



## Appeal Decision

Site visit made on 16 October 2018

**by AJ Steen BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> November 2018**

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**Appeal Ref: APP/L5810/W/18/3196558**

**Garages adjacent to nos. 72-75 Sontan Court, Churchview Road,  
Twickenham TW2 5BT**

- 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 UK & European Property Developments Ltd against the decision of the Council of the London Borough of Richmond-upon-Thames.
  - The application Ref 17/2759/FUL, dated 18 July 2017, was refused by notice dated 14 September 2017.
  - The development proposed is the demolition of an existing garage block and the erection of a mews development, consisting of 3 x 2 bedroom dwellings, together with associated car parking and landscaping improvements.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The National Planning Policy Framework (the Framework) was published during the course of the appeal. The Council and appellant had the opportunity to comment and I have taken its contents into account in coming to my decision.
3. During the course of the appeal, the Richmond upon Thames Local Plan (LP) was adopted. I have based my decision on that new Local Plan.

### Main Issues

4. The main issues are:
  - the effect of the proposed development on the living conditions of occupiers of 15-20 Campbell Close by reason of outlook and privacy;
  - the effect of the proposed mews development on the character and appearance of the surrounding area;
  - whether the proposed development would affect trees, ecology and biodiversity in the area;
  - whether or not the proposed development would make adequate provision for affordable housing; and
  - the effect of the proposed development on highway safety with regard to the adequacy of parking provision.

## Reasons

### *Living conditions*

5. The Garages adjacent to the flats at nos. 72-75 Sontan Court are located at the end of Churchview Road that runs to the front of the flats. The rear gardens of terraced houses on Campbell Close back onto that access road. These houses have modest rear gardens, separated from the site by a narrow access continuing past the garages and outside the appeal site area.
6. The proposed development would result in the side wall of a two storey terrace of houses with mansard roof above being located close to the boundary with 19-20 Campbell Close. The height of this wall in such close proximity to the rear gardens and windows of these houses means that they and, to a lesser extent, the remainder of the terrace of which they form part would be dominated by the proposed dwellings.
7. It is proposed that plants would be allowed to grow such that the side wall would be a green wall. This would soften the otherwise blank side elevation of the proposed building and would improve the appearance. Nevertheless, it would not reduce the dominating effect of the proposal on the outlook of occupiers of those neighbouring houses.
8. The proposal would result in the loss of a number of trees adjacent to the rear boundaries of 16-17 Campbell Close. These soften the outlook of these properties and block views from the flats at Sontan Court to rear gardens and windows of those properties. I note that the Arboricultural Implications Assessment concludes that these are low quality trees and it may be possible to retain or replace them depending on the construction of the parking spaces. However, details of construction have not been provided such that provision of parking on the verge in this location would limit the ability to replace these trees with planting substantial enough to affect those views. Consequently, their removal with limited prospect of replacement would result in additional overlooking and would result in harm to the outlook of occupiers of these dwellings.
9. My attention has been drawn to other dwellings in the area that are in closer proximity to one another than is proposed in this instance. These are historic developments that would have been subject to different planning policies. In any event, a poor relationship between dwellings elsewhere would not justify the proposal in this instance.
10. The proposed side wall would be blank with windows facing toward the front and rear of the proposed dwellings. These would face away from neighbouring houses. The side wall of Sontan Court does not contain windows that would be overlooked by the proposed development. As a result, the new dwellings would not affect the privacy of occupiers of neighbouring dwellings. The proposed dwellings are likely to result in additional artificial light that could have an effect on neighbouring occupiers. However, that could be controlled by condition such that any effect would not be material.
11. I note that the reason for refusal refers to 15 Campbell Close. However, the terrace closest to the proposed dwellings comprises only 5 houses and no. 15 is located on the adjacent terrace at right angles to nos. 16-20, separated from Sontan Court by the garden of no. 16. As a result, it is some distance from the

proposed dwellings and with some separation from Sontan Court, such that the living conditions of occupiers of that dwelling would not be materially affected by the proposed development.

12. For these reasons, I conclude that the proposed terraced houses and removal of trees would harm the living conditions of occupiers of 16-20 Campbell Close, specifically their outlook and privacy. As such, the proposal would conflict with LP 1 and LP 8 of the LP that seek to ensure compatibility of development, including the living conditions for occupants of existing, adjoining and neighbouring properties such as ensuring proposals are not visually intrusive or have an overbearing impact or raise unacceptable overlooking.

