

INFILL DEVELOPMENT STATEMENT
TO SUPPORT PLANNING APPLICATION FOR
CONSTRUCTION OF PART TWO STOREY AND PART SINGLE STOREY ATTACHED DWELLINGHOUSE;
PROVISION OF REFUSE / RECYCLING STORAGE, AND AMENITY SPACE
AND
ASSOCIATED ALTERATIONS TO 15 TAYBEN AVENUE;
(FOLLOWING DEMOLITION OF EXISTING WORKSHOP / STORAGE TO 15 TAYBEN AVENUE,
GARAGE TO 13 TAYBEN AVENUE
AND
RE-POSITION OF BOUNDARY)

1. INTRODUCTION

This **Infill Development Statement** is submitted in support of the planning application, to the London Borough of Richmond Upon Thames Planning department (the “Council”), for the:

- Demolition of the existing garage to 13 Tayben Avenue,
- Demolition of the existing storage / home workshop to 15 Tayben Avenue,
- Removal and re-positioning of boundary between 13 and 15 Tayben Avenue,
- Erection of a two storey extension with rear single storey extension to the side of 13 Tayben Avenue to form a new self-contained dwelling (the “Proposed”), and
- Associated alterations to 15 Tayben Avenue; (the “Proposed Development”).

Where, in this Statement:

- Measurements are given, they are approximates and in metres.
- Extracts of plans, maps and or drawings are shown, they are not to scale.
- Photographs are shown, they are also not to scale and, unless otherwise stated, are as at 2023.
- Lettering and numbers are in:
 - ‘curved’ brackets, they are drawing numbers of architectural plans.
- Quotations are coloured in:
 - **Brown**, they are text from the quoted caselaw; and
 - **Blue**, they are text from the quoted planning legislation / policy / guidance.

The planning application for the Proposed Development (the “Planning Application”) is essentially an amended submission for the development proposed under planning application 22/3276/FUL (the “Original Planning Application”). The Original Planning Application was refused by the Council on 12.05.2023.

The matter was referred to appeal, under appeal reference APP/L5810/W/23/3332811 (the “Appeal”). The Appeal was assessed by Inspector C Livingstone MA (SocSci) (Hons) MSc MRTPI (the “Inspector”) on 23.07.24. The Inspector dismissed the Appeal on 23.07.2024 (the “Appeal Decision”) because “...*there is no suitable mechanism before me to secure an affordable housing contribution or restrict parking...*”; i.e. no completed Unilateral Undertaking, pursuant to section 106 of the of the Town and Country Planning Act 1990 (as amended) had been provided.

2. PLANNING POLICIES & GUIDANCE

The Applicant understands the following:

- Below legislation / national policy is the London Plan, which forms part of the ‘development plan’.

- The 'development plan' contains a set of policies and guidance for development of the borough and the Council's 'local plan' (adopted by the Council on 03.072018) (the "Local Plan") also forms part of this 'development plan'.
- The legislation provides that planning decisions must be taken in accordance with the 'development plan' unless there are material consideration that indicate otherwise.
- The Council's Local Plan is within the framework of material planning considerations.
- The Council's Supplementary Planning Documents ("SPD") provide greater detail on policies.
- The Council have prepared a new 'local plan'. This was made available for public consultation on 09.06.2023 and this ended on 24.07.24. The Applicant understands that, by submitting the Richmond Publication Version Local Plan (Regulation 19 version) (the "Draft Plan") for independent examination, the Council has formally confirmed its intention to adopt the Draft Plan and its supporting documents is now a 'material planning consideration'.

2.A. National / Development & Local Plan Policies

The main development plan policies are as follows:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Nationally Described Space Standards (2015)
- London Plan Guidance Fire Safety Policy D12(A) Pre-Consultation Draft, March 2021
- Building Regulations
- London Plan 2021
 - Policy D12
 - Policy SI 15 – Water Infrastructure
 - Policy GG 6 – Increasing Efficiency and Resilience
 - Chapter 6 – London's Transport
- Local Plan
 - Policy LP 1 Local Character and Design Quality
 - Policy LP 2 Building Heights
 - Policy LP 8 Amenity and Living Conditions
 - Policy LP 21 Flood Risk and Sustainable Drainage
 - Policy LP 22 Sustainable Design and Construction
 - Policy LP 34 New Housing
 - Policy LP 35 Housing Mix and Standards
 - Policy LP 36 Affordable Housing
 - Policy LP 37 Housing Needs of Different Groups
 - Policy LP 39 Infill, Backland and Backgarden Development
 - Policy LP 45 Parking standards and servicing

2.B. LBRUT's Supplementary Planning Documents / Guidance

The main SPDs are as follows:

- House Extensions and External Alterations SPD (2015) ("HEAEA SPD")
- Residential Development Standards SPD (2010) ("RDS SPD")
- Sustainability Construction Checklist SPD (2011) (SCC SPD")
- Design Quality SPD (2006) ("DQ SPD")
- Planning Obligations SPD (2014) ("PO SPD")
- Affordable Housing SPD (2014) ("AH SPD")
- Refuse and Recycling Storage Requirements SPD (2015) ("RARSR SPD")
- Front and Other Off-Street Parking Standards (2006) ("FAOOSPS SPD")

2.C. Principle of Infill Development

Chapter 5 of the revised National Planning Policy Framework (NPPF) encourages local planning authorities to ‘boost significantly the supply of housing’, to ‘deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities’.

Paragraph 1.1.4 of the Local Plan states:

“The policies as set out in this Local Plan follow the approach of the presumption in favour of sustainable development and show how it is expressed locally.”

Paragraph 9.6.1 of the Local Plan states:

“Infill development is considered as sites within street frontages including the development of a small gap in an otherwise built up frontage... Each site will be assessed as to whether it is considered suitable for development.”

Paragraph 17.72 of Draft Plan states:

“The London Plan expects a fundamental transformation in how new homes are delivered. Infill sites may be small-scale. Further details are set out under Policy 16 Small Sites, in support of London Plan Policy H2 on Small Sites which expects boroughs to pro-actively support new homes on small sites, and the specific nature of proposals on small sites.”

Paragraph 17.83 of Draft Plan states:

“[the London Plan expects the Local Plan]...to recognise that local character evolves over time. Small sites provide the opportunity for communities to grow organically while maintaining their original character or evolving it incrementally based on a consensual approach.”

