

116 Amyand Park Road
Twickenham
TW1 3HP

Case Officer
London Borough of Richmond upon Thames
Civic Centre
44 York Street
Twickenham TW1 3BZ

13 October 2024

Your ref: 24/2179/VRC

Dear Sirs

Written Representations: Objection to variation to planning approval 24/2179/VRC (the “Application” or the “VRC”) in respect of 116A Amyand Park Road, Twickenham TW1 3HP (the “Development”)

1. INTRODUCTION

- 1.1 Together with my wife, I am the owner of the property North-West of the Site (116 Amyand Park Road, Twickenham TW1 3HP (the “**Property**”). We write this letter to object to the Application.
- 1.2 We object to the Application on two principal grounds:
 - 1.2.1 Living standards in habitable rooms; and
 - 1.2.2 adverse effect on neighbouring residential amenity.
- 1.3 There is significant planning history in relation to the Development including two prior appeals to earlier applications, 20/1829/FUL and 21/3806/FUL (the “Previous Applications”), both of which the Planning Inspectorate refused.
- 1.4 The Development has not been built according to the plans of 22/1711/FUL with changes to the internal layout not addressed by the applicant in the VRC. Indeed as described in section 2 below the Development has essentially been built with plans from 21/3806/FUL that were both rejected by Richmond Council and the Planning Inspectorate. These changes have fundamentally altered the development from two 2 story houses with room in roof and 3 bedrooms to two effectively 3 story houses with 4 bedrooms. The Application is also misleading in several ways such as the movement forward in the dormer windows being incorrectly described as 200mm vs the accurate 600mm.

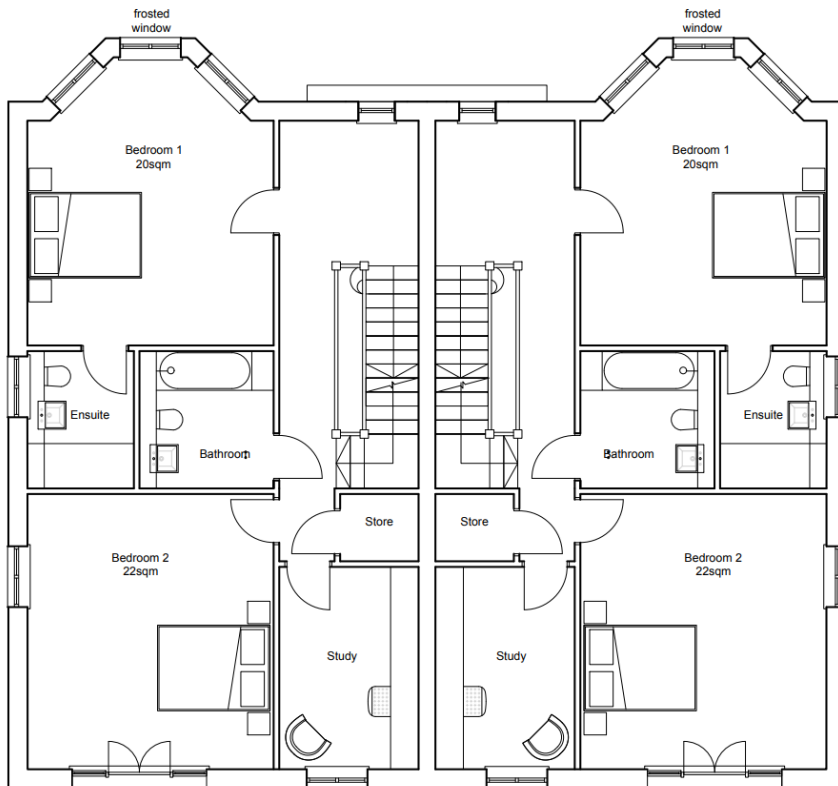
2. NOT BUILT ACCORDING TO PLANS, LIVING STANDARDS IN HABITABLE ROOMS

- 2.1 The internal layout of the Development has been materially altered from that approved in 22/1711/FUL, indeed the Development has been essentially been built in the layout refused both by the Council and the Planning Inspectorate in 21/3806/FUL as not providing appropriate living conditions for future occupiers of the development.
- 2.2 The Application has sought to avoid highlighting this very materially changes by making a number of clearly false statements including

