



# Appeal Decision

Site Visit made on 13 July 2021

**by Martin Allen BSc (Hons) MSc MRTPI**

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

**Decision date: 6 September 2021**

---

**Appeal Ref: APP/L5810/W/21/3268141**

**Car Park at St Margarets Business Centre, Godstone Road, St Margarets, TW1 1JS**

- 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 Godstone Developments Limited against the decision of Richmond Upon Thames London Borough Council.
  - The application 20/2664/FUL, dated 22 September 2020, was refused by notice dated 22 December 2020.
  - The development proposed is the erection of 4no. residential dwellings (Class C3) with associated parking, access, and landscaping (incl. removal of existing trees).
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). Comments were sought from the Council and the Appellant. As the main parties have had the opportunity to provide comments no injustice has been caused. I have considered the appeal on the basis of the revised Framework.
3. Since the planning application was determined the London Plan 2021 has been adopted. The Council has had the opportunity to comment on this in its appeal statement. Subsequently, given the change to parking provision requirements as contained within the most recently adopted London Plan, the Council is satisfied that sufficient parking provision is made within the scheme and as such removes its objection on this matter. I have no reason to disagree with this position and as such do not refer to parking provision in the main issues below.

## Main Issues

4. The main issues raised are:
  - i) The effect on the character and appearance of the area, including the effect of the removal of protected trees,
  - ii) The effect on biodiversity,
  - iii) Whether the scheme would result in the unjustified loss of ancillary industrial land, and

- iv) Whether the scheme makes adequate provision for a contribution towards affordable housing.

## **Reasons**

### *Character and appearance*

5. The appeal site lies at the end of a linear arrangement of semi-detached properties, which are a defining characteristic of the local area. The area is characterised by the appearance of these semi-detached units along roads, as well as to the rear of properties well-defined two-storey projecting elements which are set in from the gable ends of pairs of properties. This arrangement is clearly visible from vantage points in the surrounding area, including where perpendicular terraces meet. However, it was most apparent from elevated views afforded from the bridge across the adjacent railway line.
6. In contrast to this, the rear elements of the proposed properties would form a single, continuous feature spanning almost the entire length of the rear elevation of the terrace of four dwellings. This would lack the relief between the rear elements of surrounding properties that is provided by the setbacks and breaks between buildings. Consequently, the rear of the proposed development would appear as a single unwieldy and homogenous feature, with a large, unbroken expanse of flat roof, that would fail to integrate appropriately with the surrounding development.
7. The proposed building would be viewed as an overly bulky feature within the context of the surrounding townscape, and this would be appreciable from the adjacent road and would be a particularly unsympathetic feature when viewed from the elevated railway bridge. Thus, the appeal scheme would fail to integrate acceptably with the development with which it would share a close visual affinity.
8. Moreover, the proposed development would result in the loss of all but one of the existing trees within the site. Some of these are large specimens and all are the subject of a Tree Preservation Order. Within the context of the densely arranged urban grain of surrounding development, the presence of the trees provides a welcome relief from built form within the streetscape. While it has been identified within the submitted Arboricultural assessment that the trees are individually of moderate or low value, I find that the collective value of the trees as a group is substantial and that they comprise an attractive cluster of trees, making a positive contribution to the appearance of the street. The loss of the trees, notwithstanding the proposals for replacement planting elsewhere, would substantially degrade the quality of the streetscene at this location. The inclusion of some replacement trees within the proposed scheme would do little to ameliorate this impact, given that the size and number would not be comparable to the existing specimens.
9. Consequently, for the reasons given above, I find that the proposal would be harmful to the character and appearance of the area, including the loss of protected trees, contrary to Policies LP1, LP15 and LP16 of the London Borough of Richmond Upon Thames Local Plan (the Local Plan). Together, and amongst other things, these policies seek to ensure that development contributes to the local environment and character, as well as protecting existing trees that are of amenity value.