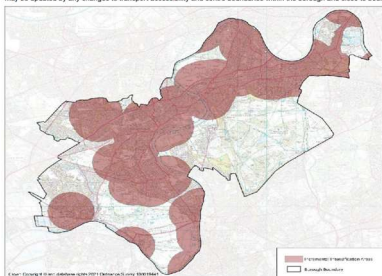
Paragraph 17.80 of Draft Plan states:

“For Richmond, it [the London Plan] expects 2,340 net housing completions on small sites (below 0.25 hectares in size) over the 10 year period from 2019/20 to 2028/29.”

Paragraph 17.82 of Draft Plan states:

“The London Plan expects incremental intensification of existing residential areas within PTALs 3-6 or... This currently covers approximately 54% of the borough (see Map 17.1 below)... Within these areas incremental intensification is actively encouraged;... This type of intensification can take a number of forms, such as: new build, infill development...”

Map 17.1 Map of the Areas for Incremental Intensification areas set in the London Plan. (Note this represents a snapshot at the current time, as it may be updated by any changes to transport accessibility and centre boundaries within the borough and close to boundaries)



Map 17.1

Policy 16A of the Draft Plan states:

“The Council will support the delivery of the small sites target of 234 new homes per annum in accordance with London Plan Policy H2.”

Consequently, Policy 16B. of the Draft Plan states:

“In accordance with the London Plan, intensification is encouraged on small sites with good public transport accessibility (PTAL 3-6).”

Policy 16D. of the Draft Plan states:

“The Council will support proposals for well-designed new homes on small sites (up to 0.25 hectares) to meet local needs, in accordance with environmental, transport, parking and other relevant policies, see Policy 15 'Infill and Backland Development'.”

2.D Infill Development

Policy LP1 of the Local Plan states:

“Development proposals will have to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance, and take opportunities to improve the quality and character of buildings, spaces and the local area... All proposals, including extensions, alterations and shopfronts, will be assessed against the policies contained within a neighbourhood plan where applicable, and the advice set out in the relevant Village Planning Guidance and other SPDs relating to character and design.”

Paragraph 4.1.3 of the Local Plan states:

“This policy requires developers and applicants to take a sensitive approach to the architectural design of new buildings, extensions and modifications to existing buildings, as well as landscape proposals... Schemes should be based on a sound understanding of the site and its context, following the locally specific guidance set out in the Village Planning Guidance SPDs.”

Paragraph 4.1.4 of the Local Plan states:

“The purpose is to maintain, reinforce and where possible enhance the local character and features that give the area its distinctive and clear identity... New development should respect existing street and development patterns.”

Paragraph 4.1.5 of the Local Plan states:

“The Council will expect the use of high quality materials and planting reflecting the local character... where this contributes positively to the appearance and character of an area.”

Paragraph 4.1.6 of the Local Plan states:

“The space between buildings should be respected and development be in harmony with surrounding buildings.”

Policy 16D. of Draft Plan states:

“Proposals on small sites are expected to:

- 1. Demonstrate a character- and design-led approach...”*

Paragraph 20.2 of Draft Plan states:

“It is expected that applicants and developers follow the guidance and advice set out in the Urban Design Study and the Village Planning Guidance SPDs when considering the design and character-led approach to development.”

Paragraph 20.7 of Draft Plan states:

“Developments should demonstrate an appreciation and understanding of vernacular, local character and architectural precedents in the local area, whilst not preventing or discouraging appropriate innovation and design.”

Paragraph 20.8 of Draft Plan states:

“Policy D1 of the London Plan addresses the issue of understanding character and context, noting that an understanding of the character of a place helps to ensure an appropriate balance is struck between existing fabric and any proposed change. As change is a fundamental characteristic of London, respecting character and accommodating change should not be seen as mutually exclusive.”

Policy LP2 of the Local Plan states:

“The Council will require new buildings, including extensions... to respect and strengthen the setting of the borough’s valued townscapes and landscapes, through appropriate building heights...”

Paragraph 4.2.1 of the Local Plan states:

“The borough is characterised primarily by low to medium-rise residential development patterns, which has produced very attractive townscapes...”

LP39A of the Local Plan states:

“All infill and backland development must reflect the character of the surrounding area... In considering applications for infill and backland development the following factors should be addressed:

- 1. Retain plots of sufficient width for adequate separation between dwellings;*
- 2. Retain similar spacing between new buildings to any established spacing;*
- 3. Retain appropriate garden space for adjacent dwellings;*
- 4. Respect the local context, in accordance with policy LP 2 Building Heights;*
- 5. Enhance the street frontage (where applicable) taking account of local character;*
- 6. Incorporate or reflect materials and detailing on existing dwellings, in accordance with policy LP 1 Local Character and Design Quality;*
- 7. Retain or re-provide features important to character, appearance or wildlife, in accordance with policy LP 16 Trees and Landscape;*
- 8. Result in no unacceptable adverse impact on neighbours, including loss of privacy to existing homes or gardens, in accordance with policy LP 8 Amenity and Living Conditions;*
- 9. Provide adequate servicing, recycling and refuse storage as well as cycle parking;*
- 10. Result in no unacceptable impact on neighbours in terms of visual impact, noise or light from vehicular access or car parking.;...”*

Paragraph 9.6.2 of the Local Plan states:

“It is important that infill development reinforces the character of streets by reflecting the scale, mass, height, form, fenestration and architectural details of its neighbours.”

Paragraph 9.6.3 of the Local Plan states:

“In considering new infill development the width of the remaining and the new plot should be similar to that prevailing in the immediate area and the established spacing between dwellings, building line and height should be maintained.”

Chapter 1 of the SAMHS SPD considers the components that constitute the ‘character’ of residential areas and these components include:

“Street Proportion - The ratio of building heights against the width of the street (between opposite building lines).”

“Plot, Layout and Grouping – The arrangement of streets and the relationship between homes and the street.”

“Building Line – The line formed by the set back of the main frontages from the street.”

“Frontage Composition – The arrangement of detailing and fenestration.”

“Roofline – The design and arrangement of roofs.”

“Materials – The materials used for the construction of all elevations including walls, roofs, fenestration, doors, gutters and associated structures such as boundary treatments.”

Paragraph 2.4 of the SAMHS SPD states:

“The ratio of built frontages to the gaps between buildings should be maintained through similar proportions. In this manner the dominant arrangement of dwellings (terraced, semi-detached, detached) will tend to be replicated”.

