



## **Planning Statement**

Planning Application

Erection of Mansard Roof to Accommodate Six Flats with Bin and Cycle Store to Rear,  
Nos 1 to 17 High Street, Whitton, TW2 7LA.

**DLA Ref: 18/395**  
**February 2019**

## CONTENTS

1.0	INTRODUCTION .....	1
2.0	THE APPLICATION SITE AND SURROUNDING AREA .....	2
3.0	RELEVANT PLANNING HISTORY .....	4
4.0	POLICY CONTEXT.....	5
5.0	THE APPLICATION DEVELOPMENT.....	7
6.0	PLANNING CONSIDERATIONS.....	9
6.2.0	Issue No 1: The Principle of the Proposal.....	10
6.3.0	Issue No 2: The Design of the Proposal.....	12
7.0	CONCLUSIONS.. ..	21
8.0	APPENDICES.....	22

## 1.0 INTRODUCTION

### 1.1.0 Background

1.1.1 This report relates to a planning application to erect a mansard roof at Nos 1 to 17 High Street, Whitton, TW2 7LA to provide 6 flats with a bin/cycle store to the rear.

### 1.2.0 Scope

1.2.1 This document comprises an overarching Planning Report. Sections 2 to 4 consider the physical, economic, social and historical context of the site, identifying the relevant local and national planning policy framework; and Section 5 sets out the details of the proposal. All these sections inform the evaluation of the proposal in Section 6 against the identified planning policy framework. The overall conclusions are set out in Section 7 and which are summarised below at paragraph 1.3.0.

### 1.3.0 Summary

1.3.1 There can be no objection to the principle of the proposal which provides 6 small units of accommodation in Whitton town centre.

1.3.2 There can be no objection to the design which proposes a mansard roof not uncharacteristic of the town centre but which in any event would be subsumed by the scale and mass of the host property.

1.3.3 There can be no objection to the impact of the proposal on neighbours given the separation distance to the rear and that the proposed flats exceed the floorspace and external amenity space requirements.

1.3.4 There can be no objection to a 'car free' scheme in this location given its excellent access to public transport, both bus and rail and its town centre location, providing good access to shops, services and employment.

1.3.5 Consequently the application be safely approved.

## 2.0 THE APPLICATION SITE AND SURROUNDING AREA

### 2.1.0 The Council's Pre-App Response July 2018

#### 2.1.1 This described the application site in the following terms:

*“The pre-application enquiry relates a site which comprises an existing parade of retail units that are three storeys in height sited to the northern end of the High Street, at its junction with Nelson Road. The site has frontage to the east of High Street Whitton. Specifically, the submitted enquiry relates to 1-17 High Street and an existing row of four garages to the rear of the three storey parade, within the rear servicing area which features access via a private road to the south, adjacent no. 17 High Street. The ground floor commercial premises fall within A1 (Retail), A5 (cafes and restaurants) and Sui Generis Use Classes...*

*To the north the site adjoins an informal car park within the rear servicing road, to the west the buildings at Nos 1-24 Oaklands are residential properties and are designated as Buildings of Townscape Merit, to the south the site abuts a further informal parking area with Flats 109 3 Britannia Close beyond.*

*To the east of the site, at its rear is Palgrave House, a five-storey building made up of 24 flats and an undercroft car park.”*

### 2.2.0 The Application Site

#### 2.2.1 In addition to the above description I would add:

1. The character of Whitton town centre is of retail/service units with shop fronts and residential accommodation over.
2. Nos 19-21, Jubilee House, to the immediate south of the application site comprises a retail shop on the ground floor with two floors of residential accommodation over. The second floor is contained in a mansard roof.
3. Whilst widespread views of the front elevation of Nos 1-17 are available from Hounslow Road to the north and of the south, flank elevation from the High Street to the south, the narrow width of the street restricts widespread views from directly opposite.
4. The application site, located in Whitton Town Centre, is in a highly accessible location, close to shops, services, bus stops and Whitton Station (See below).
5. Palgrave House, which fronts Cypress Avenue, adjoins two storey inter-war houses, providing a varied townscape in the area local to the application site.

6. Other examples of mansard roofs occur further south at Nos 102 and 104 and opposite at Nos 99 to 105.

### 2.3.0 **Accessibility**

2.3.1 The application site is in a highly accessible location located on and very close to bus routes and with a 220m walk to Whitton Rail Station.

2.3.2 **Rail Services** Whitton Station is on the line to London Waterloo Station with 8 services in the 08:00 to 09:00 hours peak for the 12-mile journey.

2.3.3 **Bus Services** The application site is within 70m and 120m of bus stops on the High Street, which serve bus route No H22 and within 100m and 140m of two sets of bus stops on Nelson Road, which serve bus route Nos 281, 481 and 681.

2.3.4 **Bus Route No H22** This route links the High Street with Hounslow High Street, Whitton Station, Twickenham and Richmond Rail and Tube Stations. It runs Mondays to Fridays every 9 to 12 minutes between 07:00 to 08:00 hours and every 11 to 14 minutes between 08:00 to 19:00 hours. On Saturdays it runs every 12 to 13 minutes between 08:00 to 18:00 hours.

2.3.5 **Bus Route No 281** This route links Nelson Road, just to the north of the High Street, to Tolworth and Surbiton, Kingston, Hampton Wick, Fulwell, Twickenham and Hounslow Rail Stations. In the morning peak hour it runs every 10 to 12 minutes.

2.3.6 **Bus Route No 481** This route links Nelson Road to Kingston and Fulwell Rail Stations and the West Middlesex Hospital. During the morning peak hour there are two services.

2.3.7 **Bus Route No 681** This is a school bus service connecting Nelson Road to Teddington School.

### 2.4.0 **Public Open Space**

2.4.1 The application site is close to a number of public open spaces. the nearest is Murray Park, located some 0.5km from the application site.

## 3.0 RELEVANT PLANNING HISTORY

### 3.1.0 Application Site

3.1.1 A pre-application was submitted to the Council in March 2018 with a meeting in May and a written response dated the 16<sup>th</sup> July 2018, a copy of which forms Appendix 1 to this report. This written response confirms that:

1. There is no objection to the principle. *“... there is no in principle objection to the proposed addition of eight small units in this Town Centre location, given the proposal would retain the existing segregated access between the mix of uses.”* (Page 3)
2. There is no loss of garden space as a result of the proposal (Page 5).
3. The site contains no landscape features or wildlife habitats (Page 5).
4. There will be no adverse impact on Palgrave House. *“... by virtue of the existing separation distances as mentioned above; it is not considered that the proposed roof extensions to nos. 1-17 High Street would detract from the residential amenity of the adjacent Palgrave House with regard to sunlighting/daylighting, privacy, noise and disturbance, pollution or visual intrusion.”*

## 4.0 POLICY CONTEXT

4.1.0 **The NPPF** I consider Sections 5 and 7 are particularly relevant to this application.

4.1.1 **Section 5: Delivering a sufficient supply of homes** Paragraph 68 notes the importance that small windfall sites can make to housing delivery:

*“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:*

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;*
- b) use tools ... to help bring small and medium sized sites forward:*
- c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; ...”*

4.1.2 **Section 7: Ensuring the vitality of town centres**

Paragraph 85 encourages the role that town centres play. Accordingly planning policies should:

- “a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters; ...*
- f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”*

4.2.0 **Development Plan**

4.2.1 The pre-application response referred to the following Local Plan 2018 policies.

Policy No.	Title
LP1	Local Character and Design Quality
LP8	Amenity and Living Conditions
LP10	Local Environmental Impacts, Pollution and Land Contamination
LP20	Climate Change Adaptation
LP22	Sustainable Design and Construction
LP24	Waste Management
LP25	Development in Centres
LP26	Retail Frontages
LP34	New Housing
LP35	Housing Mix and Standards
LP36	Affordable Housing
LP39	Infill, Backland and Backgarden Development
LP44	Sustainable Travel Choices
LP45	Parking Standards and Servicing

#### 4.3.0 **Supplementary Planning Documents**

4.3.1 The pre-application response referred to the following SPDs:-

1. Design Quality (2006)
2. Front Garden and Other Off-Street Parking Standards (2010)
3. Refuse and Recycling Storage Requirements (2015)
4. Sustainable Construction Checklist (2016)
5. Affordable Housing (2014)
6. Residential Development Standards (2010) incorporating the Nationally Described Space Standards
7. Whitton and Heathfield Village Planning Guidance (2014)

#### 4.4.0 **Designations**

4.4.1 The pre-application response noted that:

*“The application site is located within Whitton Town Centre and falls within the ‘Whitton & Heathfield Village Planning Guidance’ area. The commercial units which front the High Street are designated ‘Secondary Shopping Frontages’. The application site has a Public Transport Accessibility Level (PTAL) of 2. The site is not situated within a Conservation Area and does not relate to any Listed Buildings or Buildings of Townscape Merit.”*



## 5.0 THE APPLICATION DEVELOPMENT

5.1.0 The application proposal was described in the pre-app advice as:

*“The proposed development, construct a mansard roof extension to the existing building at 1-17 High Street to provide 5 residential dwellings ...”*

### 5.2.0 The Proposed Scale and Mass

5.2.1 The proposed mansard roof extension would have a maximum height of 2.5m and be set back from the front elevation by 0.6m. To the flank elevation the roof would be 6.3m deep on a plinth 7.8m deep. The front elevation would have an angle of 70 degrees with, at a height of 1.8m, the roof pitching back at an angle of 10 degrees to reach its maximum 2.5m height set 4.3m back from the front elevation. Thereafter the roof continues for a further 2.5m to the rear elevation.

5.3.0 The side elevation to the proposed roof would have a similar profile, with an initial pitch of 70 degrees and then 10 degrees thereafter up to the ridge.

5.4.0 The front elevation of the proposed mansard would extend northwards for 27.5m (the southern element, Nos 9 to 17) and then turn north-eastwards for a further 19m (the northern element Nos 1 to 7).

5.5.0 **The Proposed Design** The design would be a traditional mansard roof set back behind the existing parapet. The front elevation would contain 5 windows to the southern element and 4 windows to the northern element. To the rear would be a single storey vertical elevation containing the front doors and further fenestration.

5.6.0 **The Proposed Internal Layout** As can be seen from Table 5.6, the proposal would provide 6 one-bed flats, each with a combined kitchen/dining/living space and floorspaces ranging from 37.4 sqm to 52 sqm. Access would be via the existing communal stairs, located between the northern and southern elements.