- 2.2.1 “The changes comprise minor alterations to the internal layout” **This is FALSE. There are major changes in layout to that which has already been rejected.**
- 2.2.2 “The approved plans comprised two 3-bedroomed semi-detached houses ... There has been no change to the overall provision, simply changes to the format and arrangements.” **This is FALSE. The Development as built represents two 4-bedroomed semi detached houses not 3-bedroomed semi detached houses.**
- 2.2.3 “The revised plans continue to take into account concerns over previous schemes, including use of obscure glazing and non-openable windows to ensure neighbour privacy without compromising internal living standards.” **This is FALSE. On the front elevation two bedrooms have obscure glazing compromising living standards which has previously been rejected by both the Council and the Planning Inspectorate**

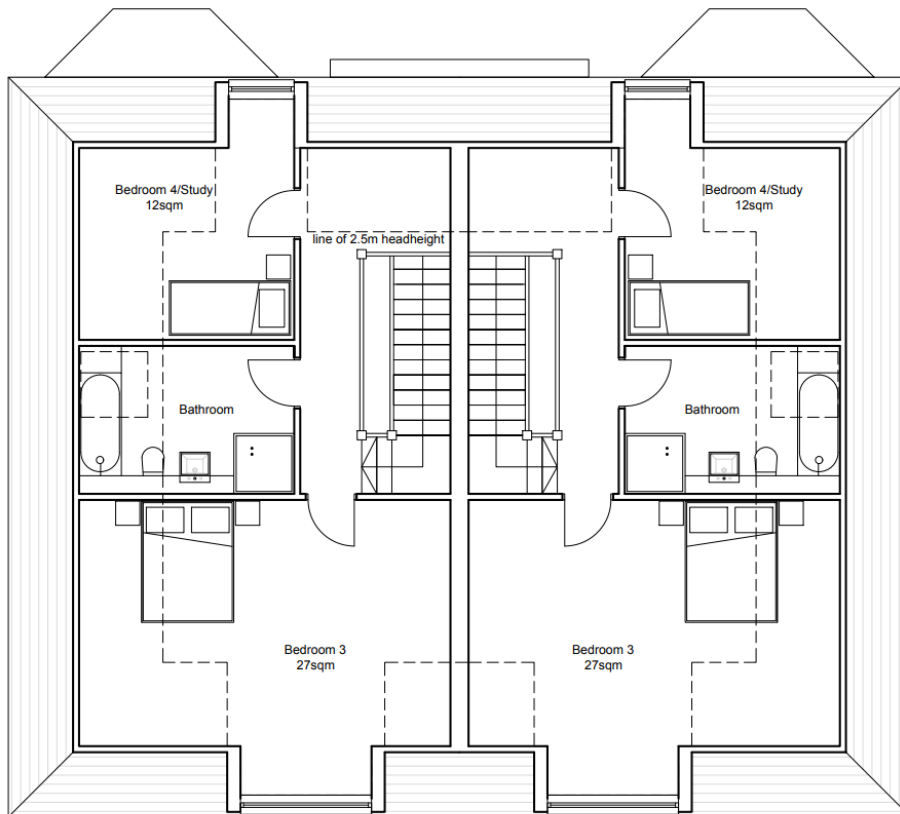
2.3 As noted in paragraph 2.1 above the planning history of the Development is instructive. The layout proposed in 21/3806/FUL included bedrooms at the front of the proposed houses on both the first and second floors as shown in Images 1 and 2 below.