Paragraph 2.5 of the SAMHS SPD states:

“Houses should front on to streets as dictated by the dominant building line and not by the desire to create forecourt parking. Where a street is composed of more elaborate house designs, which include set backs and protrusions from the main frontage, there will in effect be a series of building lines to follow and the appropriate design response will need to demonstrate an understanding through similar proportions. The same principle will apply in mixed streets where the building line may be less formal. In such circumstances the frontage of the development will need to be designed to reflect this and could create a link through the use of protrusions and set backs.”.

Paragraph 2.6 of the SAMHS SPD states:

“The horizontal and vertical arrangement of facades should balance with neighbouring elevations and the street scene... The proportions and rhythm of windows and doors from surrounding buildings, as well as any characteristic arrangements of materials, form a ‘language’ which will provide visual cues to the design of frontages. The degree of reproduction or reflection of these elements will depend on the formality of the street. In streets where there is no defined pattern of details there may be little ‘context’ to comply with and therefore a greater opportunity for a distinctive design; there will often, however, be underlying vertical or horizontal patterns which should shape the design of the façade.”

The ‘Introduction’ section to the TVPG SPD states:

“[This SPD] ...will assist in defining, maintaining and enhancing the character of Twickenham, and provide guidance in this regard... By identifying key features of the village, the SPD clarifies the most important aspects and features that contribute to local character to guide those seeking to make changes to their properties or to develop new properties in the area, as well as being a material consideration in determining planning applications... The main part of this SPD is a series of character area assessments for the different areas of Twickenham. The character areas have been identified through the similarity of key features that are deemed to define their individual local character...”

The TVPG SPD states:

“The area is characterised by the dramatic contrast in scale, from the giant stadium to the modest semi detached inter-war housing along Whitton Road and Chertsey Road.”

The TVPG SPD states:

“A number of housing developments in the form of culs-de-sac exist in the area, often the result of infill development...”

Policy 16.D.3 of Draft Plan states:

“The Council will support proposals for well-designed new homes on small sites (up to 0.25 hectares) to meet local needs... Proposals on small sites are expected to:

1. Demonstrate a character- and design-led approach by setting out how the proposed development takes into account the existing context, assessing the site and surrounds for the sensitivity to change... In particular:...

3. Ensure a sensitive integration into the existing streetscene, respecting the proportions and spaces of and between existing buildings that are characteristic of the locality...”

When considering paragraphs 3.2.8 of the RDS SPD and 5.2.3 of the HEAEA SPD, it states: “Development which would result in the significant reduction of an existing important space or gap between neighbouring houses, is not normally acceptable.”

Paragraph 5.2.3 of the HEAEA SPD states:

“Infilling of gaps – Development, which would result in the significant reduction of an existing important space or gap between neighbouring houses, is not normally acceptable. In conjunction with existing extensions to neighbouring buildings this can have a terracing effect on the street. Consequently, two storey side extensions should be sited 1m from the side boundary (see figure 7).”

[Figure 32].

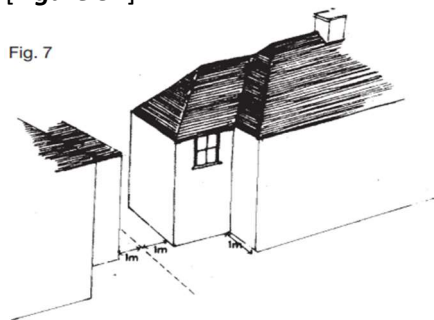
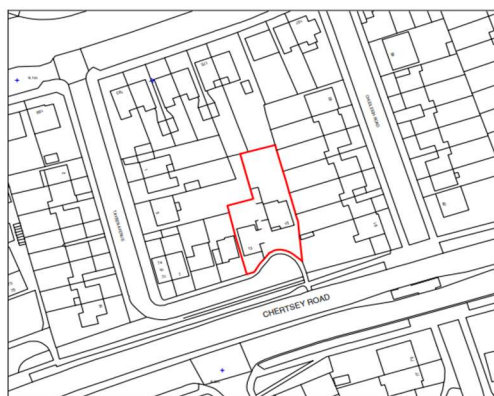


Figure 32.

3. ASSESSMENT OF THE APPLICATION SITE, PROPOSED SITE AND IMMEDIATE SURROUNDING AREA

3.A. The Application Site

The Application Site is identified by red edging on the ‘location plan’ (TP-574/NH01). An extract of the said ‘location plan’, is at **Figure 1**.



LOCATION PLAN
1 : 1250 SCALE

0m 10m 20m 30m 40m 50m 60m 70m 80m 90m 100m
SCALE @ 1:1250

Figure 1.

The Application Site is on the northern side of Tayben Avenue and at the end of a cul-de-sac. The Application Site consists of 13 and 15 Tayben Avenue, Twickenham, TW2 7RA and is 22.1m wide.

3.A.i 13 Tayben Avenue

13 Tayben Avenue is a two storey private self-contained 3 bedroom detached residential dwelling, extended into the loft with attached garage.

The garage is in poor condition and is not of sufficient size to accommodate a modern day car and is considered not fit for purpose. A photograph, showing the condition of the garage from the front elevation is at **Figure 2**.



Figure 2.

Garage to 13 Tayben Avenue



Figure 3.

Refuse / recycling in bushes opposite 13 Tayben Ave

The garden is located towards the rear of the dwelling and is 91sqm. This garden can be accessed from the bi-folding doors at the rear of the dwelling on the ground floor. The garden can also be accessed from the side accessway (0.875m wide) between the front elevations of 11 and 13 Tayben Avenue.

The said dwelling does not benefit from a designated refuse / recycling area. Such refuse / recycling consequently often ends up being blown into the bushes opposite, attracting vermin. A photograph showing some refuse / recycling in the bushes is at **Figure 3**.

3.A.ii. 15 Tayben Avenue

15 Tayben Avenue is also a two storey private self-contained 3 bedroom detached residential dwelling, extended into the loft. The dwelling has however also been extended to the side and rear by way of single storey extensions, approved under planning application 17/3348/HOT. Historically, the dwelling also benefitted from a 'car port'. This 'car port' however is now sheltered top to bottom from all sides and has been used, for many years, as a storage / home workshop / home gym area behind the closed wooden double gates. This area is in average condition and has a 'gloomy' look, given the plastic shelters and wooden gates. A photograph of the said gates and shelter is at **Figure 4**.