#### *Character and appearance*

13. The proposed dwellings would be located at the end of Churchview Road with Metropolitan Open Land to the rear including the River Crane with public open space over the river. Between the appeal site and the river are substantial trees that restrict views to the site from the footpath through the public open space. The appeal site forms part of the transition between the built up area and the open space around the River Crane.
14. The proposed dwellings would be visible in glimpsed views of the site through the trees from the public open space. They would be taller than the dwellings in Campbell Close, although not significantly so, and would be of a smaller scale than Sontan Court. Limited additional planting is proposed on the rear boundary that would further obscure views of the development from this direction. On that basis, the proposed dwellings would be seen within the context and background of surrounding buildings such that they would not materially affect the character and appearance of the adjacent Metropolitan Open Land and public open space.
15. The proposed dwellings would be more prominent than the existing garages at the end of Churchview Road and restrict views down the road to the trees beyond. Nevertheless, the proposed building would reflect the scale of surrounding development with mature trees visible over the roof. As a result, it would reflect the character and appearance of the surrounding urban area.
16. For these reasons, I conclude that the proposed dwellings would not harm the character and appearance of the surrounding area. As a result, they would not conflict with Policies LP 1, LP 12 and LP 13 of the LP that require development to be of high architectural and urban design quality, including protecting the integrity of green spaces and visual impacts on Metropolitan Open Land.

#### *Trees, biodiversity and ecology*

17. Parking for occupants of Sontan Court is provided around the building, including within the garages to be demolished and to the rear of the building. This extends under the canopy of trees on the boundary with the school and the proposal would re-use this parking area to provide spaces for the existing flats. The trees on this boundary form a narrow biodiversity and ecology corridor linking the area around the River Crane to land around the school.
18. A number of trees are proposed to be removed, that I note have a short useful remaining life. The proposal would make slight adjustment to the boundary of the parking area under the canopy of the trees. There would be limited space for replacement planting, but this would not be materially different from the

existing situation were those trees to be lost. Given that seems likely taking account of the conclusions of the Arboricultural Impact Assessment and Method Statement, a landscaping scheme would have potential to provide a modest enhancement to the trees, biodiversity and ecology of the area.

19. For these reasons, I conclude that on balance the proposal would have a positive effect on trees, ecology and biodiversity in the area. As such, it would comply with Policies LP 1, LP 12, LP 15 and LP 16 of the LP that seek to improve the quality of spaces and the local area, including improvements and enhancement to the green infrastructure network, protecting and enhancing biodiversity as well as protecting trees and other vegetation of landscape significance.

#### *Affordable housing*

20. A legal agreement under Section 106 of the Town and Country Planning Act 1990 (S106) has been submitted with the appeal. This includes ensuring financial contributions would be made toward affordable housing in line with the Council's calculations and Policy LP 36 of the LP.
21. I note that the Framework states that affordable housing should not be sought for residential developments that are not major developments. Nevertheless, the appellant has not sought to contest the request for this contribution and it would accord with the requirements of the LP. For these reasons, I have taken the S106 legal agreement into account insofar as it relates to affordable housing.

#### *Parking*

22. The proposed houses contain covered parking within the ground floor of the building that would be accessed directly from the circulation area around Sontan Court. This covered area does not have sufficient depth to meet the requirements of the council's Supplementary Planning Document: Front Garden and Other Off Street Parking Standards. Nevertheless, I note that the covered area would not have a door, such that larger cars could be accommodated, even if they were to project slightly outside the building.
23. Pedestrian access to the houses would be shared with the circulation and parking area of the flats at Sontan Court and the proposed houses. Consequently, pedestrians would be expected to be moving around this area, as well as vehicles. On this basis, vehicle drivers would anticipate pedestrians such that there would not be a conflict.
24. Provision is made within the S106 legal agreement for notification of future occupiers that they would not be eligible for a parking permit should a Controlled Parking Zone (CPZ) be designated in the area in the future. Additional pressure on parking could lead to parking inconvenient to other road users that could affect highway safety. The S106 legal agreement seeks to address the reason for refusal insofar as it relates to securing an exemption from future car parking permit eligibility should the area be designated as a CPZ. I have taken these matters into account in my decision.
25. For these reasons, I conclude that the proposed parking provision would not result in harm to highway safety. As such, it would comply with Policy LP 45 of the LP that seeks parking that provides for the needs of the development and minimises the impact on operation of the highway network.

## **Conclusion**

26. I have found that the proposal would not result in harm to the character and appearance of the area, trees, biodiversity and ecology, highway safety and would contribute toward housing provision, including affordable housing, in the area. However, that is not sufficient to outweigh the harmful effect the works would have on the living conditions of occupiers of neighbouring properties. Given that results in conflict with development plan policies, I conclude that the proposal would be contrary to the development plan as a whole. As such, I conclude that the appeal should be dismissed.

*AJ Steen*

INSPECTOR