**Table 5.6 Floorspace in Sq m**

	<b>Kitchen/Dining/Living</b>	<b>Bedroom 1</b>	<b>Total</b>
Flat 1	23	9.6	38.5
Flat 2	25	15.4	51.7
Flat 3	27	13.0	52.0
Flat 4	21	9.1	37.4
Flat 5	20	9.6	37.4
Flat 6	23	9.6	40.0

5.7.0 **The Rear Bin and Cycle Store** To the rear an existing block of 4 garages, which fronts the service road and backs onto Palgrave House, would be converted to provide a cycle store for 11 bikes, a store for three 1,100 litre bins and a disabled car parking space.

## 6.0 PLANNING CONSIDERATIONS

6.1 Based on the Council's pre-application response and the analysis set out in Sections 2 to 5, I consider that the application proposal raises the following 4 issues, which I will consider in turn below:

1. The principle of the proposal
2. The design of the proposal
3. The impact on neighbouring residential properties and the adequacy of the proposed accommodation.
4. The impact on highway safety.

## 6.2.0 Issue No 1: The Principle of the Proposal

6.2.1 I agree with the Council that the principal of the proposal is perfectly acceptable. Before considering this issue further I will briefly examine the relevant local plan policies and SPG documents referred to in the pre-app.

6.2.2 **Local Plan Policy LP25: Development in Centres** As Whitton is one of the 5 defined 'main' shopping centres in the Borough this Policy is relevant. The Policy states that:

*"A. Development in the borough's centres, will be acceptable if it:*

- 1. is in keeping with the centre's role and function within the hierarchy and is of a scale appropriate to the size of the centre ...*
- 3. does not adversely impact on the vitality and viability of the centre in which the development is proposed ...*
- 4. optimises the potential of sites by contributing towards a suitable mix of uses that enhance the vitality and viability of the centre ...*

*B. In addition to A above, the following applies to development proposals in the borough's five main centres:*

- 1. The Council will support appropriate development (2) in the five main centres..."*

Whilst Footnote 2 describes a wide range of commercial town centre uses as retail and offices it makes no reference to residential development albeit it does not prohibit such development.

## 6.2.3 Local Plan Policy LP34: New Housing

The Policy proposes approximately 100 new dwellings in the Whitton area to 2025.

6.2.4 **Whitton and Heathfield Village Planning Guidance 2014** Section 4: Vision for Whitton and Heathfield sets out 4 visions for the area, the first being to maintain the character of the area

*"As an attractive residential area ..."*

6.2.5 **An Analysis of Issue 1** For the following reasons I consider that the principle of the proposal is acceptable.

6.2.6 **Reason No 1 The Proposal is a Small, Windfall Site Which Will Help Meet the Housing Needs of the Area**

The proposal will provide 6 flats on a small, 'windfall' site as encouraged by the NPPF at Section 5. By doing so it will help small/medium sized builders i.e. the type of company likely to be given the contract, whilst meeting quickly the housing needs of the area and the increasing numbers of smaller households, so reflecting Policy LP34: New Housing.

6.2.7 **Reason No 2 The Proposal Will Help the Viability and Vitality of Whitton Town Centre** The scheme will reflect Section 7 of the NPPF by proposing residential accommodation which will generate increased activity and footfall in the town centre, to the benefit of its vitality and viability, so reflecting Policy LP25: Development in Centres and the Village Planning Guidance.

6.2.8 **Conclusions** To conclude this issue, I consider the proposal will reflect the NPPF by providing a small, windfall site in a town centre, so providing a site which can be delivered quickly by a small builder for the increasing number of smaller householders.

### 6.3.0 **Issue No 2: The Design of the Proposal**

6.3.1 I consider that the design of the proposal, located in a town centre which comprises a mixture of design styles, is perfectly acceptable, reflecting this varied appearance. Before considering this issue further I will briefly examine the relevant local plan policies and SPG documents referred to in the pre-app.

6.3.2 **Local Plan Policy LP1: Local Character and Design Quality** This broad brush design policy requires “... *all development to be of a high architectural and urban design quality...*”: It does so by referring to 6 factors which will be considered when assessing proposals and which are

- “1. *compatibility with local character including the relationship to existing townscape, development patterns, views, local grain and frontages as well as scale, height, massing, density, landscaping, proportions, form, materials and detailing;*
2. *sustainable design and construction, including adaptability, subject to aesthetic considerations;*
3. *layout, siting and access, including making best use of land;*
4. *space between buildings, relationship of heights to widths and relationship to the public realm, heritage assets and natural features;*
5. *inclusive design, connectivity, permeability (as such gated developments will not be permitted), natural surveillance and orientation; and*
6. *suitability and compatibility of uses, taking account of any potential adverse impacts of the co-location of uses through the layout, design and management of the site.”*

6.3.3 **Local Plan Policy 39: Infill, Backland and Backgarden Development** The supporting text to this Policy notes that it could apply to an extension to an existing building. Consequently it is relevant to this Issue and with Policy LP39, Factor 4 noting that schemes should:

*“Respect the local context, in accordance with policy LP2 Building Heights; ...”*

6.3.4 **Policy LP2: Building Heights** Policy LP2 was not referred to by the Council in the list of relevant policies in the pre-app response. The Policy, in its supporting text, notes that “...*Whitton High Street is defined by predominantly 3-storey terraced buildings and as such ‘taller’ buildings are unlikely to be appropriate*”. However the Policy wording itself does not prohibit taller buildings but rather seeks to ensure that they make a positive contribution to the local character, townscape and skyline.

6.3.5 **An Analysis of Issue 2** For the following reasons I consider that the design of the proposal is acceptable.

6.3.6 **Reason No 1 The Proposed Scale and Mass Will Not Be Incompatible With The Townscape**

The application site is located in the town centre of Whitton in an area of dense, predominantly two and three storey development. By proposing a mansard roof extension 2.5m high to this existing 10m high building, I consider the townscape of the town centre will be maintained, reflecting other mansard roofs further to the south in the High Street. Whilst the mansard will be seen from the north, from the High Street/Nelson Road junction, it will be read against and subsumed by the mass of the 105m long three storey block of Nos 109 to 125 Nelson Road and Nos 1 to 17 High Street. This submissive role in the townscape is further emphasised by its length of 46.5m being only 44% of the total length of the overall frontage. Consequently the proposal reflects Policy LP1 being compatible with the character of this town centre.

6.3.7 **Reason No 2 The Proposed Design is Appropriate to the Host Building**

It is not uncommon to see mansard roofs on such inter-war terraced blocks. Given the set back of the front elevation behind the 0.1m high parapet and the angle of the roof pitching away, the mansard roof will be seen as a recessive element, the front view continuing to be dominated by the existing 10m high elevation. Consequently the proposal reflects the scale of the host terrace in line with Policy LP1, as well as its local context, in line with Policy LP2.

6.3.8 **Conclusions**

To conclude this Issue, I have shown above that the proposal will be compatible with the varied townscape of Whitton town centre, which already contains mansard roofs, including Jubilee House adjoining to the immediate south, whilst being of an appropriate design for the host building.

6.4.0 **Issue 3 The impact on neighbouring residential properties and the adequacy of the proposed accommodation.**

6.4.1 I consider the proposal will provide perfectly acceptable accommodation by reference to the internal space provided, daylight and sunlight, amenity space and privacy whilst protecting the amenity of adjoining residents. Before taking each element of this issue further I will briefly examine the local plan policies and SPG documents referred to at the pre-app stage.

6.4.1 **Policy LP8: Amenity and Living Conditions** This policy requires all development to protect the amenity and living conditions of new and existing properties by reference to a number of factors including daylight and sunlight, overlooking, visual intrusion or overbearing impact and noise.

6.4.3 **Policy LP10: Local Environmental Impacts, Pollution and Land Contamination** This seeks development which does not lead to detrimental effects on a number of factors including the amenity of existing and new occupiers to include noise, where good acoustic design will be encouraged.

6.4.4 **Policy LP24: Waste Management** This requires all development to provide adequate refuse and recycling storage space.

6.4.5 **Policy LP35: Housing Mix and Standards** Criterion A states that:

*“Development should generally provide family sized accommodation, except within the five main centres ... where a higher proportion of small units would be appropriate ...”* Criterion B requires all new housing to meet the Nationally Described Space Standards and Criterion C to provide adequate external space. Criterion D state that:

*“Amenity space for all new dwellings, ... should be:  
d) of a sufficient size to meet the needs of the likely number of occupiers ...”*

As noted above Whitton is a defined main centre.

6.4.6 **SPD Refuse and Recycling Storage Requirements 2015** This requires a covered storage capacity of 70L per bedroom where communal refuse storage containers are provided. For schemes of 3 or more flats, pairs of recycling bins should be located alongside refuse bins. For 6 to 8 flats two 360L recycling bins are required, one for paper and card and one for mixed recycling.

6.4.7 **SPD Residential Development Standards 2010** This SPD notes that:



1. The BRE standards will guide the Council on sunlight and daylight.
2. Privacy and space between buildings will be guided by the Council's 'Small and Medium Housing Sites SPD' which seeks a minimum of 20m between facing habitable rooms.
3. A minimum of 5 sqm of private outdoor space for 1-2 person dwellings will be encouraged.

6.4.8 **An Analysis of Issue 3** For the following reasons I consider the application proposals will have no undue impact on neighbouring residents whilst providing a perfectly acceptable standard of accommodation.

6.4.9 **Reason No 1. There will be no undue impact on privacy** To the rear the nearest dwellings are the flats in Palgrave House to the east. These flats are a minimum of 20m distant and so meet the standard set out in the Council's Small and Medium Housing Sites SPD. Consequently the proposal will have no undue impact on the privacy of Palgrave House.

6.4.10 To the front the application site looks out over a number of wholly retail units and the Admiral Nelson PH, such that there will be no undue impact on residential amenity.

6.4.11 **Reason No 2 There will be no undue impact on sunlight and daylight** Given the separation distances and that Palgrave House is to the east, there will be no interruption to sunlight and daylight from mid-morning onwards but in any event, drawing a 25 degree angle from the rear of the proposed flats to Palgrave House, this line would clear the parapet of that flat block, so enabling the flats to meet the BRE Guide for Daylight and Sunlight.

6.4.12 **Reason No 3. The amount of amenity space would be acceptable** The Council's pre-app advice at page 7 notes that a communal rear terrace of 45.7 sqm would be provided, which exceeds the 30 sqm required under the Residential Development Standards SPD.