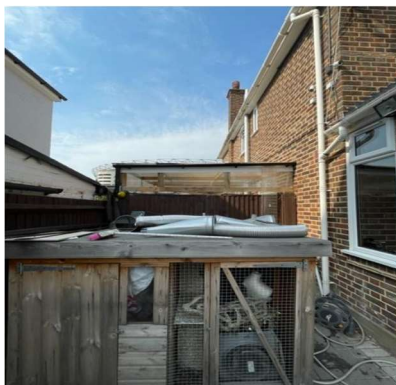


Figure 4.

Double gated sheltered area to 15 Tayben Ave



Figure 5.

Existing front and side elevations

The garden is again located towards the rear of the dwelling and is approximately 171sqm. This garden can be described as exceptionally large when compared to the gardens of the other dwellings in Tayben

Avenue. The said garden can be accessed from the bi-folding doors at the rear of the dwelling on the ground floor and the single storey side extension. The garden can also be accessed from the side accessway (2m wide) to the east of the dwelling between the front elevation of 15 Tayben Avenue and the rear gardens of 81 – 91 Chudleigh Road.

3.A.iii 13 & 15 Tayben Avenue

Extracts of the plans to the ‘existing front and side elevations’ to the Appeal Site (TP-574/NH06) and to the ‘rear existing elevations’ to the Appeal Site (TP-574/NH07) is at **Figures 6** and **7**.



Figure 6.

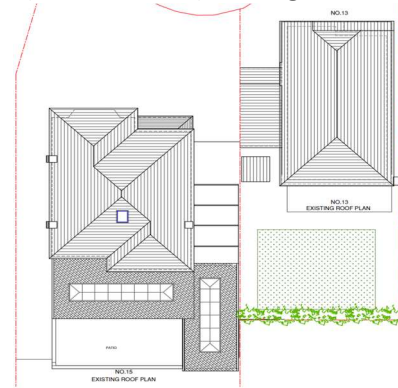


Figure 7.

Existing rear elevations

Existing roof plans

3.B. **The Proposed Site**

The Proposed is to be located within the Application Site, between 13 Tayben Avenue and 15 Tayben Avenue, measuring 5.2m wide and has a total area of 83.8m² (the “Proposed Site”). The Proposed Site therefore currently consists of the:

- Garage and part of the surrounding side land adjoining 13 Tayben Avenue,
- Existing storage / home workshop / gym area and part of the surrounding side land adjoining 15 Tayben Avenue, and the
- Airspace between 13 and 15 Tayben Avenue.

An extract of the ‘existing roof plan’ (TP-574/NH05), showing the Proposed Site within the Application Site is at **Figure 7**.

3.C. **Surrounding Immediate Area**

3.C.i. Whitton Road, Twickenham, TW2

As can be seen from the ‘location plan’ (TP-574/NH01) and **Figure 1**, Tayben Avenue is accessed to and from a ‘main road’; Whitton Road. The area, in general, is predominantly residential. Twickenham Stadium, the Marriot Hotel and Virgin Active Health Club however is to the north / north east of the Appeal Site, on Whitton Road.

To the south of Tayben Avenue is the A316 Chertsey Road. The view of the Proposed Site from across the A316 Chertsey Road reveals (1) the first floor elevations of the dwelling to the south side of Tayben Avenue, (2) the rear elevation and loft extension to 175 Whitton Road, Twickenham, TW2 7QZ, (2) the tinted windows of the Marriot Hotel and (3) the top of Twickenham Stadium. A photograph, showing the above view is at **Figure 8**.



Figure 8.

View of Proposed Site from across A316 Chertsey Road

2.C.ii. Tayben Avenue, Twickenham, TW2 7RA

Types of Dwellings in Tayben Avenue (1 to 16 Tayben Avenue inclusive)

Tayben Avenue consists of 11 semi-detached and 5 detached dwellings, which are either single family units or have been sub-divided into single family units. The Avenue is therefore characterised by a mixture of the two types of dwellings but the 'dominant arrangement' within Tayben Avenue is semi-detached. The dwellings however vary in terms of their sizes, styles, plot widths / layouts, building line pattern and the proportions of the gaps between the said dwellings vary. This was acknowledged by the Inspector to the Appeal; extracts of the decision are referred to below.

Differing Sizes, Styles and Plot Widths / Layouts in Tayben Avenue - Northern Side (odd numbers 7A to 15 Tayben Avenue inclusive)

When considering size and style for example; whilst it appears numbers 7 and 13 Tayben Avenue were more or less identical in their original construction and numbers 9 and 11 likewise, with 15 Tayben Avenue unlike any other, each dwelling has been altered and the dwellings consequently differ. Such alterations include single storey rear extensions, loft extensions, double storey side extensions or a combination of the aforementioned. This can be seen from the 'location plan' (TP-574/NH01), **Figure 1** and a screenshot taken of the said dwellings from 'Google Street View', at **Figure 9**.



From left to right: 7A and 7B&C, 9, 11A&B, 13 and 15 Tayben Avenue.

Figure 9.

When considering the plot widths, 15 Tayben Avenue has the largest plot width (12.8m) and 7A Tayben Avenue has a much slimmer plot (5.2m). This can be seen from **Figure 1** and the photographs at **Figures 10** and **11**.



Figure 10.

Left to Right: 7A (and B&C) Tayben Avenue



Figure 11.

15 Tayben Avenue

Differing Sizes, Styles and Plot Widths / Layouts in Tayben Avenue - Eastern Side (odd numbers 1 to 5 Tayben Avenue inclusive)

On the eastern side of Tayben Avenue; it is clear that number 5 is of different size, style and plot width / layout to numbers 1 and 3 Tayben Avenue. This can be seen from the 'location plan' (TP-574/NH01), **Figure 1** and the photographs at **Figures 12 and 13**.



Figures 12.

Left to Right: 1 and 3 Tayben Avenue



Figure 13.

5 Tayben Avenue

Differing Plot Widths / Layouts in Tayben Avenue – Western Side (even numbers 2 to 16 inclusive)

On the western side of Tayben Avenue; the plot widths and layouts vary further. For example, 16 Tayben Avenue has the largest plot (11m) and numbers 8 and 10 Tayben Avenue have much slimmer plot widths (6.1m) than the others on this side of the Avenue. This example can be seen from **Figure 1** and the photographs at **Figures 14** (taken in October 2023) and **15**.



