
Appeal Decision

Site visit made on 8 December 2016

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 25 January 2017

Appeal Ref: APP/L5810/W/16/3155893

61 Belmont Road, Twickenham, Richmond-upon-Thames TW2 5DA

- 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 Malachi Trout against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref DC/JOS/15/5407/FUL, dated 22 December 2015, was refused by notice dated 17 June 2016.
 - The development proposed is a single storey house on land to the rear of 61 Belmont Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted, alongside the appeal and in order to address the reason for refusal relating to this matter, a calculation of affordable housing contributions that shows that no contributions would be required in this case. The Council has had the opportunity to comment on this, but has not done so. In addition, the Court of Appeal issued judgment in the case of Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441. This confirms that the policies in the Written Ministerial Statement of 28 November 2014 (WMS) relating to contributions toward affordable housing and tariff-style planning obligations on small scale development should be treated as a material consideration in the determination of appeals. The development plan, including the London Borough of Richmond upon Thames Local Development Framework Core Strategy (CS) and London Borough of Richmond upon Thames Local Development Framework Development Management Plan (DMP), has statutory status under Section 38(6) of the Town and Country Planning Act 1990 but the WMS is a material consideration of more recent date. In the absence of any evidence to the contrary, I conclude that Policy CP15 of the CS and Policy DM HO6 of the DMP that seek contributions from residential development toward the provision of affordable housing are outweighed by the more recent WMS. For these reasons, I do not consider that an affordable housing contribution would be required in this instance.

Main Issues

3. The main issues are:
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- Whether the proposal would be inappropriate development on Metropolitan Open Land;
- The effect of the proposal on the openness of Metropolitan Open Land;
- The effect of the proposed dwelling on the character and appearance of the area;
- The effect of the proposed dwelling on highway safety with regard to the adequacy of parking provision;
- Whether the proposed development would contribute to climate change given the lack of a sustainable construction checklist; and
- Whether any harm by reason of inappropriateness and any other harm is outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriateness

4. The appeal site is located within an area designated as Metropolitan Open Land (MOL). Policy DM OS2 of the DMP states that MOL will be protected and retained in predominantly open use. This provides a list of uses that can be considered appropriate within MOL, which include use as public and private open spaces. Background to the policy confirms that MOL is protected in the same way as Green Belt and that Planning Policy Guidance note 2 (PPG2) relating to the Green Belt applies. PPG2 has since been withdrawn and replaced with the National Planning Policy Framework (the Framework), so I have taken relevant paragraphs of that document into account in coming to my decision.
5. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the Framework confirms that new buildings are inappropriate development, with a number of exceptions including the partial or complete redevelopment of previously developed sites whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The definition of previously developed land excludes land in built up areas such as private residential gardens and the proposed building would be considerably larger than the existing storage building with recording studio that it would replace. As such, it would not comply with the exceptions listed at paragraph 89 of the Framework, such that it would be inappropriate development in the MOL. I attach significant weight to the harm arising from the inappropriate nature of the proposed development.

Openness

6. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Indeed, openness is one of the essential characteristics of Green Belts. Whilst there is no definition of openness, it is generally held to be freedom from development. The existing site is predominantly open and contributes to the openness of the MOL. The proposed dwelling would be of substantially larger footprint than the existing building, and would be taller. This results in a building that would be

significantly larger than the existing building in terms of its design and volume, which would be harmful to the openness of the MOL.

7. For these reasons, the proposed dwelling would reduce the openness of the MOL in this location, contrary to Policy DM OS2 of the DMP that seeks to protect the openness of the MOL. I attach significant weight to the harm arising from the effect on openness of the MOL.