6.4.13 **Reason No 4. The proposed dwellings meet the Nationally Described Space Standard** As shown by Table 5.6 above, all of the proposed 6 dwellings would meet the required internal space standards, with Flat Nos 1, 4, 5 and 6 being suitable for a single person and Flat Nos 2 and 3 being suitable for two persons. Consequently and given the town centre location, the provision of such small units is appropriate and so Policy LP35 is met.

6.4.14 **Reason No 5. The proposed dwellings would not be subject to or cause undue noise** The proposed dwellings would not be subject to undue traffic noise from the High Street, being located on the third floor and with the rear elevation located some distance from Cypress

Avenue to the east. In respect of noise transference to the flats below, the proposal would be subject to the normal Building Regulations in respect of insulation. Consequently the proposal would reflect Policy LP10.

6.4.15 **Reason No 6 The proposal will provide a covered bin store for three 1,100L bins** By doing so the proposal will meet the Refuse and Recycling Storage Requirements SPD and Local Plan Policy LP24.

6.4.16 **Conclusions** To conclude this issue, I have shown above that the proposal will provide perfectly adequate living conditions for the proposed occupants and without undue impact on neighbours by reference to sunlight and daylight, privacy, the amount of amenity space, the amount of floorspace and noise. Consequently the proposal would meet Local Plan Policies LP8, LP10, LP24 and LP35 as well as the SPDs on Refuse and Recycling Storage Requirements 2015 and Residential Development Standards 2010.

#### 6.5.0 **Issue 4 The Impact on Highway Safety**

6.5.1 I consider that, as a predominantly car free scheme, the proposal can have no impact on highway safety. Before considering this issue further I will briefly examine the relevant policies and SPD referred to by the Council in their pre-app response.

6.5.2 **Local Plan Policy LP44: Sustainable Travel Choices** This policy seeks solutions which minimise the impact of development; by reference to 7 factors, encouraging:

1. High trip generating development to be located in areas with good public transport links (Factor A).
2. Walking and cycling (Factor B).

6.5.3 **Local Plan Policy LP45: Parking Standards and Servicing** This Policy states that:

*“The Council will require new development to make provision for the accommodation of vehicles in order to provide for the needs of the development while minimising the impact of car based travel including on the operation of the road network and local environment, and ensuring making the best use of land. It will achieve this by:*

1. *Requiring new development to provide for car, cycle, 2 wheel and, where applicable, ... and electric vehicle charging points, in accordance with the standards set out in Appendix 3...*
3. *Car free housing developments may be appropriate in locations with high public transport accessibility, such as areas with a PTAL of 5 or 6, subject to:*
  - a. *the provision of disabled parking;*
  - b. *appropriate servicing arrangements; and*
  - c. *demonstrating that proper controls can be put in place to ensure that the proposal will not contribute to on-street parking stress in the locality.*

*All proposals for car free housing will need to be supported by the submission of a Travel Plan...”*

6.5.4 **Local Plan Appendix 3** For residential development the following parking standards are required:

Car Spaces	Cycling Spaces
PTALs 0-3: 1-2 bedrooms, 1 space	As per London Plan
PTALs 0-3: 3+ bedrooms, 2 spaces	As per London Plan
PTALs 4-6: as per London Plan although local circumstances, CPZ times and on-street parking conditions will need to be assessed.	As per London Plan

6.5.5 **The London Plan Parking Standards 2018** The maximum residential parking standard for 1-2 bed units is *“less than 1 per unit”*. The notes state that:

*“All developments in areas of good public transport ... should aim for significantly less than 1 space per unit. Adequate parking spaces for disabled people must be provided preferably on-site ... In outer London areas with low PTAL (generally PTALs 0-1) boroughs should consider higher levels of provision especially to address overspill parking pressures.”*

6.5.6 **An Analysis of Issue 4** Given the town centre location and excellent accessibility I consider the application proposal will have no undue impact on highway safety. I say this for the following reasons.

6.5.7 **Reason No 1 The Application Site is in a Highly Accessible Location** The application site is located in a defined town centre with excellent access to bus routes and rail services. The site is within 120m of the bus stops on the High Street and Nelson Road which serve 4 routes. Of these routes the three non-school routes provide 28 buses in the morning peak i.e. 08:00 to 09:00 hours and to a variety of nearby town centres and rail stations. The site is also within a 220m walk south along the High Street to Whitton Station, which has 8 trains to London Waterloo in the morning peak.

6.5.8 This excellent access to nearby town centres and rail stations would provide any persons occupying the proposed units with ready access to shops, services and employment, notwithstanding the offer of Whitton town centre wherein the application site is located. Consequently the proposal would reflect Local Plan Policy LP44 by offering good, sustainable travel choices.

6.5.9 **Reason No 2 The Application Site Could Be Considered for a Car Free Scheme** The application proposal would provide a car space to the rear and which could be considered as a disabled space, being 3.8m wide. Consequently, five of the six flats have no allocated car space whereas Local Plan Appendix 3 requires 1 space for every 1-2 bed unit based on a PTAL 0-3 rating.

6.5.10 The PTAL rating was developed in 1992 by the London Borough of Hammersmith and Fulham and with a rating of 0, very poor access, to 6b, excellent access. The application site is shown within a broad area graded PTAL 2 by TfL. However, this grading, based on the walking and waiting time, ignores the public transport corridors that pass by and near to the application site. Consequently, I consider the application site, which as noted above has up to 28 non-school buses in the 08:00 to 09:00 peak hour i.e. an average of one bus every 2 minutes and 8 trains in that hour, must be considered to have a higher accessibility rating to public transport of at least a PTAL rating of 4 i.e. a good level of public transport.

6.5.11 **Appeal Decision** There are a number of appeal decisions which have considered low PTAL ratings in London suburban areas and which support my views on this point.

6.5.12 In a decision in Romford, the Inspector noted at paragraph 4 that:

*“The ‘suburban’ areas are defined by the matrix as all of those are outside the high PTAL zones defined by the proposals map, and the site has a PTAL 1b rating. However, this very low rating does not seem to me to fully reflect the practical circumstances of the site. The nearest bus stops are extremely close to the site, and whilst only one service is available, the frequency is very high and a night service is provided. Moreover, the service provides direct access to central Romford, which is a fairly short distance away along London Road and provides comprehensive bus and rail services. Whilst therefore the range of public transport facilities immediately available from the site is limited, they are convenient and provide easy access to very comprehensive facilities. Despite the site’s PTAL rating, I consider that, in practice, using public transport would be a realistic and attractive option for occupiers of the development. Moreover, central Romford is within easy cycling distance, and adequate cycle parking facilities would be provided. The current available routes are not particularly attractive, but the planning obligation before me, which I shall consider more fully below, would provide for a financial contribution to improvements.”*

Appendix 2 is a copy of the appeal decision.

6.5.13 In a decision on Northwood, the Inspector noted at paragraphs 4 and 5 that:

*“The area has a PTAL score of 2 which is fairly low but the Council has not provided any useful information about PTAL in respect of the specific issue of parking and highway safety and I note the advice in the Mayor’s Supplementary Planning Guidance that low PTAL scores do not by themselves preclude development.*

*The appellant has drawn my attention to 2 bus routes, the H11 and 282 which run close to the site and provide frequent peak services from Harrow Bus Station and Ealing Hospital to*

*Mount Vernon Hospital. The site is also between Northwood and Northwood Hills stations which are about 1km from the site. This information has not been disputed by the Council. In my opinion, the site has reasonable access to public transport. Moreover, I noted the site is located within an urban area in a parade of shops amongst a wider shopping area and at my visit I noted a selection of shops, services and a school near the site. Therefore, given the site's location amongst such services and as it is within walking and cycling distance of trains and buses, it would not be necessary for the occupants of the dwellings to use a car to access day to day services."*

Appendix 3 is a copy of the appeal decision.

- 6.5.14 Whilst each case must be treated on its individual merits, I consider there are parallels with the application proposal in that Whitton High Street has a low PTAL rate but which does not reflect the practical circumstances of the site nor its location in a town centre.
- 6.5.15 If the application site is considered to have a PTAL of 4 then the London Plan, as noted above, requires "... *significantly less than 1 space per unit*" in areas with good public transport accessibility. In this context I consider the application site is perfectly acceptable for a car free scheme, reflecting Local Plan Policy LP45: Factor 3 and Appendix 3.
- 6.5.16 In addition, as a scheme of smaller units, they are less likely to be occupied by car owners.
- 6.5.17 **Reason No 3 The Application Provides a Disabled Car Space and Cycle Spaces** As noted above the proposal can provide a disabled parking bay to the rear as well as 11 cycle spaces i.e. 1.8 cycle spaces per flat, so meeting Local Plan Policy LP45.
- 6.5.18 **Conclusions** To conclude this issue, the application site is located within the Whitton town centre and so has excellent access to its range of shops, services and employment opportunities as well as those nearby centres and rail stations, accessible by the 4 bus services that pass by or close to the application site, providing 28 non-school buses in the peak hour and with 8 peak hour trains to London Waterloo. In this context I consider the application site is available to sustainable transport options and so can be considered to have a good PTAL rating, suitable for a 'car free' scheme. The proposal consequently complies with Local Plan Policies LP44 and 45 and Appendix 3.

## 7.0 CONCLUSIONS

### 7.1.0 Background

7.1.1 This report relates to a planning application to erect a mansard roof providing 6 flats suitable for small one or two person households above Nos 1A-17A High Street, Whitton. I have shown in my report that the application can be safely allowed as a NPPF and development plan compliant scheme given the town centre location, the visually recessive nature of the mansard roof, the absence of undue impact on neighbouring residents and good standard of the proposed accommodation and the highly sustainable and accessible location, which is suitable for a 'car free' scheme. In all these circumstances the application can be approved.

## 8.0 APPENDICES

8.1 Council's pre-application response 16<sup>th</sup> July 2018.

8.2 Appeal decision: Romford: September 2016.

8.3 Appeal decision: Northwood: June 2016.



Official

**Environment Directorate**

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 16<sup>th</sup> July 2018

Dear Richard,

**Site:** 1 - 17 High Street Whitton

**Proposal:** 6 Flats on the roof of the main block and two flats in three-storey block at the rear.

I write in reference to your letter received by the council on 7<sup>th</sup> March 2018 and the subsequent meeting held on 21<sup>st</sup> May 2018.

The advice set out within this correspondence is provided on the basis of the information submitted.

**Site Description**

The pre-application enquiry relates a site which comprises an existing parade of retail units that are three storeys in height sited to the northern end of the High Street, at its junction with Nelson Road. The site has frontage to the east of High Street Whitton. Specifically, the submitted enquiry relates to 1-17 High Street and an existing row of four garages to the rear of the three storey parade, within the rear servicing area which features access via a private road to the south, adjacent no. 17 High Street. The ground floor commercial premises fall within A1 (Retail), A5 (cafes and restaurants) and Sui Generis Use Classes.