Figure 14.

Left to Right: 10 and 8 Tayben Avenue



Figure 15.

16 Tayben Avenue

It is therefore clear that there is no one particular plot width 'prevailing' (i.e. a particular plot width that has the most importance or influence) when considering the character of the Avenue, as the plot widths vary.

This was noted by the Inspector to the Appeal who stated: *"There is a large degree of variance in terms of architectural styles and plot widths on the whole of Tayben Avenue. This is particularly evident on the southern end close to the appeal site where each property is unique, due to variance in plot widths, original architecture, or subsequent extensions."*

Reduction of Gaps Between Dwellings by Alterations & Extensions in Tayben Avenue – Northern Side (odd numbers 7A to 15 Tayben Avenue)

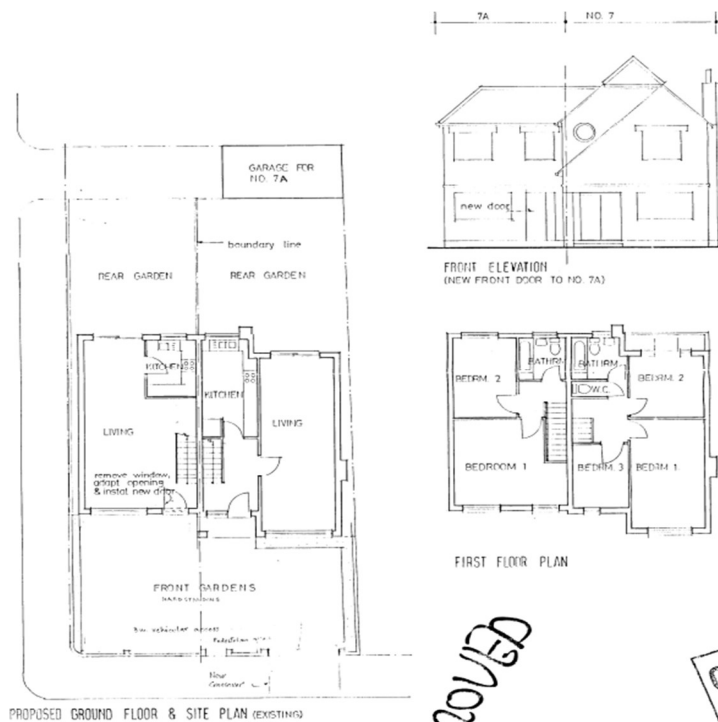
As mentioned, a number of dwellings on the northern side have been altered.

7 Tayben Avenue

For example; 7 Tayben Avenue was extended by a double storey side extension and converted into two self-contained dwellings, thereby forming a pair of 'unbalanced' semi-detached dwellings. This development was approved by the Council under permission 02/0421. An extract of the 'proposed' plans to the permission is at **Figure 16**. The Appellant understands that the plot width to 7A Tayben Avenue is 5.2m (the same width as the Proposed Site). The original dwelling thereafter was granted permission to be subdivided into two self-contained units and the three dwellings are now known as 7A and 7B&C Tayben Avenue. This can be seen from the photograph at **Figure 17**.

9 Tayben Avenue

It is recognised that 9 Tayben Avenue also benefits from a double storey side extension, granted by the Council under permission 90/1496/FUL. Following development, the gap at first floor level between 7 and 9 Tayben Avenue has been reduced to 0.88m. This gap can be seen from the photograph taken across the A316 Chertsey Road and looking towards Tayben Avenue at **Figure 18**.



02/0421

Figure 16.



Left to Right: 7A and 7B&C Tayben Avenue



Fig. 17. View from across A316 of 7B&C and 9 Tayben

11 Tayben Avenue

The gap at first floor level between 9 and 11 Tayben Avenue has also been reduced to 0.7m by the development of a double storey extension to 11 Tayben Avenue, approved under planning appeal APP/L5810/W/17/3171398. This gap can be seen from the photograph, taken from across the A316 Chertsey Road and looking towards Tayben Avenue, at **Figure 19**.

The gap, of 0.875m, between 11A&B and 13 Tayben Avenue can also be seen from a photograph, taken from a similar position, at **Figure 20**.

All of the above was noted by the Inspector to the Appeal who stated: *“No.7 has been extended on its side elevation to create a separate dwelling. Other neighbouring properties in the area have also been extended, which has eroded the space between them resulting in only minimal gaps.”*



Figure 19. View from Across A316 of 9 and 11A&B T Ave

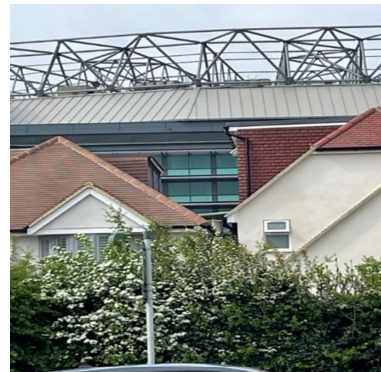


Figure 20. View from Across A316 of 11A&B and 13 Tayben Ave

With regard to 11 Tayben Avenue, when considering the ‘first’ appeal under appeal reference APP/L5810/W/16/3148614 (appeal dismissed), the inspector stated: *“Alterations to other dwellings in the area, such as roof extensions and side extensions are not untypical, including in respect of the adjoining property No 9. The space above a single storey garage on the western side of the appeal property provides a modest gap at first floor level between the appeal property and No 9.”*

The said inspector further concluded: *“Whilst I acknowledge that the two storey side extension would erode the gap that currently exists, this gap is not particularly characteristic of the group of four dwellings”*

When considering the ‘second’ appeal at 11 Tayben Avenue, under appeal reference APP/L5810/W/17/3171398 (appeal allowed), the inspector stated: *“The Inspector in a recent appeal*

decision relating to a similar proposal for the property concluded that the closing of the gap between the houses by the flank extension and the proposed side dormer would not be particularly harmful to the character and appearance of the area. These factors are not disputed by the parties. (Underlining added).