### *Biodiversity*

10. The ecological assessment submitted in support of the planning application identifies that the site has some importance in terms of supporting biodiversity, predominantly as foraging and commuting habitat. While the scheme would result in the loss of this, given the location of vegetation lining the nearby railway line, an appropriate landscaping scheme secured by planning condition could ensure that sufficient habitat replacement is incorporated into the development. In this respect, I find that the scheme would not result in any unacceptable effect on biodiversity and thus it accords with policy LP15 of the Local Plan insofar as it seeks to ensure new habitats or biodiversity features are incorporated into development.

### *Loss of ancillary industrial land*

11. The appeal site comprises an area of car parking, near to St Margarets Business Centre. While there is a proximity to this employment site, the area is visually distinct from it and this separation is reinforced by the presence of a gated access to the employment site, which the appeal site lies outside of.
12. I note that the Council contend that the site comprises an ancillary use to the industrial use within the employment site. However, there is nothing before me that convinces me that the use of the appeal site is inextricably linked to the use of the adjacent commercial premises. Furthermore, I note that the site lies outside of the area that is designated within the Local Plan as Locally Important Industrial Land and Business Parks. There is no floorspace provision within the site, through the presence of any buildings, and the location appears independent from the employment site.
13. As such, I find that the site does not comprise an area that contributes towards the supply of industrial floorspace within the Borough, nor is it existing industrial premises. Accordingly, the proposal would not conflict with the requirements of Policies LP40 and LP42 of the Local Plan, insofar as they seek to protect against the unjustified loss of employment and industrial land.

### *Affordable housing*

14. Policy LP36 of the Local Plan seeks that a contribution towards the provision of affordable housing be sought on all housing sites unless economic viability considerations indicate otherwise. However, paragraph 64 of the National Planning Policy Framework outlines that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas.
15. The Council highlight local evidence of affordable housing need is substantial and that high levels of need are evidenced in a recent Housing and Homelessness Strategy. It is also stated that the Council is reliant on contributions from small sites in order to meet affordable housing policy objectives. These matters weigh significantly in favour of seeking a contribution towards affordable housing. The appellant has not disputed these matters.
16. Having regard to this information therefore, I consider that the specific circumstances within this borough together with the policy of the development plan are sufficient, in this case, to outweigh the guidance of the Framework. This is consistent with the approach taken by Inspectors in the appeal decisions referenced by the Council.

17. On sites of less than 10 units, the policy sets out a sliding scale for the contributions required, based on the number of units being delivered. In this instance, with four units being proposed, for new build development a financial contribution which equates to 20% provision is set out within policy. However, the Council contend that the appropriate contribution would be a 40% contribution for units replacing employment floorspace.
18. I am conscious that the policy specifically refers to the replacement of employment floorspace, which as I have set out above, the appeal site does not comprise. Furthermore, as I have also found that the appeal site does not comprise an employment site, the contribution in respect of new build development, i.e., 20%, would be appropriate. The appellant has submitted a completed Unilateral Undertaking (UU), securing the payment of this contribution towards affordable housing. The Council has confirmed that the UU is acceptable. On this basis, I find that the scheme would make the appropriate contribution towards affordable housing and thus complies with policy 36 of the Local Plan which seeks that a contribution towards the provision of affordable housing be sought on all housing sites, unless economic viability considerations indicate otherwise.

### **Other Matters**

19. I acknowledge that the development would result in the delivery of new housing, including contributing towards affordable housing, with positive social and economic benefits. There would also be benefits in terms of the use of previously developed land. However, these benefits are not sufficient to outweigh the harm that I have identified.

### **Conclusion**

20. While I find that there would be no inappropriate loss of industrial floorspace, that the scheme would make adequate provision towards affordable housing, and no harm to biodiversity, there would be harmful effects on the character and appearance of the area, which includes the loss of important, protected trees. This harm is decisive.
21. For the reasons given above I conclude that the appeal should be dismissed.

*Martin Allen*

INSPECTOR