The application site is located within Whitton Town Centre and falls within the 'Whitton & Heathfield Village Planning Guidance' area. The commercial units which front the High Street are designated 'Secondary Shopping Frontages'. The application site has a Public Transport Accessibility Level (PTAL) of 2. The site is not situated within a Conservation Area and does not relate to any Listed Buildings or Buildings of Townscape Merit.

To the north the site adjoins an informal car park within the rear servicing road, to the west the buildings at Nos.1-24 Oaklands are residential properties and are designated as Buildings of Townscape Merit, to the south the site abuts a further informal parking area with Flats 1-9 3 Britannia Close beyond.

To the east of the site, at its rear is Palgrave House, a five-storey building made up of 24 flats and an undercroft car park.

-1-

The proposed development, construct a mansard roof extension to the existing building at 1-17 High Street to provide 5 residential dwellings and demolition of the existing garages to the rear and erection of a three-storey building to provide on residential dwelling.

#### **Planning History**

No relevant history.

#### **Planning Policies**

##### *Local Plan 2018:*

- LP 1 (Local Character and Design Quality)*
- LP 8 (Amenity and Living Conditions)*
- LP 10 (Local Environmental Impacts, Pollution and Land Contamination)*
- LP 20 (Climate Change Adaptation)*
- LP 22 (Sustainable Design and Construction)*
- LP 24 (Waste Management)*
- LP 25 (Development in Centres)*
- LP 26 (Retail Frontages)*
- LP 34 (New Housing)*
- LP 35 (Housing Mix and Standards)*
- LP 36 (Affordable Housing)*
- LP 39 (Infill, Backland and Backgarden Development)*
- LP 44 (Sustainable Travel Choices)*
- LP 45 (Parking Standards and Servicing).*

##### *Supplementary Planning Documents*

- Design Quality (2006)*
- Front Garden and Other Off-Street Parking Standards (2010)*
- Refuse and Recycling Storage Requirements (2015)*
- Sustainable Construction Checklist (2016)*
- Affordable Housing (2014)*
- Residential Development Standards (2010) incorporating the Nationally Described Space Standards*
- Whitton and Heathfield Village Planning Guidance (2014)*

#### **Planning Considerations**

The main issues to consider in a formal application will include:

- Principle of Development
- Impact upon Character and Appearance
- Impact upon Amenities of Future Occupiers
- Impact upon Amenities of Neighbouring Occupiers
- Sustainability and Renewable Energy Targets
- Highways and Parking
- Trees and Landscaping
- Affordable Housing and CIL

#### **Principle of Development**

##### **Residential Use**

Residential use to rear and on upper floors of mixed use schemes can add to the vitality and viability of a town centre, although residential as part of a mixed use development would only be considered acceptable provided it does not have any negative impact on the commercial space.

Any such proposal must ensure it does not harm the operation any neighbouring businesses

-2-

in terms of access, servicing, or any conflict such as hours of operation/ noise, to address the requirements of Policy LP25 of the Local Plan.

Policy LP35 of the Local Plan outlines that development should generally provide family sized accommodation, except within the five main centres and Areas of Mixed Use, where a higher proportion of small units would be appropriate, however, it is noted that the mix should be appropriate to the location. The proposal, as set out in the design and access statement is for 8 x 1 bedroom dwellings, with six one bedroom dwellings situated on the roof of 1-17 High Street, and two one-bedroom dwellings situated within the proposed three storey building to the rear of the site. The propose housing mix would be acceptable in Whitton Town Centre, and, provided there would be no impact on the ground floor commercial floorspace, would be considered suitable to address the requirements of Policy LP35.

In light of the above, there is no in principle objection to the proposed addition of eight small units in this Town Centre location, given the proposal would retain the existing segregated access between the mix of uses.

#### **Impact upon Character and Appearance**

The National Planning Policy Framework advises good design is a key aspect of sustainable development, and is indivisible from good planning and should contribute positively to making places better for people.

Local Plan Policy LP1 states that The Council will require all development to be of high architectural and urban design quality. The high quality character and heritage of the borough and its villages will need to be maintained and enhanced where opportunities arise. Development proposals will have to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance, and take opportunities to improve the quality and character of buildings, spaces and the local area.

Furthermore, Policy LP39 states all infill and backland development must reflect the character of the surrounding area and protect the amenity and living conditions of neighbours by:

1. *Retaining plot widths and similar spacing between dwellings*
2. *Retaining appropriate garden space for adjacent dwellings*
3. *Respecting local context in terms of building heights*
4. *Enhance street frontage*
5. *Reflect materials and local character*
6. *Retain and re-provide important features important to character, appearance and wildlife e.g. trees and landscape*
7. *Result in no unacceptable adverse impacts on neighbours including loss of privacy*
8. *Provide adequate servicing, recycling, refuse and cycle storage*
9. *Result in no adverse impact on neighbours in terms of visual impact, noise or light from vehicle access or car parking.*

The existing buildings on site are considered to contribute positively to the area more generally. The High Street in this area is generally up to three-storeys in height and the existing buildings situated at 1-17 High Street are uniform in character and present as frontage properties which form part of a unified group of buildings adjoining nos. 109-121 Nelson Road. As such, objection is raised to the proposed roof extension which would cover only part of a unified group of buildings, so as to appear incongruous and inconsistent with

the surrounding development, particularly when viewed from within the High Street, Nelson Road and Hounslow Road street-scene.

#### *Roof Extensions to 1-17 High Street*

As mentioned above; the High Street elevation amasses a strictly uniform appearance when viewed from within the street-scene. The adjoining nos. 109-121 Nelson Road follows a similar design rationale so as to continue the uniform appearance of these buildings. It is noted that the surrounding area features a small number of mansard style roofs, however these are generally at third-floor level and the scale of development within the surrounding locality does not exceed three-storeys in height. It is therefore considered that the proposed development would provide unacceptable bulk, scale and mass at roof-level of the existing building at 1-17 High Street which would not be of a thorough understanding of the site and how it relates to its existing context in order to address policy LP1 of the Local Plan.

Whilst there is little detail provided as part of this submission in relation to the detailed design of the proposed development; concerns are raised in terms of the scale, siting and layout of the proposed fenestration at roof level. The proposed openings would be larger and more prominent than those on the floors below, particularly on this prominent site which is situated at the junction with three roads arriving at High Street Whitton.

As mentioned within the meeting, Urban Design officers have raised objection to the proposed roof extensions due to the increased scale, bulk and mass at roof level within this prominent location. The increased height to four-storeys would adversely affect the character of the street and the surrounding locality, given the proposals incongruity with the surrounding development context.

#### *Backland Development*

There is a presumption against loss of back gardens due to the need to maintain local character, amenity space and biodiversity. Back garden land which contributes either individually or as part of a larger swathe of green space to amenity of residents or provides wildlife habitats must be retained. In some cases a limited scale of backgarden development may be considered acceptable if it complies with the factors set out within Policy LP39 (A). Development on backgarden sites must be more intimate in scale and lower than frontage properties.

Policy LP39 states all infill and backland development must reflect the character of the surrounding area and protect the amenity and living conditions of neighbours by;

1. *Retaining plot widths and similar spacing between dwellings*
2. *Retaining appropriate garden space for adjacent dwellings*
3. *Respecting local context in terms of building heights*
4. *Enhance street frontage*
5. *Reflect materials and local character*
6. *Retain and re-provide important features important to character, appearance and wildlife e.g. trees and landscape*
7. *Result in no unacceptable adverse impacts on neighbours including loss of privacy*
8. *Provide adequate servicing, recycling, refuse and cycle storage*
9. *Result in no adverse impact on neighbours in terms of visual impact, noise or light from vehicle access or car parking.*

Each of the above criteria is summarised below:

1. *Retaining plot widths and similar spacing between dwellings*

The proposed three-storey building to the east of 17 High Street; would result in additional residential units being sited approximately 6.60m from the rear elevations of the existing dwellings and first and second floor level of 15-17 High Street. Whilst there is backland development present within this location, in the form of Palgrave House, it is noted that the existing separation distances between dwellings are vast, compared to that which is proposed in the form of the proposed three-storey backland element of the proposals. This element would be of siting and layout of a cramped and contrived nature; resulting in an over intensive use of the site. The scheme would therefore result in a visually intrusive form of overdevelopment within this backland setting.
2. *Retaining appropriate garden space for adjacent dwellings*

It is noted that the existing land to the rear of 1-17 High Street Whitton does not feature existing garden space; as such the above is not considered applicable.
3. *Respecting local context in terms of building heights*

The proposed backland element would be three-storeys in height. The existing backland development at Palgrave House is five-storeys in height. As such; it is not considered that the three-storey height would be unacceptable in isolation. However; as mentioned above, given the unacceptable siting of the proposals; the proposed development would result in an incongruous and over intensified development of the site for residential purposes.
4. *Enhance street frontage*

The above is applicable to infill developments
5. *Reflect materials and local character*

Whilst limited detail has been provided regarding the materials and detailed design of the proposals; any future application must ensure that the proposed development would relate to the surrounding development by reflecting and harmonising with the existing materials contributing to the character of the surrounding locality.
6. *Retain and re-provide important features important to character, appearance and wildlife e.g. trees and landscape*

It is noted that the existing site does not feature a trees, shrubs or wildlife habitats which contribute to the character, appearance or wildlife of the site.
7. *Result in no unacceptable adverse impacts on neighbours including loss of privacy*

The proposed building would be three-storeys and would be visually overbearing on neighbouring occupants, as well as introduce increased opportunities for overlooking where there had been none previously. It is considered that the scheme would negatively impact on the residential amenity of adjacent occupants. Impact on neighbour is assessed in more detail under Residential Amenity.
8. *Provide adequate servicing, recycling, refuse and cycle storage*

The proposals would provide one car parking space. Any future application must be supported by a Council Approved parking survey which justifies the loss of existing off-street parking spaces and short-fall of off-street parking provision.
9. *Result in no adverse impact on neighbours in terms of visual impact, noise or light from vehicle access or car parking.*

The proposed parking space below the proposed backland element, would not result in any adverse impact on neighbours in terms of visual impact, noise or light from vehicle

access or car parking, when compared to the existing parking to the rear of 1-17 High Street Whitton

In light of the above; the three-storey backland element of the proposals would not be supported by planning officers. Any future application should be supported by an appropriate design rationale which demonstrates that the proposed development addresses the requirements of the abovementioned policies and associated guidance documents.