Moving on, the said inspector said: “...*the dwellings along this part of Tayben Avenue, including Nos 7, 9, 11 and 13 typically share a close relationship, whilst No 15, also a detached dwelling, is considerably more removed from this grouping of dwellings and is set further back from the road maintaining a substantially larger gap.*”

Indeed, as the gaps between the dwellings on the northern side of Tayben Avenue have been infilled, the character of this side of the Avenue has evolved. This has left the Proposed Site (5.2m) as the only substantial gap on the northern side of Tayben Avenue. Photographs of the said gaps, from view of the front elevations are at **Figures 21** and **22**.



Figure 21.

From left to right: 7A-C, 9, 11, 13 Tayben Ave



Figure 22.

Proposed Site

Consequently; 15 Tayben Avenue appears isolated from the rest of the grouped dwellings. This can be seen from the photographs taken from the road itself and from across the A316 Chertsey Road at **Figures 8, 9, 21** and **22**.

Staggered Building Line in Tayben Avenue – Northern Side (odd numbers 7A to 15 Tayben Avenue)

The building line of the dwellings on the northern side of the Avenue is in staggered formation; where odd numbers 7 to 15 (inclusive) are set back at the front elevation from the previous. For example, 15 Tayben Avenue is set back from number 13. 13 Tayben Avenue is set back from number 11A&B. 11A&B Tayben Avenue is set back from number 9. 9 Tayben Avenue is set back from 7B&C Tayben Avenue with 7A being set back from 7B&C Tayben Avenue. This can be seen from the ‘location plan’ (TP-574/NH01), **Figure 1** and the photograph at **Figure 23**.



Figure 23.

Northern side building line pattern



Figure 24.

Northern side rear elevation building line

The view of the Application Site, from a gap on the eastern side of Tayben Avenue, reveals the side elevations of the dwellings located on the northern side. This can be indicated by **Figure 1** and as shown in a photograph, as viewed from the eastern side of Tayben Avenue at **Figure 24**.

Opposite the Appeal Site / Proposed Site in Tayben Avenue – Southern Side (Bushes and Routes)

There are no immediate neighbours / accommodation opposite the Application Site / Proposed Site. The view of the Application Site from the A316 Chertsey Road is sheltered by a row of bushes circa. 3m in height. This can be seen in the photograph, as viewed from Tayben Avenue towards the A316 Chertsey Road at **Figure 25**.

The Avenue is a cul-de-sac and therefore is a ‘no-through road’ for motor vehicles. That said, the Avenue provides three pedestrian (and cycle) routes to and from the public footpath abutting Tayben Avenue and the A316 Chertsey Road. The said routes are located on the south side of Tayben Avenue, between the said bushes. The Appellant has marked the approximate positions of these three pedestrian (and cycle) routes with an “X” on **Figure 26**.



Figure 25.

Bushes opposite the Appeal Site

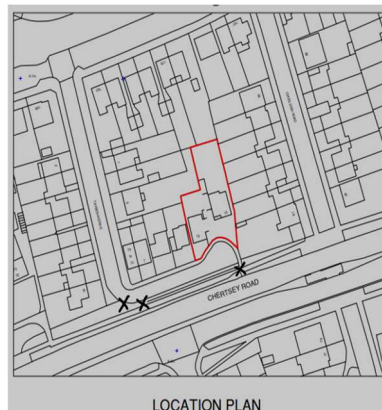


Figure 26.

Location of access routes marked with an “X”

The said routes can be seen in the photographs, as viewed from Tayben Avenue looking towards the A316 Chertsey Road, at **Figures 27, 28** and **29**.

The Applicant understands that the Council repairs and maintains the paving / floor to the said access routes and Transport For London maintains the bushes.



Access Routes: Figure 27.



Figure 28.



Figure 29.

4. PROPOSAL

The proposal involves the Proposed Development at the Proposed Site.

Each dwelling at the Application Site is to have separate garden and refuse areas and each dwelling will benefit from allocated off street cycle storage.

4.A Principle of Infill Development

The Proposed involves a double storey side extension to 13 Tayben Avenue and which is in between 13 and 15 Tayben Avenue. The Proposed will therefore constitute 'infill development'.

Whilst there is no automatic presumption that infill land is suitable for housing development, the Applicant understands that, given the Council have now updated their approach to 'infill development' by a new policy (Policy 16 of the Draft Plan) with regard to 'small sites' to reflect the London Plan, the Council should now support proposals for well-designed new homes on small sites, in accordance with other relevant policies.

The Applicant believes that the Council's policies set out an approach in favour of sustainable development and how this is to be expressed. That said, it is clear that there is no presumption against infill development and the Proposed should therefore be assessed without any prejudice.

4.B Infill Development Factors

LP39(A) states, in considering applications for infill development the following factors should be addressed:

1. Retain plots of sufficient width for adequate separation between dwellings;
2. Retain similar spacing between new buildings to any established spacing;
3. Retain appropriate garden space for adjacent dwellings;
4. Respect the local context, in accordance with policy LP 2 Building Heights;
5. Enhance the street frontage (where applicable) taking account of local character;
6. Incorporate or reflect materials and detailing on existing dwellings, in accordance with policy LP 1 Local Character and Design Quality;
7. Retain or re-provide features important to character, appearance or wildlife, in accordance with policy LP 16 Trees and Landscape;
8. Result in no unacceptable adverse impact on neighbours, including loss of privacy to existing homes or gardens, in accordance with policy LP 8 Amenity and Living Conditions;
9. Provide adequate servicing, recycling and refuse storage as well as cycle parking;
10. Result in no unacceptable impact on neighbours in terms of visual impact, noise or light from vehicular access or car parking.

When assessing the Proposed against Policy LP39A., it is important to consider the wording. Policy LP39A. begins by stating:

"All infill... development must reflect the character of the surrounding area...". (Underling added.)

As established, the character of Tayben Avenue is not one that is consistent but the dwellings are varied in terms of their types, styles, plot widths, layouts, building line formation and the proportions of gaps between the said dwellings vary, particularly after a number of double storey extensions.

4.B.(i) *Retain Plots of Sufficient Width for Adequate Separation Between Dwellings*

The Local Plan does not provide a definition for what is meant by “*sufficient width*” or “*adequate separation*”. The established spacings between 11 and 13 Tayben Avenue (0.875m) and between 15 Tayben Avenue and the rear boundaries of the properties on Chudleigh Road (2m) will be untouched and maintained by the Proposed Development. The 0.7m space between the Proposed and 15 Tayben Avenue is likewise sufficient and therefore each dwelling at the Appeal Site will have ‘sufficient width’.