Image 1 – First Floor plan in 21/3806/FUL



First Floor

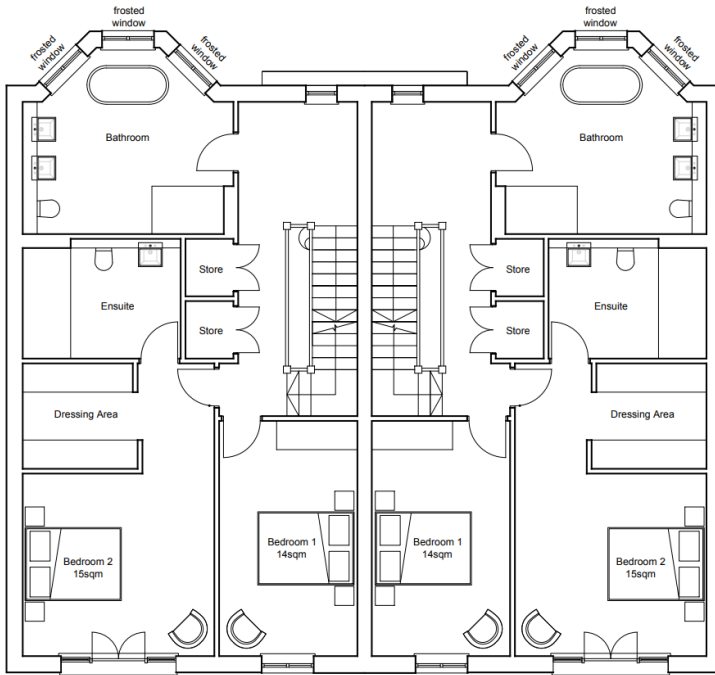
Image 2 – Second Floor plan in 21/3806/FUL



Second Floor

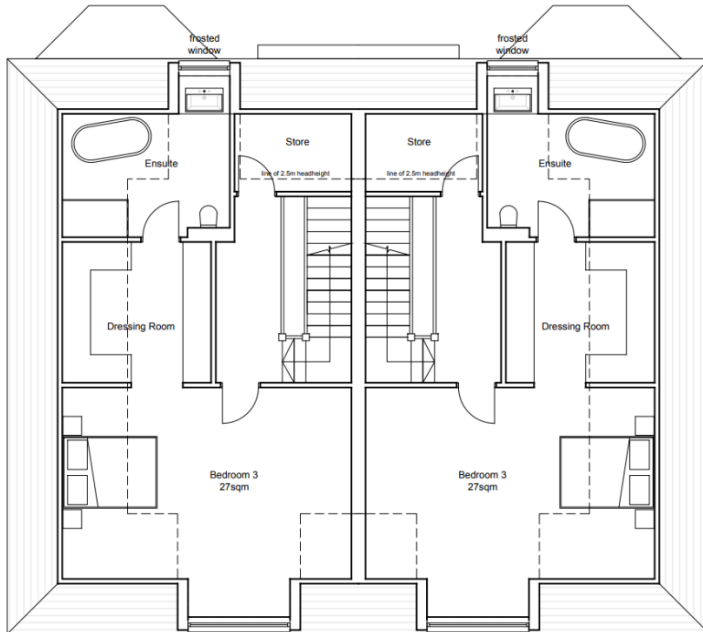
- 2.4 This was refused by the Council including the rationale that *“It would not be appropriate to condition for obscure glazing and non-opening of all first floor bay windows and front elevation dormer windows as this would detrimentally impact on living conditions for future occupiers given these are primary and sole windows to habitable rooms.”*
- 2.5 On appeal the Planning Inspectorate agreed with this conclusion, stating *“it is noted that the accommodation at second floor level is annotated on plans as being for bedroom/study, the plans depict beds located within those rooms. In that respect and in terms of the effect on the living conditions of future residents of the scheme with regards to outlook, it would not be suitable to include obscured glazing for those habitable rooms”.*
- 2.6 This created clear history that habitable rooms in the Development, consistent with planning law, could not have obscure glazing and unopenable windows. No doubt taking this on board, the plans approved in 22/1711/FUL replaced the bedrooms on the first and second floors overlooking 112-116 Amyand Park Road with bathrooms as shown in Images 3 and 4 below.