Details of proposed materials would be required within the submission of a formal application, or attached to any future approval as a condition requiring high-quality material finishes. Furthermore, it is advised that the proposed frontages are not considered to incorporate a design rationale which successfully links to and respects the existing characteristics and setting of the surrounding locality and development context.

#### **Impact upon Amenities of Future Occupiers**

The standards set out in Policy LP 35 (B) and the Residential Development Standards SPD should be addressed. Since 1 October 2015 the Council also applies the Nationally Described Space Standard (NDSS) in the assessment of development proposals, which can be found at the following link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524531/160519\\_Nationally\\_Described\\_Space\\_Standard\\_Final\\_Web\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf)

It is advised that any future planning application be supported by appropriate details to demonstrate that the dwellings comply with the NDSS and would therefore provide a satisfactory layout, storage and amenity for the future occupants.

The Council strongly encourages a minimum ceiling height of 2.5m for at least 75% of the gross internal area to address overheating and ensure appropriate ventilation and daylight; however the nationally described space standard states the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area. Any area with headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage.

The Council still seeks the provision of external amenity space in accordance with the Residential Development Standards SPD, and Policy LP 35 (C and D). For flats a minimum total private space of 5sqm for 1-2 beds should be provided with an additional 1sqm for each additional occupant. The tests in Policy LP35 (C and D) would need to be met. Purpose built, well designed and positioned balconies or terraces are encouraged where new residential units are on upper floors, if they comply with Policy LP 8 *Amenity and Living Conditions*.

It is noted that within the SPD Residential Development Standards paragraph 4.1.3 states that flats above ground floor level may share a community garden and have a private balcony area.

The submitted detail outlines that the proposals would provide 4.27sqm and 7.72sqm of private amenity space to the proposed first and second floor flats, respectively, within the three-storey backland element of the proposals. The provision of 4.27sqm would fall short of the required 5sqm for a 1 bed 1 person dwelling.

Serving the proposed flats above 1-17 High Street would be a communal rear terrace at third-floor level of the proposed flats providing approximately 45.7sqm of communal outdoor amenity space. In addition to the above, concerns are raised that the proposed communal amenity areas serving the dwellings above 1-17 High Street would fail to meet the tests set out within LP35 C and D.

In this town centre location, the provision of communal amenity space could be acceptable, provided that, where any future proposal is not able to meet policy requirements for housing mix and standards, the application should identify the shortcomings and demonstrate reasons why, including that suitable alternative layouts or provision such as alternative amenity space in the form of roof terraces, roof gardens and balconies (in accordance with policy LP 8 in 4.8 'Amenity and Living Conditions' which also considers the impact on existing occupants) have been considered and incorporated wherever possible.

Policy LP35 states that all new homes should be built to Lifetime Homes Standards. Since 1 October 2015 the Council seeks to secure 90% of new housing to Building Regulation Requirement M4(2) 'accessible and adaptable dwellings' and 10% to M4(3) 'wheelchair user dwellings'. Both M4(2) and M4(3) require step free access but it is considered appropriate for upper floors served by a lift. Where developments are not able to meet policy requirements for housing mix and standards, the applicant should identify the shortcomings and demonstrate reasons why, including that suitable alternative layouts or provision (in accordance with Policy LP8) have been considered and incorporated wherever possible.

#### **Impact upon Amenities of Neighbouring Occupiers**

Policy LP8 outlines that in considering proposals for development, the Council will seek to protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance. The Council will generally seek to ensure that the design and layout of buildings enables sufficient sunlight and daylight to penetrate into and between buildings and that adjoining land or properties are protected from overshadowing in accordance with established standards.

The main residential dwellings to consider in the assessment of residential amenity of neighbouring occupiers are the existing dwellings within the adjacent Palgrave House to the east, and the existing dwellings within 1-17 High Street at first and second floor level.

It is advised that any future application be supported by details which indicate the extent of neighbouring plots/amenity areas and the number and position of neighbouring windows/openings to habitable rooms. Any proposed development must protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance. To protect privacy, residential development should generally be sited a minimum of 20m from the main facing windows of habitable rooms. Further, with respect to sunlight and daylight the Council is guided by the BRE Site Layout, Planning for Sunlight and Daylight, and in Sun on Ground Indicators. It is advised that any future proposals ensure adequate mitigation of any impact of visual intrusion, overbearing development and increased sense of enclosure. However, a full assessment of the proposed development's impact upon daylight/sunlight, privacy and visual intrusion to neighbouring occupants could only be made upon submission of a formal application; once Planning Officers have had the benefit of a site visit, together with the requested details set out above.

The principal amenity issues to arise from the scheme would be light, noise, privacy and visual impact of the scheme. The advice contained within this letter is without the benefit of a site visit to adjoining properties and the level of detail submitted does not allow planning officers to carry out a complete assessment with regard to impact on residential amenity of neighbouring occupants. Therefore, further concerns may arise if and when an application is submitted without clear demonstration that the scheme does not harm the amenity of neighbouring occupants.

As mentioned within the concept meeting; concerns are raised regarding impact of the proposals on the residential amenity of the adjacent dwellings within Palgrave House and the existing dwellings at first and second floor levels of 1-17 High Street Whitton, particularly those within 13, 15 and 17 High Street.

The existing separation distance between the rear elevation of 1 – 17 High Street and the front elevation of the adjacent Palgrave House is noted as ranging between approximately 24m to approximately 20m. Please note that the submitted site plan (SPL/01) does not appear to be scaled accurately, and the abovementioned measurements have been taken from OS maps, any future proposal would be required to be accompanied by an accurate site survey plan so as to ensure that the submitted drawings are accurately scaled.

In light of the above; by virtue of the existing separation distances as mentioned above; it is not considered that the proposed roof extensions to nos. 1-17 High Street would detract from the residential amenity of the adjacent Palgrave House with regard to sunlighting/daylighting, privacy, noise and disturbance, pollution or visual intrusion.

With regard to the proposed flats within the three storey building to the rear of nos. 13, 14 and 17 High Street; whilst the views afforded to Palgrave House from the proposed first and second floor level terraces would be oblique, the very minimal (approx.. 7.5m) separation distance between these dwellings and the proposed three-storey building is considered unsatisfactory and would not suitably protect the privacy amenity of these neighbouring occupants within Palgrave House. Furthermore, additional significant concerns are raised regarding the impact of this element of the proposals on the existing dwellings within nos. 13, 14 and 17 High Street.

The backland element of the proposals would include projecting balcony areas and second floor windows serving habitable rooms which feature a direct outlook toward the existing rear elevation of nos. 13-17 High at a separation distance of approximately 5.0m – 6.0m.

Significant concerns are raised regarding the outlook of the above-mentioned outdoor amenity areas and habitable room windows at first and second floor levels, as these would each fall significantly short of the required separation distance of 20.0m from facing neighbouring dwelling's windows. It is considered that these elements would provide increased opportunities for overlooking of the neighbouring residential dwellings, particularly those at first and second floor level of nos. 13-17 High Street. Furthermore; this element of the proposals would be three storeys in height and facing the main rear elevation of residential dwellings within nos. 13-17 High Street. As such, it is considered that the proposed three-storey building within this backland setting would detract from the outlook

-8-



amenity of these occupants so as to result in an unacceptable sense of enclosure that would not be supported by planning officers.

In light of the above; the proposals as submitted would not be supported by planning officers with regard to impacts on residential amenity of neighbouring occupants.

### **Highways and Parking**

The subject site is situated within CPZ-R (Twickenham Events) which has variable operating hours on Twickenham Stadium event days.

Local Plan Policy LP44 seeks the provision of appropriate cycle access and sufficient, secure cycle parking facilities. The minimum cycle parking requirement for 1-2 bed units is 1 space. It is advised that sufficient information and details be submitted with any future application that details the proposed cycle parking spaces.

Policy LP 45 outlines that developments will have to demonstrate that a new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.

The maximum car parking standard for 1 and 2 bed units is 1 space. Please note that whilst the Council's parking standards are set to a maximum, these standards are expected to be met unless it can be shown there would be no adverse impact on the area in terms of street-scene or on-street parking. This is reiterated in the parking standards set out in the London Plan which specifies that in outer London areas with low PTAL, boroughs should consider higher levels of provisions, especially to address overspill parking pressures.

If the development is unable to provide the required number of acceptable off-street vehicle parking spaces then parking surveys will need to be undertaken using the council's approved on-street vehicle parking survey methodology and in consultation with the council. The parking surveys will need to demonstrate that the development does not result in high parking stress (greater than 90%), and that there are sufficient available vacant on-street vehicle parking spaces to accommodate the development's under provision of off-street vehicular parking spaces.

Furthermore, within any future application; the following points would be required to be addressed:

1. A S106 agreement restricting entitlement to resident/business parking permits and contracts in council run car parks within CPZ hours
2. Within a formal application, details showing pedestrian sightlines for the vehicle exiting the site will be required to meet the criteria set out within the *SPD Front Garden and Other off Street parking Standards*,
3. Refuse/recycling and cycle storage for all uses to be shown in detail on plans submitted with a formal application. Separate stores for refuse and cycle storage for all uses. Such facilities and enclosures need to be sited 10m from the public highway, however, should not be visually obtrusive when viewed from the street-scene,
4. A draft A Construction Method Statement would be required as part of a formal application given the busy nature of Whitton High Street,
5. Pedestrian entrances to the flats and maisonettes to be clearly segregated from the

-9-

- manoeuvring area of vehicles,
6. Any proposed crossover reinstatement will be at the cost of the developer,
  7. Boundary treatment and landscaping is required to be shown in detail on any formal application.
  8. Electric Vehicle Charging facilities in accordance with LP45, providing 20% active provision and 20% passive provision for residential developments and 10% active provision plus 10% passive provision in all other developments.
  9. Any future application must provide justification that the proposed development would not impact on the existing servicing arrangements of the ground floor commercial units

In addition to the above; any future application would be required to identify the users of the existing parking spaces which are proposed to be removed to facilitate the construction of the three-storey backland element of the proposals. If the proposed development would result in the loss of existing off-street parking spaces which presently serve the ground floor commercial units within 1-17 High Street; sufficient justification must be provided identifying that such a loss would not increase the existing on-street parking stress to an unacceptable level.

#### **Sustainability**

All development that results in a new residential dwelling should achieve a 35% reduction in CO<sub>2</sub> emissions over Building Regulations (2013), with 20% of reductions coming from renewable energy sources; should meet national water standards of 110 l/p/d; and should submit an energy statement and Sustainable Construction Checklist.