Moving on, the view of the Proposed would be similar to those views from between the gaps of 7 to 13 Tayben Avenue. That is to say, the view would still reveal the Marriot Hotel windows and Twickenham Stadium to the rear. The harm to the street scene, as a result of the Proposed Development, would therefore be little, if any at all. In any event, when viewed from Tayben Avenue and the A316 Chertsey Road, the street scene is not really a picture postcard view or street. The gap is therefore not an important space or gap that needs protecting and nor is the gap characteristic of the dwellings on this part of Tayben Avenue, particularly after various double storey developments on this side of the Avenue. This was recognised by the Inspector to the Appeal who stated: “*Other neighbouring properties in the area have also been extended, which has eroded the space between them resulting in only minimal gaps... The proposed layout would leave a gap of approximately 1m between the proposed development and No.15. While this gap is small, it would reflect the minimal spacing of properties within the immediate area.*”

4.B.(ii) Retain Similar Spacing Between New Buildings to Any Established Spacing

When addressing Policy LP 39, paragraph 9.6.3 of the Local Plan states:

“... *the width of the remaining and the new plot should be similar to that prevailing in the immediate area and the established spacing between dwellings... should be maintained.*” (Underlining added.)

When considering the Application Site, the total width is approximately 22.1m wide. When considering the Proposed, the boundary to 13 and 15 Tayben Avenue is to be repositioned to the east, which will enlarge the total plot width of 13 Tayben Avenue. Following development, the remaining plot widths of 13 Tayben Avenue (6.6m) and 15 Tayben Avenue (10m) will be similar widths to the plot widths of other properties in the Avenue. Again, whilst there is no prevailing plot width in the Avenue, the plot width of the Proposed (5.2m) will be that similar to the precedent set by 7A Tayben Avenue (5.2m).

Again, the established spacing between numbers 11 and 13 Tayben Avenue is to be untouched and therefore the said spacing will be retained. A 0.7m space between the Proposed and 15 Tayben Avenue has been provided, which is similar to the space between 9 and 11, which is also 0.7m wide.

The Inspector to the Appeal concluded by stating:

“...*the proposed development would not have a harmful effect on the character and appearance of the area. As such the proposal is in accordance with Policies LP 1 and LP 39 of the LP which require that development is compatible with local character and that infill development is of a sufficient width for adequate separation between dwellings and retains similar spacing between new builds to any established spacing.*”

4.B.(iii) Retain Appropriate Garden Space for Adjacent Dwellings

LP39 does not provide that proposed gardens need to be of a specific size but states that the retention of appropriate garden space for adjacent dwellings should be addressed.

In terms of outdoor amenity space, notwithstanding the Proposed Development, the adjacent dwellings at 13 and 15 Tayben Avenue retain a generous amount of private amenity space for each, with access to and from the garden / front drive from the side and rear doors. The proposed garden is at the rear of the proposed dwelling, just like every other dwelling in the Avenue. Access will be

afforded through the rear and side doors to the Proposed and via the accessway between 13 and 15 Tayben Avenue, again similar to other properties in the Avenue.

With regard to the size of the proposed garden, the inspector at the appeal relating to 11 Tayben Avenue under APP/L5810/W/17/3171398 (appeal allowed) stated *“The appeal building backs onto a patchwork of small rear gardens...”*. The garden to the Proposed would be similar and will therefore benefit from an adequately sized functional rear garden. This was recognised by the Inspector to the Appeal who stated: *“The proposed plot would be smaller than other properties in the area. Nonetheless, the development would allow for a front and rear garden of a sufficient area given the capacity of the proposed dwelling. Further, due to the degree of variance within the existing street scene, the smaller than average plot would not clearly read as such.”*

4.B.(iv) Respect the Local Context, in Accordance with Policy LP 2 Building Heights

With regard to ‘height’; the Proposed’s ridge has been set down from the main roof ridge of 13 Tayben Avenue and therefore respects the low to medium rise residential development patterns of the borough, including the precedent set by 7A Taben Avenue.

4.B.(v) Enhance the Street Frontage (where applicable) Taking Account of Local Character

Whilst remembering the Draft Plan recognises change as a fundamental characteristic of London, when addressing the issues referred to in paragraph 9.6.2 of the Local Plan and Chapter 1 of the SAMHS SPD, the Applicant comments as follows:

Character of the Street – Types of Dwellings

The extract 1935 Ordnance Survey map in the TVPG SPD shows only the western side of Tayben Avenue having been constructed. The Applicant has marked the approximate position of Tayben Avenue with an “X” on the said extract at **Figure 31**.



1935 Ordnance Survey

Figure 31.

The TVPG SPD goes on to states:

“A number of housing developments in the form of culs-de-sac exist in the area, often the result of infill development...”

Since 1935, as the pressure for housing became greater, the road curved round and developed into the Avenue it is now. The character of Tayben Avenue is therefore in it of itself an ‘infill development’.

Character of Street - Scale, Mass, Height and Form

Moving on, to the types of dwellings in relation to ‘character’, the Proposed will create a semi-detached pair, thereby replicating the dominant arrangement of semi-detached dwellings.

With regard to 'scale' and 'mass'; the Proposed (4.5m wide) has been carefully considered and designed to be similar to that of 7A Tayben Avenue (4.8m wide). This will strengthen / reinforce the 'language' / balance of the Avenue, thereby assist with the overall symmetry of this side of the Avenue.

With regard to 'form', When considering the paragraph 5.2.3 of the HEAEA SPD, it states:

"In conjunction with existing extensions to neighbouring buildings this can have a terracing effect on the street. Consequently, two storey side extensions should be sited 1m from the side boundary (see figure 7)" (Figure 30) (underlining added)

Given the context, it is clear that the aim and objective of paragraph 5.2.3 of the HEAEA SPD is to promote development that does not result in a 'terracing effect'. Such 'terracing effect' can be seen by the developments at 51 and 53 Jubilee Avenue, Twickenham, TW2, shown in **Figure 33**.



Figure 33.

51 and 53 Jubilee Avenue, Twickenham, TW2

Whilst **Figure 32** shows such a separation, it is drawn in the context of *"existing extensions to neighbouring buildings"*. When considering the Proposed, neither 13 or 15 Tayben Avenue have existing two storey side extensions to have the potential to form a 'terrace effect'. Consequently, paragraph 5.2.3 of the HEAEA is not applicable and need not apply, in this case.