Image 3 – First Floor plan in 22/1711/FUL



First Floor

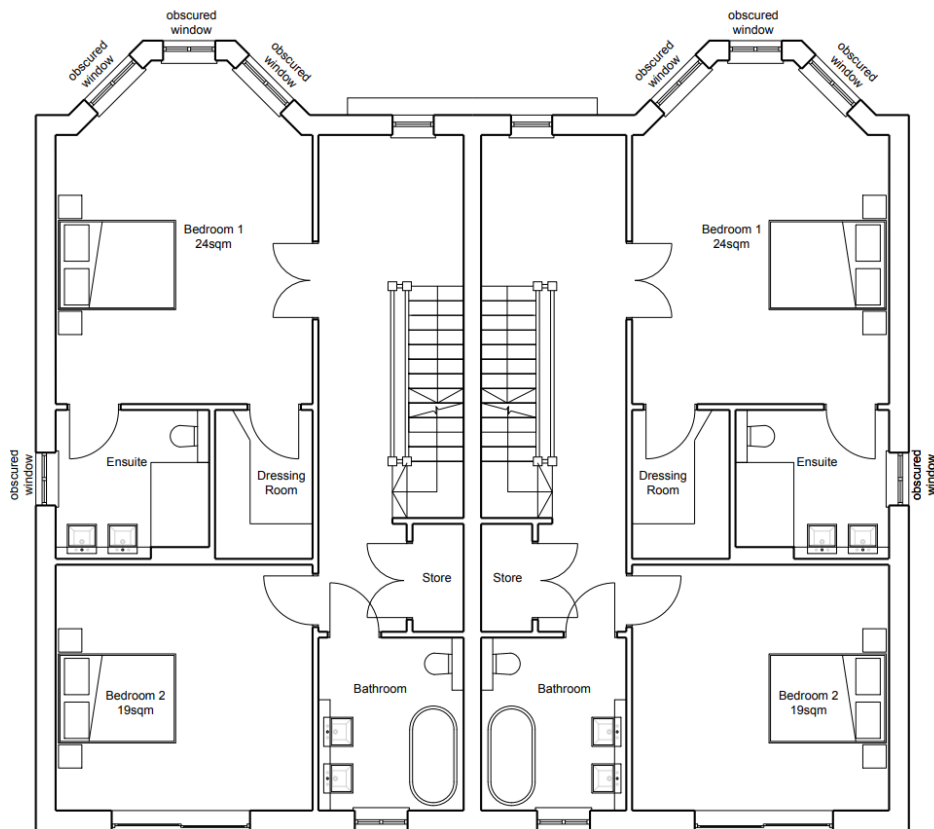
Image 4 – Second floor plan in 22/1711/FUL



Second Floor

- 2.7 Taking the application at face value, it mitigated the reasons for rejection of 21/3806/FUL. However this layout was never credible, particularly on the first floor where the smallest bedroom (labelled Bedroom 1) benefited from by far the largest bathroom. Indeed, this point was made in my objection at the time where I stated “*The Application has been amended from the Previous Applications with frosted windows overlooking the Property with the rooms changed to bathrooms. I contend that the plans show a poor use of space and it is highly likely that the Applicant would seek to change the rooms use and glazing during construction.*”
- 2.8 This is exactly what has happened. The developers are assuming complete nativity from the Council and ignoring both planing law and the planning history of the Development in proposing the VRC.
- 2.9 The Development as built bears no resemblance to that approved in 22/1711/FUL. The layout of the first floor included in the VRC, and as built, as shown below has a bedroom on the first floor overlooking 112-116 Amyand Park Road only benefiting from windows with obscure glazing and supposedly non openable (see para 2.10 below). In all practical sense the layout and provision is equivalent to that already rejected in 21/3806/FUL with the only real change being the study being replaced with a bathroom serving bedroom 2 as can be seen in Image 5 below.