Character and appearance

8. The proposed building would be located in an open garden to the rear of the existing properties fronting Belmont Road. The site comprises mature landscaping to the river frontage that restricts views into the open area in the centre of the site from the riverside walk on the opposite side of the river. The site is part of a linear area of open space alongside this side of the river formed from private open space to the rear of development. Given the mature landscaped river frontage and location to the rear of development, the existing building is discreet and has limited effect on the visual appearance of the surrounding area.
9. The proposed building would be single storey constructed in cedar shingles to the walls and on the substantial roof, which seeks to reflect the sylvan nature of the site. The majority of the site would remain open garden land. The proposed roof would have an unusual shape and mass that would be prominent in views through the site. Whilst the design would reflect the sylvan appearance of the site, the size of the proposed building would result in it appearing incongruous within this open stretch of land alongside the river, adversely affecting the character of the site and surrounding area.
10. For these reasons, the proposed development would have an adverse effect on the character and appearance of the area. As such, it would be contrary to Policies CP7 of the CS and Policies DM HO3, DM DC1 and DM OS2 of the DMP that seek to ensure development recognises the distinctive character of the area and contributes positively to its surroundings.

Highway Safety

11. The proposed development would provide parking to meet the needs of residents of the proposed dwelling, but the Council are concerned that this would displace the off road parking of occupants of the existing dwelling at 61 Belmont Road. I understand that the proposed site is on a separate title to the dwelling, although it appears to be in the same ownership. Consequently, the proposed development would result in the loss of a parking space for occupiers of the existing dwelling at 61 Belmont Road.
12. In addition, the access to the site is narrow and would not provide sufficient space for access to both 61 Belmont Road and the proposed development if a car was parked on the access drive.
13. This would result in occupiers of 61 Belmont Road parking on the road outside the site. There is limited parking available in the area, given the number of surrounding dwellings that also do not have sufficient off road parking. As a result, additional parking on the street would put additional pressure on the capacity of the local road network that could result in inconsiderate parking, detrimental to highway safety.

14. For these reasons, I conclude that the loss of an off street parking space for occupiers of 61 Belmont Road would adversely affect highway safety. As such, the proposed development would be contrary to the National Planning Policy Framework that seeks safe and suitable access to development for all people.

Sustainable construction checklist

15. The Council suggest that the lack of a sustainable construction checklist would be contrary to Policy DM SD1 of the DMP. That policy requires development to include measures capable of mitigating and adapting to climate change to meet future needs, including reductions in carbon dioxide emissions beyond those in the Building Regulations.
16. The Council confirm that the contents of the submitted Energy Report would meet the required reductions in carbon dioxide emissions. Other than that the checklist has not been submitted, no other actual harm has been identified. Conditions have been suggested that would deal with a number of the matters listed in the policy, should I allow the appeal. On that basis, I consider that the proposal would meet the requirements of Policy DM SD1 of the DMP.

Other considerations

17. I note the contents of the biodiversity report that provides recommendations to enhance the ecology and biodiversity of the area. The proposed dwelling would have storage space within the entrance hall that would include space for cycle storage. I note the design of the development would not cause harm to the living conditions of occupants of neighbouring dwellings.
18. My attention has been drawn to other development within the MOL, including the redevelopment of the sorting office and that there are other buildings within MOL in Twickenham. I have limited details as to the background of those cases and I need to consider this development on its individual merits, but it is likely that their development would have complied with the exceptions to inappropriate development as listed in the Framework, or policies that were contained within the previous PPG2.
19. I note the appellant wishes to continue living in this community and to provide space for his daughter. This is not an uncommon scenario and, while I have sympathy to the circumstances described, they are not sufficient to outweigh the harm and policy conflict identified. Support has been provided for the development from a number of neighbours, including a petition, but I do not consider that such support would overcome the harm that I have identified above.

Conclusion

20. In conclusion, I have found that the proposed dwelling would be materially larger than the existing building on the site and in a materially different use, such that the proposal is inappropriate development that harms the openness of the MOL. In addition, the proposed dwelling would not reflect the character and appearance of the surrounding area and the lack of parking would harm highway safety. I do not consider that the lack of harm to sustainable construction or other considerations put forward are sufficient to overcome the harm that I have found. For these reasons, the substantial weight to be given to Green Belt harm and any other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. As such, I

conclude that the proposed development is contrary to Policy DM OS2 of the DMP and the Framework that seek to protect the MOL from inappropriate development.

21. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR