could be imposed that would prevent occupiers making use of residents parking permits, as suggested by the appellant. However on the evidence before me, I am not persuaded that a planning condition preventing applications for permits being made would be either effective or enforceable.
 9. In the absence of any legal agreement to secure this, I conclude that the proposed development would cumulatively add significantly to demand for parking on the local highway network, where parking availability is already

extremely limited. It would add to the number of vehicles trawling local roads for spaces; would lead to traffic congestion; vehicle queuing; and to inconsiderate and/or dangerous parking on corners and junctions. As such it would further deteriorate the free flow of the local highway network and would cause additional harm to highway safety.

10. The proposed development would not accord with the provisions contained within paragraph 32 of the National Planning Policy Framework. It would also not accord with DMP policy DM TP 8. This says that that development will have to demonstrate that the new scheme provides an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. It would also not accord with DMP policy DM TP 2 which requires new development to be assessed against transport standards, or with or with DMP policy DM TP 6, which seeks to ensure that new development improves the safety of pedestrians and protects the pedestrian environment. The proposed development would also not accord with Policy CP5.F of the London Borough of Richmond upon Thames Local Development Framework Core Strategy, which requires car free housing in Twickenham town centre where there is good public transport.

Other Matters

11. The appeal property lies directly opposite the Twickenham Riverside Conservation Area. Neither party expresses a view regarding any effect the proposal would have on the character or appearance of the said Conservation Area. Moreover, I have not been provided with any relevant development plan policies relating to such matters. Nonetheless, I have had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this respect, having regard to the size of the development and its relationship with the host property, as well as its siting and location within the site, I am satisfied that those interests would be preserved.
12. Concerns have been raised in respect of the effect on the living conditions of the occupiers of No 73 Richmond Road in respect to privacy from new windows and doors. I saw from my site visit that mutual overlooking occurs from first floor windows, which is not untypical within a residential urban environment such as this. Although some overlooking would be afforded from the new windows, there would be sufficient distance between the two properties such that there would be no significant harm to the living conditions of the occupiers. The Council has not raised this as an issue and I have no reason to disagree. Concerns have also been raised with respect to future development of the site as a retail unit and the potential effect this would have on the area. Those matters are not before me and I have not afforded them any weight in my decision.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

R Allen

INSPECTOR