



Appeal Decision

Site visit made on 7 November 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 30.11.2023

Appeal Ref: APP/L5810/D/23/3325510
145 Fairfax Road, Teddington, TW11 9BU.

- 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 C Goodwill against the decision of the Council of the London Borough of Richmond upon Thames.
 - The application Ref 23/0505/HOT, dated 22 February 2023, was refused by notice dated 5 May 2023.
 - The development proposed is for a carport (retrospective).
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:
 - a) the effect of the carport on the street scene within the setting of a Building with Townscape Merit; and,
 - b) the effect of the development on trees subject to Tree Preservations Orders.

Reasons

First main issue

3. The appeal property, 145 Fairfax Road is a relatively large, mid 19th century, three-storey detached, double fronted dwelling. It is designated a Building of Townscape Merit (BTM). It is located in a street characterised by an eclectic mix of house styles, including the neighbouring property number 147 which is of a strongly contrasting contemporary design with flat roof.
4. The front garden has been primarily covered in permeable hard landscaping, such that the soft landscaping is restricted to the garden boundaries, which includes taller planting to the front boundary. There are two trees, located in the front garden protected by Tree Preservation Orders (TPO's) a Cyprus Cedar and a Mountain Ash.
5. The appellant has built a very simple minimalist timber framed car port in the front garden of the of the property. The virtually flat roof is supported on just four timber corner posts. The car port, which is open sided is sited just in front of the boundary wall to the street. It is within an existing carparking area, the outline of which is defined by a low brick wall. By reason of its lightweight

- design, the structure contrasts with the heavy masonry design of the host property.
6. The carport, although located behind the boundary wall and boundary planting is just visible above the boundary wall from the public domain. Nevertheless, it is relatively well screened from the road by the wall, the railings on top of the wall and the existing planting.
 7. Given the garden wall and the boundary planting and the minimalist design of the carport I do not consider that, as suggested by the Council the car port impedes views of the main house to any significant extent from the public realm.
 8. I agree with the Council that outbuildings in front gardens are not a common feature in this street. Nevertheless, the carport is a typical garden structure found in many urban, suburban and rural front gardens, it is a very deminimus structure and one that, in my opinion does not visually compete with the architecture of the main house.
 9. For all these reasons I conclude in respect of the first main issue that this structure is neither incongruous nor a dominating form of development. Accordingly, I do not find that it is causing significant harm to the visual appearance or setting of the Building of Townscape Merit. The proposal therefore accords with the aims of Policies LP1 and LP4 of the of the London Borough of Richmond upon Thames Local Plan (Adopted July 2018) (LP) and paragraphs 199 and 203 of the National Planning Policy Framework as they seek to preserve and where possible enhance the character and setting of non-designated heritage assets.

Second main issue

10. The carport has been built over an existing area of hardstanding under the canopy of trees, including the two trees protected by TPO's. It is supported on just four slender timber posts and has a shallow mono-pitched roof. The appellant advises that it was constructed to protect cars parked under the trees from falling branches and other debris, such as leaves etc.
11. The Council have expressed concerns that in the absence of tree protection measures during construction, and the lack of an arboricultural impact assessment prior to construction, the proposal by reason of its siting and proximity, is considered likely to have had an impacted on the health and longevity of the trees subject to TPO's, from direct and indirect construction activities, leading to in time the detriment of the visual amenity of the locality.
12. In my judgement, depending on the depth and design of foundations, if any were formed, the posts are likely to have had limited impact on the roots of the protected trees. However, the appellant has not submitted any evidence, in the way of as built drawings or photographs to record the depth of the foundations or method of construction. Accordingly, I cannot assess what if any damage may or may not have been done to the tree roots.
13. However, from my site inspection I could not identify any damage to the trees above ground level as a result of the works. Therefore, I do not believe that the construction would have damaged the trees above ground level.

14. The Council are concerned that as the trees grow there will be conflict between the structure of the carport and the trees through secondary thickening of the woody structure of the tree. This conflict would in turn then lead to pressure for the trees to be pruned or removed. Given the separation distance between the tree trunks and the carport structure I doubt that any such conflict would occur, if at all, for a significant number of years, and then only long after the useful life of the carport structure itself. Accordingly, I am not persuaded that the Council's concerns in this regard are well founded.
15. I conclude in respect of the second main issue that while in principle I do not believe that the carport has or would in the future present an unacceptable risk of damage to the trees without details of the foundations to the four posts an assessment of the damage if any to the root system of the trees and thereby their health and longevity cannot be assessed.
16. Accordingly, based on the lack of any such evidence I conclude that the development may well be contrary to the objectives of LP Policies LP1 and LP16 as they, amongst other things, seek the protection of amenity trees and thereby their value to the character and appearance of the area.

Conclusions

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR