



Appeal Decision

Site visit made on 30 August 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2022

Appeal Ref: APP/L5810/W/22/3294096

Land adjacent 2 Fielding Ave, Twickenham, Middlesex TW2 5LY

- 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 Julian Joyce against the decision of the London Borough of Richmond Upon Thames.
 - The application Ref 21/2840/FUL, dated 25 October 2021, was refused by notice dated 10 December 2021.
 - The development proposed is described on the application form as the 'change of use of summerhouse and garage and new garage following demolition of existing garage and store'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to the provision of internal space, layout and private amenity space;
 - whether the proposal would make adequate provision for affordable housing;
 - whether the proposal would provide adequate drainage; and
 - whether the proposal would provide adequate car parking, and cycle and refuse storage.

Reasons

Character and appearance

3. The properties fronting Fielding Avenue are predominantly large two storey detached, and semi-detached properties, set back from the highway on established building lines, within generous sized plots. A significant proportion of the properties having small single storey garages and outbuildings. As a result, the character and appearance of the area is reasonably uniform and spacious.
4. The 'Design Standards' and 'Small and Medium Housing Sites' Supplementary Planning Documents indicate that extensive back gardens can provide development opportunities and acknowledge that single dwellings can provide

attractive development when sufficient land is available. They also seek developments that complement and enhance the character of the place in which they are located. In this regard the proposed buildings would lie within close proximity to the boundaries of Nos 2 and 4 and Fielding Cottage with a patio garden enclosed by high walls. As a result, the proposal would appear as a cramped and congested form of development, particularly when viewed from the private lane which serves the site. Consequently, the proposal would not reflect the spacious layout of the properties within the locality, therefore it would significantly harm the character of the area.

5. Based on the submitted drawings, including the proposed 3D front view, and what I saw during my site visit, the proposal, would have only a limited impact on the visual appearance of the area. This is particularly the case given the sites back land location, the low rise nature of the proposed buildings, the presence of screening and the limited external alterations proposed. The provision of 'architecturally crafted gates', and the use of white render on external surfaces, would also improve the appearance of the existing buildings. However, the lack of prominence and the visual improvements proposed would not outweigh the harm to the character of the area that I have identified above.
6. Fielding Cottage and Domino Cottage are also a form of backland development. However, they are larger properties set within landscaped plots. As a result, and unlike the appeal scheme, they have similar characteristics to existing properties in the area, and therefore do not justify the proposal.
7. In light of the above the proposal would be contrary to Policies LP1, LP35 and LP39 of the London Borough of Richmond Upon Thames Local Plan (July 2018) (LP). These policies jointly seek, amongst other matters, high architectural and urban design quality that reflects the character of the surrounding area.

Living Conditions for Future Occupiers

Internal floorspace

8. Both the Council and the appellant agree that the total floor area would be 45.6 sqm, of which 38.4 sqm would have a ceiling height of 2.5m or greater. This would exceed the 37 sqm standard set out in the Technical Housing Standards – Nationally Described Space Standard (2015) (NDSS). This is a strong indicator that the proposal would have an adequate quantum of internal floor space and as a result the proposal would provide acceptable internal living conditions for future occupiers.

Layout

9. The proposal would take the form of a studio with no separate bedroom. A single bed would be located between two storage units, which in the view of the Council would afford it some semblance of a room, which would meet the requirements as set out in the NDSS. In this regard I the layout would be acceptable.

Private amenity space

10. The proposed private amenity space would take the form of an enclosed patio. The patio would also be used for off street parking and would provide access to the proposed garage.

11. The patio would provide limited facilities, when occupied by a vehicle. In particular the space around the vehicle would be severely constrained, and there would be limited opportunity to sit outside the property and enjoy the health benefits that would accrue from doing so. Moreover, I have no evidence before me to indicate whether the appellant's 'classic car', is in regular use, or whether other vehicles would be regularly parked on the proposed patio area. Consequently, I find that the private amenity space would not be a pleasant place within which to spend time.
12. Some future residents may desire a small outside space to minimise maintenance, but the scheme as proposed would not provide adequate private amenity space due to its dual use for parking. Future occupants would be aware of what they were buying or renting but the Design Quality SPD (DQSPD) seeks developments that are adaptable to changing social, environmental and technological needs, and paragraph 130 of the Framework makes it clear that development should create places which, amongst other matters, promote health and well-being, with a high standard of amenity for existing and future users.

Conclusion

13. In light of the above, I find that the proposal would provide adequate internal floorspace and an acceptable layout for future occupiers. However, with respect to private amenity space, the proposal would be contrary to Policy LP8 and LP35 of the LP, which seeks to ensure high quality living standards.

Affordable Housing

14. The LP indicates that there is a net deficit of 964 affordable homes per annum for the period 2014 to 2033. Small sites make a significant contribution to housing supply in the Borough. Consequently, the Council require these sites to contribute to affordable housing provision. Policy LP36 of the LP requires all housing sites to make a contribution towards affordable housing.
15. The appellant has indicated that he would be willing to make a reasonable contribution towards the provision of off-site affordable housing. However, a planning obligation has not been submitted.
16. The appellant has suggested that this matter could have been resolved by using a planning condition. In this regard I find that there would be no acceptable condition available, that would meet the tests set out in Planning Practice Guidance (PPG), that would ensure that such a financial contribution is delivered. In particular paragraph 21a-005-20190723 of the PPG sets out specific circumstances where conditions should not be used, which includes positively-worded conditions requiring the payment of money. Although a negatively worded condition could be imposed, they should only be used exceptionally. There are no exceptional circumstances in this instance.
17. Given the lack of a planning obligation, I conclude on this main issue, that the proposal would not make adequate provision for affordable housing. As a result, it would be contrary to Policy LP36 of the LP.

Sustainable Drainage

18. Policy LP21 of the LP requires all developments to avoid, or minimise, flooding and avoid risk of increasing flooding elsewhere

19. The application was accompanied by a Sustainable Urban Drainage System (SuDS) statement however this relates to an earlier scheme. Furthermore, the SuDS section contained within the Energy Statement does not provide details of existing soakaways or mitigation measures on the site. Therefore, whilst noting the appellant's desire to reduce the net effect of surface water displacement from the proposal, in the absence of evidence to this effect, there is no certainty that it could be achieved.
20. I acknowledge that the site is in Flood Zone 1 and consequently has a low probability of flooding. Nonetheless it is in a Critical Drainage Area and Area of Susceptible to Ground Water Flooding. Consequently, mitigation measures, including SuDS, would be likely to be required in order to avoid the risk of flooding to the proposal or neighbouring areas.
21. In this regard I note the appellant's assertion that there is no evidence of flooding or surface water. That said, no evidence has been submitted to support this assertion. Consequently, I give this matter limited weight.
22. Accordingly, I conclude that, on this main issue, the proposal would be contrary to Policy LP20, LP21 and LP22 of the LP. These policies jointly seek, amongst other matters, to promote and encourage development that is resilient to the future impacts of climate change, including minimising any contribution towards flooding.

Car Parking, Cycle and Refuse Storage

Car Parking

23. Policy LP45 of the LP seeks to ensure that development makes provision for the accommodation of vehicles to meet its needs.
24. The scheme would result in the loss of two off-street parking spaces serving the property at No.2. The Council's requirement for off-street parking for a 4 bedroom house is two spaces, which is expressed to be a maximum. A dropped kerb is provided at the front of No.2 which provides access to a paved forecourt with space for two cars to park. Whilst manoeuvring into the spaces would be awkward the proposed development would provide the requisite amount of off-street parking for No.2.
25. The proposed garage would provide space for one vehicle, with provision for an additional vehicle to be parked on the patio area. As a result, adequate off street parking would be provided for the proposed development.

Cycle and Refuse Storage

21. The submitted plans indicate the provision of a cycle parking space within the proposed garage, and space for two bins on an area of land fronting the private driveway. Given the occupancy level of the proposed dwelling I find that this would provide reasonable facilities for the scheme.

Conclusion

27. In regard to this issue, I find that there would be reasonable car parking, cycle and refuse storage provision both within the site and for the host property at No.2 and as a result the proposal would not have an adverse impact on highway safety, parking and the free flow of traffic. Consequently, the proposal would not be contrary to Policies LP44 and LP45 of the LP. These policies seek,

amongst other matters, to promote safe, sustainable and accessible transport solutions and minimise the impact of car-based travel on the local road network.

Other Matters

28. I acknowledge that the appellant engaged in pre application discussions with the Council, but I have nevertheless considered the scheme before me on its own merits.
29. In reaching my decision I have also taken into account the previous appeal decision¹. In particular I have noted the amendments made to the proposal in an effort to address concerns raised by the previous Inspector.
30. The provision of a single house would be a modest benefit particularly as the Council are currently able to demonstrate a five year housing land supply. However, the benefit would not outweigh the planning harm and conflict with the development plan that I have identified above. Matters to which I attach significant weight.
31. I have also taken into account the appellant's desire to downsize from a 4-bed house to the proposed 'studio flat' as a permanent long term-future retirement home where he can pursue his hobby of working on his classic car. However, I have no evidence before me that occupation would be restricted to a particular individual. In any event, the development would exist long after the personal circumstances ceased to exist. Consequently, this matter carries very little weight in my assessment and does not outweigh the significant harm I have identified above.

Conclusion

32. I find that adequate parking, cycle and refuse facilities would be provided for the proposal. However, the absence of harm in this regard is a neutral factor and does not weigh in favour of the proposal.
33. I find that the proposal would be harmful to the character and appearance of the area and would not provide acceptable living conditions for future occupiers, with particular regard to the provision of private amenity space. Furthermore, the absence of a planning obligation in respect of the payment of a financial contribution towards affordable housing fails to address a recognised local housing need. The lack of substantive evidence regarding sustainable drainage also weighs against the proposal. The proposal is therefore at odds with the development plan taken as a whole.
34. There are no other material matters, of sufficient weight, that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

John Gunn

INSPECTOR

¹ APP/L5810/W/18/3196591