Whilst the submitted detail does not specify proposed total floorspace; as set out in LP22, if the proposals would constitute a major development, from 2019 a zero carbon standard should be achieved in line with London Plan policy. A zero carbon home is one where at least 35% of regulated CO<sub>2</sub> emissions reductions are achieved on-site, with the remaining emissions (up to 100%) to be offset through a contribution into the Council's Carbon Offset Fund. The Council has adopted the London Plan price of carbon which is £60 per tonne x 30 Years, equalling £1,800.00 per tonne. Zero carbon standards will apply to major non-residential schemes from 2019. Where development viability is a concern, affordable housing will be prioritised over zero carbon contributions.

#### **Trees, Landscaping and Ecology**

LP15 states all developments will be required to enhance existing and incorporate new biodiversity features and habitats to attract wildlife and promote biodiversity. Policy LP16 state that the Boroughs trees and landscape will be protected and enhanced by requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include new trees and other planting.

Whilst the site does not comprise any trees protected under Tree Preservation Order (TPO), it is advised that proposed landscaping be clearly indicated, and supported by indicative hard and soft landscaping details within any future application. Local Plan policy LP17 states that the use of green/brown roofs and green walls is encourage and supported in smaller developments, renovations, conversions and extensions, and the inclusion of green roofs/walls would be favoured in a development such as that which is proposed as part of

this correspondence.

#### **Affordable Housing and CIL**

Policy LP36 seeks on-site affordable housing provision on sites capable of ten or more units gross. The proposals submitted under this correspondence are close to the threshold of ten units for on-site provision of affordable housing in terms of the number of units proposed. As such, the Council would need to be satisfied that the site is not being under-utilised to deliberately avoid an affordable housing contribution if it is capable of more units. Any future application should suitably justify that the site is not capable of a higher number of units.

The Council has considered the Secretary of State's Written Ministerial Statement of 28 November 2014 (and any future reinstatement of Planning Policy Guidance in this respect) in light of the Court of Appeal's judgement of 11 May 2016. The Council contend that its local evidence of affordable housing need remains substantial and small sites make a significant contribution to housing supply and therefore need to contribute to affordable housing provision through continued implementation of Policy LP36.

The Council has also sought a review by the Planning Inspectorate of cases in the borough which have involved the consideration of affordable housing contributions from small sites. This matter has been concluded and the Inspectorate has fully accepted errors in approach and judgement in relation to the appeals as well as cost decisions relating to 11 Tayben Avenue and 57 Church Road, and have apologised for the flaws in those decisions.

The recently published Inspector's report on the Examination of the Richmond upon Thames Local Plan has been published which supports the Local Authority's approach to securing affordable housing. The Inspector stated that while being mindful of the weight to be afforded to national policy, the evidenced local circumstances of the Borough exceptionally warrant the content of LP36 in this regard, with the Inspector concluding that, *'Overall, the policy is justified adequately'*.

The Council will continue to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to the strategic borough-wide target and the individual circumstances of the site, in accordance with LP36 as adopted 3<sup>rd</sup> July 2018.

A financial contribution would be required with the development and further details are set out in the Affordable Housing SPD. The contribution that would be sought would be discounted to represent 40% affordable housing, given the proposal would create eight new build residential units. The commuted sum can be calculated using the pro-forma Annex A to the SPD.

In light of the above, it is strongly advised that any future application be supported by an appropriately completed commuted sum pro-forma (Annex A to the SPD). The onus is on applicants / developers / agents to submit the proforma along with any supporting information, with an application. There is a step by step guide to filling this out at Annex E to the Affordable Housing SPD.

In accordance with the affordable housing policy, the Council will continue to consider

reducing planning obligations if fully justified through financial viability evidence, so that the impact of the policy does not restrict future housing delivery on small sites. If there are issues of viability to raise then financial appraisal information would need to be submitted alongside any application and the Council is likely to require this to be independently verified at the applicants expense. Any submitted viability assessment should include, but not be limited to; predicted build costs and revenue.

The application would also be considered to be CIL liable, and it is advised that any future submission must be supported by the appropriate CIL forms and details of the proposed development.

Further information on Borough CIL and planning obligations can be found at the following link:

[https://www.richmond.gov.uk/borough\\_cil\\_and\\_planning\\_obligations](https://www.richmond.gov.uk/borough_cil_and_planning_obligations)

#### **Validation Requirements**

Local Validation Checklist (April 2015) for further information please see:

[http://richmond.gov.uk/local\\_validation\\_checklist\\_april\\_2015.pdf](http://richmond.gov.uk/local_validation_checklist_april_2015.pdf)

#### **Conclusion**

Residential use can add to the vitality and viability in mixed use areas, provided a proposal secures an appropriate balance of uses for the location, does not have any negative impact on commercial uses and avoids potential conflict between uses such as entrances and servicing.

Notwithstanding the above, strong objections are raised to the proposed roof extensions due to the increased scale, bulk and mass at roof level within this prominent location. The increased height to four-storeys would adversely affect the character of the street and the surrounding locality, given the proposal's incongruity with the surrounding development context.

Furthermore, there is a presumption against loss of back gardens due to the need to maintain local character, amenity space and biodiversity. The proposed backland element, would be of a bulk, scale, height, siting and layout which would be of a cramped and contrived nature; resulting in a significant over intensive use of the site. The scheme would therefore result in a visually intrusive form of overdevelopment within this backland setting and a residential use in this setting would not be supported by planning officers.

In addition to the above, as outlined within the above correspondence, the impact of the proposals on the residential amenity of neighbouring occupants with regard to privacy and visual intrusion would be unacceptable and would not be supported by planning officers.

In light of the above, and the concerns raised with regards to design and character, residential amenity; the proposals, as submitted, the proposals would not be supported by planning officers in a future application

#### **Without Prejudice**

Please note that any advice given by Council officers for pre-application enquiries does not

constitute a formal response or decision of the Council with regards to future planning consents. Any views or opinions expressed are given in good faith and to the best of ability without prejudice to formal consideration of any planning application, which was subject to public consultation and ultimately decided by the Council. You should therefore be aware that officers cannot give guarantees about the final form or decision that will be made on your planning or related applications.

Although the advice note will be brought to the attention of the Planning Committee or an officer acting under delegated powers, it cannot be guaranteed that it will be followed in the determination of future related planning applications and in any event circumstances may change or come to light that could alter the position. It should be noted that if there has been a material change in circumstances or new information has come to light after the date of the advice being issued then less weight may be given to the content of the Council's pre-application advice of schemes.

Nevertheless, I hope that the above comments are viewed as constructive and that the pre-app process has been of assistance when submitting any future application (You are also advised to refer to the local and national validation checklist on the Council's website).

Regards,



**Chris Tankard**  
Area Team Manager - Development Management (Richmond North)  
London Borough of Richmond upon Thames  
Serving Richmond & Wandsworth Councils

## Appeal Decision

Site visit made on 19 April 2016

by **Siobhan Watson BA(Hons) MCD MRTPI**

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

Decision date: 14 June 2016

**Appeal Ref: APP/R5510/W/15/3140974**

**50-52 High Street, Northwood, Hillingdon, HA6 1BL**

- 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 M Papat (Ambika Investments) against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 1711/APP/2015/3505, dated 18 September 2015, was refused by notice dated 23 November 2015.
- The development proposed is the conversion of roof space and division of upper floors to create 5 self contained flats.

### Decision

1. The appeal is allowed and planning permission is granted for is the conversion of roof space and division of upper floors to create 5 self contained flats at 50-52 High Street, Northwood, Hillingdon, HA6 1BL in accordance with the terms of the application, Ref 1711/APP/2015/3505, dated 18 September 2015, , subject to the conditions in the attached schedule.

### Main Issue

2. The main issue is the effect of the proposed development upon highway safety with particular regard to car parking.

### Reasons

3. The proposal would create 3 additional flats with no off-street parking spaces. Policy AM14 of the London Borough of Hillingdon Unitary Development Plan (adopted 1998) Saved Policies (UDP) indicates that new development must accord with the Council's adopted car parking standards. This indicates a maximum provision of 1.5 car parking spaces per flat. As this is a maximum standard, there is no conflict with the policy by not providing any parking at all.
4. The area has a PTAL score of 2 which is fairly low but the Council has not provided any useful information about PTAL in respect of the specific issue of parking and highway safety and I note the advice in the Mayor's Supplementary Planning Guidance that low PTAL scores do not by themselves preclude development.
5. The appellant has drawn my attention to 2 bus routes, the H11 and 282 which run close to the site and provide frequent peak services from Harrow Bus Station and Ealing Hospital to Mount Vernon Hospital. The site is also between Northwood and Northwood Hills stations which are about 1km from the site. This information has not been disputed by the Council. In my opinion, the site

[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

has reasonable access to public transport. Moreover, I noted the site is located within an urban area in a parade of shops amongst a wider shopping area and at my visit I noted a selection of shops, services and a school near the site. Therefore, given the site's location amongst such services and as it is within walking and cycling distance of trains and buses, it would not be necessary for the occupants of the dwellings to use a car to access day to day services.

6. I accept that parking is extremely limited on High Street especially as there are time-limiting parking restrictions in front of the site. However, I noted at my visit that there are surrounding streets without such restrictions. It is a small-scale proposal and I consider that the additional amount of on-street parking it would add to the surrounding streets would be small and would not have a material impact upon highway or pedestrian safety. I note the Council's comments that there is a congestion hotspot nearby but I am not aware of its exact location or have details of the proposal might affect it.
7. I therefore conclude that the proposal would not have a harmful effect upon highway or pedestrian safety. Consequently, I find no conflict with UDP Policy AM7 which seeks to protect highway safety.
8. I note the Council's reference to a dismissed appeal<sup>1</sup> nearby. However, that decision was made before the publication of the National Planning Policy Framework which, in Paragraph 32, says that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. For the above reasons, I do not consider that the impacts would be severe.

#### **Other Matters**

9. Although not a reason for refusal, the Council has mentioned that the proposal fails to demonstrate that the flats would achieve satisfactory combined floor areas for living/kitchen/dining space. However, this comment was in relation to an outdated Mayors Housing Supplementary Planning Guidance document and the space in the flats would be compliant with the current standards in the London Plan. I have considered all other matters raised but none outweigh the conclusions I have reached.
10. The Council is satisfied that the proposal is acceptable in respect of the living conditions of the occupiers of nearby dwellings and is acceptable in terms of the character and appearance of the area and I have no reason to find otherwise.

