

Place Division / Development Management

Web: www.richmond.gov.uk/planning
Email: envprotection@richmond.gov.uk
Tel: 020 8891 1411
Textphone: 020 8891 7120



Mr Andrew Black
Andrew Black Consulting
Hill Place House
55a High Street
Wimbledon Village
SW19 5BA

Letter Printed 13 August 2024

FOR DECISION DATED
13 August 2024

Dear Sir/Madam

The Town and Country Planning Act 1990, (as amended)
Decision Notice

Application: 24/0789/FUL
Your ref: Grosvenor Garage
Our ref: DC/GRE/24/0789/FUL
Applicant: Mr Damian Aziz
Agent: Mr Andrew Black

WHEREAS in accordance with the provisions of the Town and Country Planning Act 1990 and the orders made thereunder, you have made an application received on **26 March 2024** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

Grosvenor Garage Fitzgerald Avenue East Sheen London

for

Demolition of existing buildings on site and construction of five apartments, three houses and a commercial unit with associated access, landscaping and car parking.

NOW THEREFORE WE THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES acting by the Council of the said Borough, the Local Planning Authority HEREBY GIVE YOU NOTICE pursuant to the said Act and the Orders made thereunder that permission to develop the said land in accordance with the said application is hereby **REFUSED** subject to the reasons and informatives summarised and listed on the attached schedule.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Angus', with a long horizontal flourish extending to the right.

Robert Angus
Head of Development Management

SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION 24/0789/FUL

APPLICANT NAME

Mr Damian Aziz
4B Kings Court
Burrows Lane
Gomshall
GU5 9QE

AGENT NAME

Mr Andrew Black
Hill Place House
55a High Street
Wimbledon Village
SW19 5BA

SITE

Grosvenor Garage Fitzgerald Avenue East Sheen London

PROPOSAL

Demolition of existing buildings on site and construction of five apartments, three houses and a commercial unit with associated access, landscaping and car parking.

SUMMARY OF REASONS AND INFORMATIVES

REASONS

| | |
|----------|----------------------------------|
| U0186957 | Reason - Loss of employment land |
| U0186958 | Reason - Redevelopment |
| U0186959 | Reason - Design |
| U0186960 | Reason - Neighbour amenity |
| U0186961 | Reason - Affordable Housing |
| U0186962 | Reason - Sustainability |
| U0186963 | Reason - Waste |
| U0186964 | Reason - Parking |
| U0186965 | Reason - Trees |
| U0186966 | Reason - SuDS |

INFORMATIVES

| | |
|----------|-------------------|
| U0093658 | NPPF |
| U0093659 | Decision drawings |

DETAILED REASONS AND INFORMATIVES

DETAILED REASONS

U0186957 Reason - Loss of employment land

The scheme, by reason of the loss of existing employment floorspace and in the absence of robust and compelling evidence that clearly demonstrates that there is no longer a demand for an employment generating use in this location and that there is not likely to be in the foreseeable future, or a sequentially preferable use, would reduce employment opportunities within the locality contrary to the aims of the Council's employment policies. The proposal therefore fails to comply with Policy E2, E4, and E7 of the London Plan, Policies LP40 and LP42 of the Local Plan (2018) and policies 22 and 24 of the Publication Local Plan as supported by the Greater London Authority (GLA) Industrial Land Supply Study (2023), the Employment Land and Premises Needs Assessment (December 2021) and Employment Land and Premises Needs Assessment Update (April 2023).

U0186958 Reason - Redevelopment

In the absence of justification to demonstrate that the existing development is incapable of improvement or conversion to a satisfactory standard and absence of demonstrable benefits, the scheme has failed to demonstrate that the replacement of the existing dwelling would bring benefits above that possible from retaining and refurbishing the existing property, contrary to, in particular, policies LP20, LP22 and LP38 of the Local Plan (2018) and policies 2, 3, 4, 7, 14 and 28 of the Publication Local Plan.

