



## Appeal Decision

Site visit made on 25 January 2023

**by Robert Parker BSc (Hons) Dip TP MRTPI**

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

**Decision date: 17<sup>th</sup> February 2023**

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**Appeal Ref: APP/L5810/W/22/3290765**

**Land at rear of 11 Fanshawe Road, Ham TW10 7XT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Saeed Fotoohi against the decision of Richmond Upon Thames London Borough Council.
  - The application Ref 21/1614/OUT, dated 6 May 2021, was refused by notice dated 15 July 2021.
  - The development proposed is demolition of existing garage and erection of single storey dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application is made in outline with all matters reserved. I have treated the submitted plans as being illustrative.

### Main Issues

3. The main issues are:
  - a) the effect of the proposal on the character and appearance of the area;
  - b) whether the scheme secures a contribution towards affordable housing; and
  - c) the adequacy of parking provision.

### Reasons

#### *Character and appearance*

4. No 11 Fanshawe Road is an end of terrace house on a corner plot. The dwelling has been extended with a side, two-storey addition and a rear, single-storey extension which spans the width of the property. The back garden has a walled frontage onto Beaufort Road and gates provide access to a driveway and detached garage. The surrounding area is residential in character, consisting of a mix of terraced and semi-detached family housing, with blocks of flats on the opposite side of Beaufort Road.
5. The proposed dwelling would replace the existing detached garage. The plans are illustrative but they show a single-storey, flat roofed dwelling built against the boundaries with a rear service lane and the garden to 9 Fanshawe Road. The new dwelling would be significantly larger in footprint than the garage it is

replacing, reducing the gap to the rear wall of No 11 and leaving just enough room for a vehicle to park to the front. Although the Council has not raised any concerns over the size of the gardens for the existing and proposed dwellings, they would be uncharacteristically small for the area. The size of the building and lack of space around it would create a development which is unduly cramped. It would also detract from the open character of gardens in the vicinity.

6. The appellant argues that the development would be little different to an outbuilding which could be erected under permitted development rights. A certificate of lawful use or development (Ref 21/3852/PS192) has been granted for a building on an identical footprint and with similar elevational treatment. However, the schemes would not be directly comparable as the proposed dwelling would be 600mm taller and therefore more visible from the street and surrounding properties. Whilst I note the suggestion that the building could be sunken into the ground, this would serve only to emphasise the discordant nature of the development. Furthermore, it is not clear whether such a solution would make the dwelling vulnerable to groundwater flooding.
7. Policy H2 of the London Plan 2021 supports well-designed new homes on small sites, and this includes the incremental intensification of existing residential areas<sup>1</sup> through the redevelopment of garages. The policy acknowledges that local character evolves over time but this does not over-ride the need for good design. The proposed dwelling would be visually incongruous and at odds with the prevailing pattern of development which mainly comprises two-storey houses in larger plots. The scheme would be materially harmful to the character and appearance of the area and it would conflict with Policies LP1 and LP39 of the Local Plan (2018). The latter sets out a presumption against the loss of back gardens due to the need to maintain local character, amenity space and biodiversity. These aims are consistent with the National Planning Policy Framework ('the Framework') in seeking to ensure that development is sympathetic to local character, including the surrounding built environment.

#### *Affordable housing*

8. Policy LP36 of the Local Plan requires a contribution towards affordable housing on all housing sites commensurate with the scale of the development. The Framework indicates at paragraph 64 that provision of affordable housing should not be sought for residential schemes that are not major developments. However, the Local Plan highlights the acute need for affordable housing in the Borough. Policy LR36 has been supported in various appeal decisions and I note that the examining Inspector concluded that there was a 'persuasive basis' for requiring affordable housing (either through on-site provision or a financial contribution) on all sites, including those below a capacity of ten or more units.
9. The appellant has agreed to make a contribution of £10,586 towards affordable housing, in line with the commuted sum spreadsheet. The Council contends that the figure should be £13,065 to reflect its benchmark rent for an affordable 2-bed rented unit. Regardless of which figure is correct, there is no legal agreement to secure the monies. Best practice is to use a planning obligation rather than a condition and therefore the proposal conflicts with Local Plan Policy LP36 and the Supplementary Planning Document on Affordable Housing (2014).

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<sup>1</sup> This is limited to sites within PTALs 3-6 or within 800m distance of railway station or town centre boundary. The appeal site is PTAL 1b but is approximately 650m away from the Teddington Town Centre boundary.

### *Parking*

10. The proposal would remove the 2 off-street parking spaces serving 11 Fanshawe Road and re-provide a single space within the retained section of garden. The new dwelling would be given its own parking space, in line with the Council's standards. Overall, the scheme would result in the net loss of two spaces, comprising one off-street space and the one on-street space rendered unusable through the creation of a new driveway entrance and dropped kerb.
11. The site is sustainably located close to local amenities, but the PTAL rating of 1b indicates that it has a poor access to public transport. The size of the existing dwelling is such that it would encourage car ownership at a level which exceeds the one parking space provided. The shortfall would therefore need to be accommodated on local streets.
12. The appellant has provided the results of a parking survey which suggests that there is sufficient spare capacity on local streets to absorb any overspill from the development. However, the survey does not use the Richmond parking survey methodology which requires 2 x weekday surveys (Monday to Thursday) and one weekend survey on a Sunday between 0100 hrs and 0530 hrs. These times will capture the residential peak parking time. The submitted survey results do not specify survey times and have not incorporated a weekend day into the analysis. Furthermore, the supplied plan shows parking on both sides of Maguire Drive whereas in reality it is only possible to park on one side without interfering with the passage of vehicles. The plan is therefore inaccurate.
13. The deficiencies of the parking survey mean that I cannot be satisfied that the proposal would not contribute to on-street parking congestion. Such congestion may lead to inconsiderate parking which has an adverse impact on highway safety. The proposal therefore conflicts with Policies LP44 and LP45 of the Local Plan insofar as these policies seek a level of on-site parking provision which minimises the impacts on the local highway network. It would be inappropriate to use a planning condition to secure a fully independent parking survey, as the acceptability of the scheme will depend on the survey findings.

### **Other Matters**

14. I note the concern that the proposal would interfere with a legal right of way to the rear of properties on Fanshawe Road. It is unclear how the scheme would compromise the access, but in any event this is a private matter.
15. I have taken account of all other matters raised in representations, including those relating to the effects on the living conditions of neighbours. However, based on the information before me these matters would not be reasons to dismiss the appeal.

### **Planning Balance and Conclusion**

16. The proposal would make a small contribution to the supply of housing in the Borough and it would accord with the housing supply objectives of the London Plan and Local Plan. However, the very modest benefits in this regard would be outweighed by the harm to the character and appearance of the area, the absence of a secured affordable housing contribution and the lack of demonstrable on-street parking provision.

17. For the reasons given above and having taken account of all other arguments made in support of the application, including the suggestion that the proposed dwelling would be suitable for occupation by elderly or infirm persons, I conclude that the appeal should be dismissed.

*Robert Parker*

INSPECTOR