#### **Conditions**

11. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary, in the interests of precision, to define the plans with which the scheme should accord. A condition concerning external materials is required in the interests of the character and appearance of the area. Sound insulation is required in the interests of living conditions and this is a pre-commencement condition as it cannot be dealt with satisfactorily at any other time. I have not imposed a condition in relation to boundary treatment as I have no evidence that it would meet the test of necessity. I have imposed a

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<sup>1</sup> APP/R5510/A/11/2163952

condition in relation to bin and cycle storage facilities as these are not sufficiently detailed on the plans.

**Conclusion**

12. Taking into account all the above I allow the appeal subject to the conditions below.

*Siobhan Watson*

INSPECTOR

**Schedule**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 215023/ -01; -02; -03; 04A; -05; -06 & -07.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) Before the commencement of development, details of a sound proofing scheme to protect the flats from noise between floors shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the first occupation of any dwelling hereby approved and the sound insulation shall remain thereafter.
- 5) Before any dwelling is occupied details of bin and cycle storage facilities shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the first occupation of any dwelling hereby approved and the storage facilities shall remain thereafter.



## Appeal Decision

Site visit made on 5 September 2016

by **J Flack BA Solicitor**

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

Decision date: 14 September 2016

**Appeal Ref: APP/B5480/W/16/3153011**

**The Crown Public House, 260 London Road, Romford RM7 9NA**

- 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 Kundra Holdings LLP against the decision of the Council of the London Borough of Havering.
- The application Ref P1154.15, dated 6 August 2015, was refused by notice dated 7 April 2016.
- The development proposed is change of use from A4 (drinking establishment) to C3 (dwellinghouses), part demolition of existing public house and new construction to provide 24 No apartments.

### Decision

1. The appeal is allowed and planning permission is granted for change of use from A4 (drinking establishment) to C3 (dwellinghouses), part demolition of existing public house and new construction to provide 24 No apartments at The Crown Public House, 260 London Road, Romford RM7 9NA in accordance with the terms of the application, Ref P1154.15, dated 6 August 2015, subject to the conditions set out in the Schedule to this decision.

### Main Issues

2. The main issues are:-
  - Whether the proposal would make sufficient provision for parking;
  - The effect of the proposal on the character and appearance of the area, having regard to the density proposed and other material factors; and
  - The effect of the proposal on the living conditions of future occupiers of the proposed apartments.

### Reasons

3. Policy DC33 of the Core Strategy and Development Control Policies (CSDCP)<sup>1</sup> makes provision for car parking within new development, referring to Annex 5. This in turn refers to the density matrix set out at policy DC2 where residential development is proposed, and as the appeal site lies within an area defined as 'suburban', it follows that the matrix provides for 1.5 – 2 spaces per unit. The proposal would provide for only 1 space per unit. However, these are broadly

<sup>1</sup> Core Strategy and Development Control Policies Development Plan Document, Adopted 2008

defined criteria, and assessment of the particular relevant circumstances of the site is therefore required.

4. The 'suburban' areas are defined by the matrix as all of those are outside the high PTAL zones defined by the proposals map, and the site has a PTAL 1b rating. However, this very low rating does not seem to me to fully reflect the practical circumstances of the site. The nearest bus stops are extremely close to the site, and whilst only one service is available, the frequency is very high and a night service is provided. Moreover, the service provides direct access to central Romford, which is a fairly short distance away along London Road and provides comprehensive bus and rail services. Whilst therefore the range of public transport facilities immediately available from the site is limited, they are convenient and provide easy access to very comprehensive facilities. Despite the site's PTAL rating, I consider that, in practice, using public transport would be a realistic and attractive option for occupiers of the development. Moreover, central Romford is within easy cycling distance, and adequate cycle parking facilities would be provided. The current available routes are not particularly attractive, but the planning obligation before me, which I shall consider more fully below, would provide for a financial contribution to improvements.
5. Various other factors must also be taken into account. Half of the units would have only 1 bedroom: whilst the remainder would have two bedrooms, these would nevertheless be small units and there is no convincing evidence before me to demonstrate that occupiers of the apartments would be likely to own more than one vehicle. I saw on my visit that a variety of waiting restrictions apply along London Road and along lengths of local side streets. These including Spring Gardens, at whose junction with London Road the site is located. I also saw that there is a school opposite the site, and Romford Greyhound Stadium is not far distant. I acknowledge that these facilities might give rise to parking pressures at certain times of day, but no detailed account of any difficulties is before me, and I saw that a large car park serving the stadium is located in Spring Gardens. Nor has the Council sought to challenge the outcome of the parking surveys contained in the appellant's transport statement, which indicate a substantial volume of available overnight parking spaces in the vicinity of the site. Nor does the Council dispute the statement's findings that the proposal would bring about a reduction in vehicle trips across the day and evening peak in comparison to the existing public house use.
6. Moreover, whilst every proposal is to be assessed on its merits, it is also important that there be consistency in planning decisions. It is therefore material to my assessment that the Council has not disputed the appellant's statement that two large apartment developments in Spring Gardens were approved in 2008 and 2009 with parking provision very similar to that of the appeal proposal. Nor is there evidence before me that there here have been any significant subsequent changes in local circumstances.
7. The status of the matrix within Policy DC2 is that it is one of a number of matters to which regard to be had in assessing whether the design led approach required by the policy has been satisfactorily adopted, and Policy DC33 is clear that the parking standards provided for by the matrix are to be regarded as maxima. A failure to achieve these standards therefore does not necessarily amount to conflict with these policies. I have concluded that despite the site's low PTAL rating and the proposed provision of parking below the matrix standards, the circumstances of site and the proposal are nevertheless

such that there would not be an unacceptable degree of increase in parking congestion or overspill of parking arising from the development onto surrounding streets. The proposal would therefore make sufficient provision for parking. The proposal would sufficiently conform to Policies DC33 and DC2 in these respects, and to the requirement of Policy DC32 that development does not cause an adverse impact on the functioning of the road hierarchy. There would also be no substantive conflict with the requirement of policy DC61 that development be designed and orientated around the needs of pedestrians, cyclists and connectivity to the public transport network.

*Character and appearance*

8. The density of the proposal would greatly exceed that which the Policy DC2 matrix indicates to be appropriate in this location, and would not fall within any of the identified exceptions to the matrix. However, as I have noted, although the site lies within the 'suburban' area defined by the matrix, this is a generalised designation which covers a large area. It follows that in assessing a proposal it is clearly necessary to take account of the actual character of the site's locality and any other relevant factors.
9. Many of the nearby side streets are characterised by modest older dwellings typical of established suburban residential areas. However, London Road has a much more mixed character, with retail, industrial, and other non-residential development in the locality. This includes an industrial estate to the east of the site and a mixed development to the west which comprises retail and parking on the ground floor with flats above. This is a modern three storey block of monolithic appearance and it illustrates the considerable variety in height, scale and density of development in the locality. Adjacent to the site on the opposite side of London Road are some two storey dwellings, but there is also a recent three storey care home and a three storey block of flats. Moreover, whilst the residential development in Spring Gardens adjoining the site consists of bungalows, the eastern spur of this road contains a number of recent three and four storey residential blocks.
10. In this varied context, the proposal would not read as an unacceptable anomaly in terms of density. Nor would it be incongruous in terms of scale or bulk. Whilst the new construction would be partly of four storey height, this element of the proposal would nevertheless be set back from the frontage and be slightly lower than the retained public house, resulting in a measured transition between this and the adjacent three storey mixed development along the London Road frontage. There would be a similar graduated stepping down along the Spring Gardens frontage, and although there would be an obvious contrast between the proposal and the adjacent bungalows, the intervening distance would be sufficient to prevent this from being visually jarring.
11. The public house is a characterful and imposing building, featuring a bold entrance porch supported on columns, and both its street elevations are enlivened by pilasters and other decorative detailing. It is unsurprising that although it is not a listed building, it has been identified by the Council as a building of local heritage interest. Although various extensions would be demolished, the chief interest of the building clearly lies in the principal three storey corner block. Its retention is thus a matter which counts materially in favour of the proposal. Moreover, the new construction would be sensitively designed and relate well to the retained public house building. Although the overall site coverage would be substantially greater than at present, the two

new wings would be respectfully set back, and their simple design language and contrasting materials would also assist in ensuring the prominence and dominance of the retained public house building within the finished development and the broader street scene.

12. Taking account of all the above matters, and noting also my earlier conclusions on the public transport accessibility of the site, I concluded that in the particular circumstances of the site and the proposal, the density of the proposal is acceptable. The conflict with the density matrix of Policy DC2 does not amount to a substantive failing, and the proposal would not be harmful to the character and appearance of the area. It would in this respect comply with Policy DC61, whose urban design objectives include that development should respect the scale, massing and height of the surrounding physical context, complement or improve the amenity and character of the area and provide structure by protecting existing landmarks.

*Living conditions*

13. The Council contends that the layout of the proposal is such that the proposed apartments would have an unsatisfactory relationship with each other. It draws particular attention to the L shaped form of the resulting building. Some windows within the elevations facing into the communal rear amenity area would be in close proximity to each other, particularly at the upper levels where the two wings of the building meet, and I note that the wings would be set at an angle of slightly less than ninety degrees. However, any overlooking between windows in the two elevations at close quarters would be limited, being possible only at acute angles. Overlooking would also be possible from the proposed balconies, but these would be set at an acceptable distance from the affected windows. A further concern raised by the Council is that occupiers of the ground floor units would experience a sense of vehicles and pedestrians passing by in close proximity. However, in my view this would be sufficiently limited by the landscaping proposed along the street elevations, together with the setback of the units from the public highway and the car parking proposed on the London Road frontage. Although the apartments would be quite tightly packed within the site, their layout is not untypical of apartment developments, and the interrelationship of windows, balconies and street boundaries does not appear fundamentally different to that produced by the recent apartment blocks in Spring Gardens.
14. I conclude that future occupiers of the proposal's apartments would not experience unacceptable overlooking or lack of privacy. As there is no indication that the living conditions of those occupiers would be detrimentally affected by any matter other than those I have assessed above, I conclude that the proposal would not have an unacceptably harmful effect on the living conditions of future occupiers of the proposed apartments. The proposal would in this respect comply with Policy DC61, which rejects proposals which would result in unacceptable overlooking or loss of privacy.