That said, the northern side of Tayben Avenue does not have a consistent building line / frontage and in fact is in a staggered formation. The inspector to the 'first' appeal relating to 11 Tayben Avenue stated: *"Moreover, the front setback at first floor level would assist in reducing the dominance and terracing effect of this element of the proposal... I therefore consider that the loss of the gap... would not result in any material harm to the character of the streetscape or area."*

The Proposed has therefore been carefully considered and designed by adopting similar alternative design techniques to avoid a 'terrace effect'. That is to say, the Proposed has been set back by 3.925m from the front elevation of 13 Tayben Avenue and projecting 2.162m in front of the front elevation of 15 Tayben Avenue. Whilst the rest of the gaps between the dwellings on the northern side of the Avenue are less than a metre, a 0.7m gap has also been provided between the Proposed and 15 Tayben Avenue. The Proposed has therefore been positioned in a 'staggered formation' with a 0.7m separation distance, not substantially different to the existing pattern of development on this part of Tayben Avenue, whereby the Proposed is set back from the front elevation of 13 Tayben Avenue but in front of 15 Tayben Avenue. This can be seen at **Figure 34**. Given the positioning, it is clear that no 'terrace effect' arises and the Proposed reflects the character of the surrounding area by following the existing dominant building line pattern and the established pattern has therefore been maintained whilst reinforcing the link with 15 Tayben Avenue.

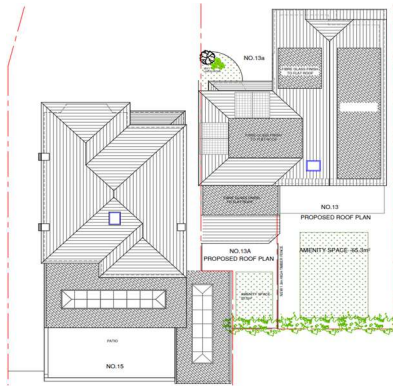


Figure 34.

This was recognised by the Inspector to the Appeal who stated: *“The proposed dwelling would be stepped back from the front elevation resulting in a staggered arrangement. This set back as well as the design, external materials and fenestration style would result in the dwelling reading as an extension to No13 and echoes the design approach taken for the additional dwelling at No.7. While it is acknowledged that this scheme was assessed against a previous Local Plan; it is an example of how a narrower plot can successfully be integrated within the street scene in this particular instance.”*

Fenestration and Architectural Details of its neighbours

With regard to fenestration and architectural details, *all materials will match the existing arrangement including fenestration style and colour.* Also, the installation of such solar panels would otherwise constitute permitted development. No objections should therefore be raised in this regard.

The Proposed would provide an opportunity to improve the quality and character of the buildings and spaces at the Application Site. For example, the Proposed would be an efficient use of the unattractive, not fit for purpose garage, shed and workshop / garage area. Moreover, the Proposed will involve a front entrance door, reflecting the developments at 7A and 7B&C and 11A&B Tayben Avenue. Further, the Proposed provides space for a designated refuse and recycling area for the Proposed and the immediate neighbour, which will improve the aesthetic nature and benefit the surrounding street scene.

Pedestrian (and cycle) Access & Egress

The Applicant believes that the majority of those pedestrians (and cyclists) using Tayben Avenue as a link from the Whitton Road to the A316 Chertsey Road will use the two routes on the south western side, given they are more or less directly opposite the access to and from Whitton Road. The fact that two routes have been created on this side of the Avenue would support this and certainly; people who are not previously aware of the route at the bottom of the cul-de-sac would use one of these first two routes. The majority of those walking from the south east to arrive on Whitton Road would most likely use one of the adjoining roads such as Chudleigh or Palmerston Road.

The Applicant therefore believes that the extent passing would be minimal given the other easier routes. Consequently, any suggested harm would be minimal.

4.B.(vi) Incorporate or reflect materials and detailing on existing dwellings, in accordance with LP 1 Local Character and Design Quality;

The properties in Tayben Avenue are constructed and altered in a variety of materials such as bricks, painted render and roughcast render etc.

The architectural form of the proposed is consistent with the existing and therefore positively contributes to the character and appearance of the area. In light of all of the above including the architectural details being similar to the existing dwelling and adjoining property, the Proposed is not considered to cause harm to the street scene and is considered to be in harmony with the character, appearance of the host dwelling and compatible with the existing character of the area in general.

4.B.(vii) Retain or re-provide features important to character, appearance or wildlife, in accordance with policy LP 16 Trees and Landscape;

There are no such features.

4.B.(viii) Result in no unacceptable adverse impact on neighbours, including loss of privacy to existing homes or gardens, in accordance with policy LP 8 Amenity and Living Conditions;

Please see Residential Standards Statement.

4.B. (ix) Provide adequate servicing, recycling and refuse storage as well as cycle parking;

Again, the efficient use of the site, including the designated refuse and recycling, is considered to improve the aesthetic nature of the space between 13 and 15 Tayben Avenue for the benefit of the surrounding street scene.

4.B.(x) Result in no unacceptable impact on neighbours in terms of visual impact, noise or light from vehicular access or car parking.

The proposal does not include any change to vehicular access or car parking (other than a restriction on parking permits for the occupants to the Proposed).

5. CONCLUSION

Whilst the Proposed will create an ‘unbalanced’ pair of semi-detached dwellings, neither the Local Plan or the Council’s SPDs state that infill developments need to be of identical size to the immediate neighbour. Instead, all *“infill... developments must reflect the character of the surrounding area...”* and the Proposed will be similar to the precedent of an ‘unbalanced’ pair of semi-detached dwellings set at 7A and 7B&C Tayben Avenue.

The Applicant has demonstrated by a through understanding of the Application Site and the surrounding area of how the Proposed will relate to the existing context. When assessing the Proposed, the infilling of space of the Proposed Site will retain plots of sufficient width for adequate separation and retains similar spacing between new buildings to the established spacing. The Proposed will therefore reflect the character of the surrounding area and would not result in any material harm to the streetscape but will reinforce the character of the already built up area on this part of the Avenue. The Proposed would be an efficient use of the Application Site and reflects the character; i.e. the type of dwelling as well as the scale, mass, height and form of the northern side of the Avenue.

The Inspector to the Appeal concluded by stating: “In my assessment the development would not have a harmful effect on the character and appearance of the area...” and the Proposed Development should be the supported.

21ST AUGUST 2024