U0186959 Reason - Design

The proposed development, by reason of its bulk, massing and design, in combination with its proximity to site boundaries would result in an overly dominant and incongruous form of development causing harm to the street scene and immediate locality. The proposal consequently fails to comply with Policies LP1 and LP39 of the Local Plan (2018), policies 28 and 15 of the emerging local plan and the Design Quality SPD and Small and Medium Housing Sites SPD.

U0186960 Reason - Neighbour amenity

The scheme, by reason of its proposed siting, height, bulk and proximity to boundaries would constitute an unneighbourly, visually intrusive and overbearing form of development which would adversely impact on the residential amenities enjoyed by the occupants of neighbouring properties, in particular No. 26 Buxton Avenue. The proposed development, by reason of upper floor windows offering direct views in close proximity to primary amenity spaces serving adjacent properties, will result in overlooking and a loss of privacy into neighbouring sites, in particular No. 26 Buxton Avenue and No. 13 Fitzgerald Avenue. Additionally, in the absence of information including a satisfactory acoustic assessment, the applicant has failed to demonstrate that the proposed Air Source Heat Pumps will not have a detrimental and unacceptable impact on the amenities of neighbouring properties in terms of noise. The proposed development would therefore fail to comply with the NPPF and Local Plan, in particular Policy LP8 and LP10 of the Local Plan (2018), policy 46 and 53 of the Publication Local Plan as well as the Councils Noise generating and noise sensitive developments SPD and Residential Development Standards SPD.

U0186961 Reason - Affordable Housing

In the absence of a legal agreement to secure an appropriate contribution towards off-site affordable housing, or verification of evidence to demonstrate that a contribution is not viable, the scheme fails to address the recognised housing need and will be contrary to, in particular, to Local Plan Policy LP36, Publication Local Plan Policy 11, Supplementary Planning Document on Affordable Housing (2014) and the National Planning Policy Framework.

U0186962 Reason - Sustainability

In the absence of a satisfactory completed BREEAM Pre-assessment, the scheme fails to demonstrate that it will achieve the highest standards of sustainable design and construction to mitigate the effects of climate change, or otherwise justify a lesser standard, and thereby fails to comply with the aims and objectives of policies, in particular, policies LP20 and 22 of Local Plan (2018), policies 3, 4 and 6 of the Publication (Reg 19) Local Plan and Supplementary Planning Document 'Sustainable Construction Checklist'.

U0186963 Reason - Waste

In the absence of information relating to the capacity of the proposed refuse stores the proposal fails to demonstrate that it can provide satisfactory refuse storage arrangements for the proposed development and the proposal is therefore considered to be contrary to policy LP24 of the Local Plan, policy 7 of the emerging local plan and the Councils Refuse SPD.

U0186964 Reason - Parking

By reason of the quantum of parking provided for the Class E unit and in the absence of satisfactory information relating to likely vehicular parking demand from the proposed development and adequate cycle storage provision, the application fails to deliver a sustainable form of development, would impede the free flow of traffic to the detriment of highways safety, other road users and pedestrians, and would not align with the Council's policies promoting the use of active and sustainable travel. As such, the application fails to comply with Policies LP44 and LP45 of the Local Plan (2018), Policies 47 and 48 of the Publication Local Plan, policies T5 and T6 of the London Plan and the Council's Transport SPD (June 2020).

U0186965 Reason - Trees

In the absence of a satisfactory Arboricultural Impact Assessment and Method Statement, the proposal fails to demonstrate that the proposals would not have a detrimental impact, whether directly or indirectly, on trees within the surrounding area. As such, the proposal is in conflict with the Richmond Local Plan (2018) in particular Policy LP16 of the Local Plan and policy 42 of the emerging local plan.

U0186966 Reason - SuDS

In the absence of a satisfactory SuDS, the proposed development has failed to demonstrate that it would minimise flooding from surface water and would fail to comply with the aims and objectives of policy LP21 of the Local Plan, policy SI13 of the London Plan and policy 8 of the Publication Local Plan, as supported by the Strategic Flood Risk Assessment.

DETAILED INFORMATIVES

U0093658 NPPF

In accordance with paragraphs 38-42 of the National Planning Policy Framework, Richmond upon Thames Borough Council takes a positive and proactive approach to the delivery of sustainable development, by:

- o Providing a formal pre-application service
- o Providing written policies and guidance, all of which is available to view on the Council's website
- o Where appropriate, negotiating amendments to secure a positive decision

- o Determining applications in a timely manner.