*Other matters*

15. The Council's reasons for refusing the application also included the absence of a legal agreement to secure financial contributions in relation to school places, affordable housing, and improvement of cycling routes. However, as I have observed above, the appellant has subsequently executed a planning

obligation<sup>2</sup> which would provide for such contributions in the event that I allow the appeal. The Council states that it negotiated the obligation with the appellant and is happy with it. Nevertheless, in the context of the appeal, I must reach my own view, noting the requirements of paragraph 204 of the National Planning Policy Framework (the Framework) and the corresponding requirements of the Community Infrastructure Levy Regulations 2010 (the CIL Regulations). The CSDCP predates these requirements, but its overall approach is broadly consistent with them, Policy DC72 providing that, where required to ensure that new development is in line with sustainable development principles, planning obligations may be sought in relation to a number of specified matters. These include improvements to conditions for cycling pursuant to Policy DC35, education facilities pursuant to Policy DC29 and affordable housing pursuant to Policy DC6.

16. Policy DC35 provides that proposals will be required to take account of the needs of cyclists by, amongst other things, contributing towards off-site improvements to the cycle network. The contribution sought is modest and seems to me appropriate in the context of the need to upgrade the route from the site into central Romford. This is required to complement the provision of cycle parking and ensure that cycling contributes to the acceptability of the parking provision proposed.
17. Policy DC29's overall objective is the provision of adequate primary and secondary education facilities, and the stated means of achieving this include seeking payments from residential developers for the capital infrastructure of schools required to meet the demands generated by the residential development. The Council has supplied a number of recent appeal decisions<sup>3</sup> in which Inspectors have concluded that the approach of Policy DC29, combined with the Council's monitoring arrangements in relation to payments, would not engage the provision of Regulation 123 of the CIL regulations that a planning obligation cannot constitute a reason for granting permission where it would result in funding infrastructure development by means of pooled contributions. I have no reason to take a different view. Although the apartments are small, they would collectively be likely to generate material additional demand for school places. In that context, the financial contribution which would be provided, whilst substantial, does not seem to me to be disproportionate.
18. Policy DC6 seeks the provision of affordable housing from new residential development in the borough. The proposal would not make any on site provision, and the financial contribution provided by the obligation would be very small in the context of the Policy's overall aim that 50% of all new homes built in the borough will be affordable. However, there is no evidence to counter the Council's assessment that viability considerations, including the need to provide other financial contributions, mean that the proposal could not reasonably be required to deliver a greater contribution.
19. I therefore conclude that the contributions which would be made by the planning obligation are directly related to the development, are necessary and sufficient to make the development acceptable in planning terms in relation to the matters which they address, and are fairly and reasonably related to the development in scale and kind. The planning obligation therefore meets the requirements of paragraph 204 of the Framework and the CIL Regulations.

<sup>2</sup> Dated 11 August 2016

<sup>3</sup> APP/B5480/W/15/3140418, dated 10 May 2016, and other appeal decisions to which it refers

20. Interested parties have objected to the loss of the public house use, contending that it has provided a social facility for the local community for many years. However, I have no detailed information on the extent to which the public house has been supported by the local community, nor is there any substantive information before me to contradict the finding of the officers' report that there are a number of alternative public houses and community facilities in Romford. On the evidence before me, whilst I acknowledge the value attached to the public house by the interested parties, I do not consider that the proposal would conflict with the objectives of Policy CP8 to ensure that a suitable range of community facilities are provided to meet existing and forecast demand, the restrictions on the redevelopment of community facilities provided by policy DC27 or the similar provisions of paragraph 70 of the Framework. I also note that a public house use would provide employment. However the Council has not objected to the proposal on the basis of loss of employment, nor does the evidence before me serve to contradict the appellant's contention that ongoing future public house use would not be financially viable.

*Conditions*

21. The Council has suggested conditions in the event that I allow the appeal. I have considered these in the light of the tests set out at paragraph 206 of the Framework. In addition to the standard commencement condition, a condition requiring adherence to approved plans, save where required by other conditions, is necessary in the interests of certainty.
22. Given the importance of the car parking provision shown on the approved plans, a condition is necessary to ensure that it is provided prior to occupation of the apartments and thereafter made available for use by their occupiers. It is also necessary to secure the permanent provision of the proposed cycle and refuse storage facilities, and a condition is imposed accordingly, combining the two conditions suggested by the Council.
23. To ensure the satisfactory appearance of the finished development, conditions are necessary to require the use of approved materials, the implementation of an approved landscaping scheme, and the provision of approved boundary treatments. However, it is inappropriate to require that the materials match the existing building as the Council suggests, as appropriate contrast is a positive feature of the proposal. In relation to landscaping it is necessary to require the implementation of both hard and soft elements, and I have therefore provided for adherence to an approved timetable.
24. I have no detailed information on the site's past uses, and it is important that any significant contamination is identified and dealt with. Although lengthy and detailed, the Council's conditions comprise proportionate stages dependent on identified risk and seem to me appropriate. To ensure satisfactory living conditions for occupiers of the apartments, a condition requiring satisfactory noise insulation is necessary. For the same reason, but also to ensure the satisfactory appearance of the development after dark, a condition is necessary to secure the implementation and maintenance of an approved external lighting scheme. To protect the living conditions of neighbouring residential, conditions are necessary to require obscure glazing on the northernmost elevation and to restrict the use of the roof.
25. To protect the living conditions of adjoining residential occupiers, the amenity of the public and users of the highway, conditions are necessary to control

hours of construction and require adherence to a construction method statement. I have incorporated into the latter condition a requirement for wheel washing measures, as the Council's separate condition seems to me excessively detailed. To protect the safety of pedestrian highway users, a condition requiring the provision of visibility splays is necessary, but to allow some flexibility in their incorporation into the development I shall require them to be provided in accordance with approved details rather than in accordance with the specific requirements which the Council suggests. The Council suggests a condition requiring highway permissions and notices to be dealt with before development commences, but as there is no indication that there would be difficulties with such matters I do not consider this condition necessary.

26. The Council suggests a condition relating to energy performance, but its requirements seem to me excessive, given in particular that this is partly a scheme of conversion of an existing building. I consider instead that it is appropriate for the development to accord with the energy statement which the appellant has already submitted. For the same reason, and noting the provisions of Policy 3.8 of the London Plan, I have amended the suggested condition as to accessibility and adaptability of the apartments so as to refer only to the new build element only. However, Policy 5.15 of the London Plan applies to all residential development and the Council's suggested condition to water efficiency is necessary without amendment.
27. The Council suggests a condition requiring an application for the Secured by Design award scheme, but I do not consider this necessary given that the Council does not dispute the appellant's statement at appeal that matters relating to designing out crime have already been resolved, and that external lighting, boundary treatments and landscaping will be controlled by condition. A condition requiring an air quality assessment is also suggested, but I consider this unnecessary. Policy DC52 of the CSDCP requires an assessment only where it is suspected that a development is likely to cause a breach of emission levels for prescribed pollutants, and there is no evidence that this would be the case here.

*Conclusions*

28. I have concluded that the proposal would make sufficient provision for parking, that it would not be harmful to the character and appearance of the area by reason of density or otherwise, and would not have an unacceptably harmful effect on the living conditions of future occupiers of the proposed apartments. I have also concluded that the submitted planning obligation is necessary and sufficient to make the development acceptable in planning terms in relation to the matters which it addresses, meeting the requirements of the Framework and the CIL Regulations. I have considered all other matters arising from the evidence before me, but nothing arises which disturbs the foregoing conclusions or otherwise leads me to a finding of harm which would render the proposal unacceptable. The appeal is therefore allowed and planning permission is granted subject to the conditions set out in the Schedule.

*J Flack*

INSPECTOR

## SCHEDULE

### Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Save as required by or pursuant to any of the succeeding conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: 14270\_PL001 C, 14270\_PL002, 14270\_PL003 E, 14270\_PL004 B, 14270\_PL005 B, 14270\_PL006 B and 14270\_PL007.
- 3) Before any of the apartments hereby permitted are first occupied, the 24 no. car parking spaces shown on the approved plans shall be laid out to the satisfaction of the Local Planning Authority and thereafter this car parking provision shall remain permanently available for use by occupiers of the apartments, unless otherwise agreed in writing by the Local Planning Authority.
- 4) No works shall take place in relation to any of the development hereby permitted until samples of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.
- 5) No works shall take place in relation to any of the development hereby permitted until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, including a timetable for implementation. The approved scheme shall be implemented in accordance with the approved timetable, and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
- 6) Prior to the commencement of the development hereby permitted, details of all proposed walls, fences and boundary treatments shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be carried out in accordance with the approved details, which shall be retained permanently thereafter to the satisfaction of the Local Planning Authority.
- 7) The facilities for storage of cycles and for storage of refuse and recycling shown on the approved plans shall be provided prior to the occupation of any of the apartments hereby permitted and shall be permanently retained thereafter.
- 8) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;
  - a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
  - b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing,



quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced in terms approved in writing by the Local Planning Authority.

- 9) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved. Following completion of the works comprised in the remediation strategy, a Verification Report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.
- 10) The apartments hereby permitted shall be so constructed as to provide sound insulation of 43 DnT,w + Ctr dB (minimum value) against airborne noise and 64 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.
- 11) Before any of the apartments hereby permitted are first occupied, external lighting shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be maintained and operated in strict accordance with the approved scheme.
- 12) All building operations in connection with demolition, the construction of external walls, roofs, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.
- 13) Before development is commenced, a Construction Method Statement making provision for the control of adverse impacts of the development

on the amenity of the public, nearby occupiers and highway users shall be submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) wheel scrubbing/wash down facilities and control measures to prevent mud being deposited onto the public highway during construction works and to ensure the removal of any deposits that occur;
- d) dust management controls;
- e) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- f) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- g) a scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- h) siting and design of temporary buildings;
- i) a scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- j) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

The development shall be carried out in accordance with the approved Statement.

- 14) Prior to the occupation of any of the apartments hereby permitted, pedestrian visibility splays shall be provided to either side of the proposed accesses in accordance with details provided to and approved in writing by the Local Planning Authority before development commences. There shall be no obstruction or object higher than 0.6 metres within the visibility splays.
- 15) The development shall be carried out in conformity with the energy performance measures and outcomes set out in the submitted Energy Statement by Bespoke Builder Services Limited dated August 2015.
- 16) At least 2 of the apartments within the new construction hereby permitted (the new build apartments) shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations – Wheelchair Adaptable Dwellings. The remainder of the new build apartments shall be constructed to comply with Part M4(2) of the Building Regulations – Accessible and Adaptable Dwellings.
- 17) All of the apartments hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations – Water Efficiency
- 18) The proposed first and second floor windows in the northern elevation of the development along Spring Gardens serving living rooms and bedrooms (drawing no. 14270\_PL003 E) shall be permanently glazed

with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut.

- 19) The roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.