In this instance:

- o The applicants sought formal pre-application advice, however, this was not followed and the scheme remained contrary to policy and guidance, and therefore refused without delay.

U0093659 Decision drawings

For the avoidance of doubt, the following drawings were taken into account in the assessment of this application:

P005; P004; P002; P003; P001; P009; P007; P008; P006; P011 and P010 received 26 March 2024

END OF SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION
24/0789/FUL

FUL Applications

Making an Appeal – Summary Guidance

Whether to appeal

If the Local Planning Authority (LPA) turn down your application, you should look carefully at the reasons why they turned it down before you make an appeal. You should speak to the LPA to see if you can sort out the problem - perhaps by changing your proposal. An appeal should only ever be a last resort.

Type of appeal:

Planning Application

Appeal time:

Within six months of the date of the council's decision letter.

Who can appeal?

The applicant or their agent may lodge an appeal.

The right of appeal:

You can appeal against the council's decision:

- If you applied to the Local Planning Authority and they:
 - Refused permission;
 - Gave permission but with conditions you think are inappropriate;
 - Haven't approved the details of a scheme which they or the Secretary of State have already given outline planning permission for or;
 - Have approved the details of a scheme but with conditions you think are inappropriate or unreasonable.
- If the LPA rejected a proposal arising from a condition or limitation on a planning permission.
- If the LPA don't decide your application within the time allowed. Normally the time allowed is eight weeks from when they accept your application.
- If the LPA told you they needed more information before they could decide your outline planning application, but you do not want to supply this.

You will make your appeal to the Department for Communities and Local Government of which the Planning Inspectorate is a part. Most are decided by specialist officers in the Planning Inspectorate. Only the person or business applying for consent to display an advertisement may appeal. If the council issues a discontinuance notice, only those on whom the notice is served may appeal.

The appeal process:

Appeals must be made

- Online at www.planninginspectorate.gov.uk, or
- Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

It will be expected that all appeal documentation will be submitted electronically.

The process is fully documented on the website of the Planning Inspectorate www.planninginspectorate.gov.uk, however in summary there are three main types of appeal:

Written procedure:

Written evidence is considered from the applicant/agent/business and the council. The council will send copies of any letters of objection or support they received when considering your application. Within six weeks of the Inspectorate receiving your appeal forms the council will send a copy of their statement to the Inspectorate. You must make any comment on these within three weeks.

Hearing procedure:

Hearings allow you and the council to exchange views and discuss your appeal. Before the hearing the council will send a copy of their statement to you and the Inspectorate. You can comment on their statement in writing otherwise the Inspectorate will treat the reasons given in your appeal form as the basis of your case for discussion.

Hearings are usually held in council offices. The Inspector leads the discussion and invites the people involved to put their points across. The Inspector will visit the site unaccompanied before the hearing and will make a further accompanied visit as part of the hearing.

Inquiry procedure:

Inquiries are normally for large-scale applications. A public inquiry is a formal procedure in which both parties have legal representation.

Making your views known on someone else's appeal:

The LPA will notify anyone who took part in the consultations when you first applied for permission that you are appealing. For appeals decided by hearing or inquiry the LPA will tell interested people when and where this will be and let them know that they can attend. The Inspectorate will also take account of the views of certain groups who have a right to comment, for example, owners of a site, local amenity groups and so on.

Costs:

Normally you and the council will pay for your own expenses in an appeal. You can only claim costs when you can show that the council have behaved in an unreasonable way causing unnecessary expense.

Who to contact?

The Planning Inspectorate

Website www.planninginspectorate.gov.uk

Email enquiries@pins.gsi.gov.uk

Telephone 0303 444 5000

Write to Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

London Borough of Richmond upon Thames

Website www.richmond.gov.uk/planning

Email planningappeals@richmond.gov.uk

Telephone 020 8891 1411 for advice

Write to The Appeals Officer, Development Control, Civic Centre, 44 York Street, Twickenham TW1 3BZ