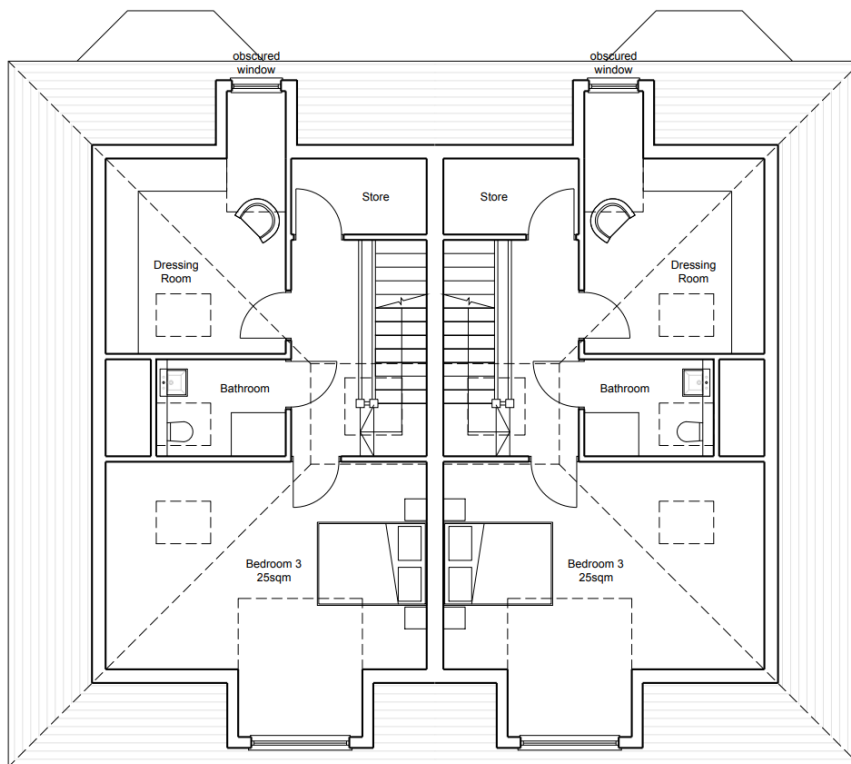
Image 5 – First Floor plan in VRC/3806/FUL



First Floor

- 2.10 A bedroom which only benefits from windows with obscure glazing and not openable very clearly contravenes the findings of both the Council and Planning Inspectorate in relation to 21/3806/FUL as it materially impacts on living standards for future occupiers given these are primary and sole windows to habitable rooms. **The VRC must therefore be rejected.**
- 2.11 Turning to the second floor the plans in the VRC are deliberately misleading. The room at the front overlooking 112-116 Amyand Park Road is clearly intended to be a 4th bedroom rather than a dressing room. As seen above in para 2.7 relating to 22/1711/FUL it makes no sense for a dressing room to a large bedroom to be down a corridor. It is instructive to see that the layout, as shown in Image 6 below, is essentially identical to that rejected in 21/3806/FUL shown in Image 2. The only change is removing the drawing of a bed and changing the name, there is no change in layout or provision at all. The Applicant is treating the process as a joke and given the changes noted on the first floor it is simply not credible to believe this is not intended to be a 4th bedroom. It is the only way the layout makes sense.

Image 6 – Second Floor plan in VRC/3806/FUL



Second Floor

- 2.12 This creates the same problem as on the first floor described in paras 2.4-2.10 above in that a habitable room only benefits from an obscure glazed window. As described in paragraph 2.10 above this contravenes the findings of both the Council and Planning Inspectorate in relation to 21/3806/FUL as it materially impacts on living conditions for future occupiers given these are primary windows to habitable rooms. I note roof light has been added to the room which was not approved in 22/1711/FUL. As addressed in paras 3.11-3.13 for this to be approved it must also be obscured glazed and therefore does not provide any mitigation. As such, **the VRC must therefore be rejected.**

3. ADVERSE EFFECT ON NEIGHBOURING RESIDENTIAL AMENITY

- 3.1 Richmond Policy LP8 (*Amenity and Living Conditions*) stipulates that all new development “will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties” [Underlining added].
- 3.2 The guidance notes to Richmond Policy LP8 advise that “new buildings and extensions need to take careful account of the amenity and living conditions of neighbours.... Adverse impacts on neighbouring properties and their occupiers, including on the most well used part of residential gardens, can include actual and perceived loss of light (including to solar panels), overlooking, loss of privacy, alterations to micro-climates, pollution from noise or light as well as by creating a sense of enclosure, or through overpowering, overbearing or obtrusive development. This could be from the new development itself or from associated development and uses such as ancillary buildings, parking areas, access ways, gardens, communal open space and hard and soft landscaping”¹ [Underlining added].
- 3.3 The Planning Inspectorate in rejecting the appeal to the rejection of 20/1829/FUL noted “The new building however would introduce additional windows at first and second floor level, all of which would serve bedrooms. These would allow views towards the garden areas of Nos 112-116, introducing a new degree of overlooking towards the areas of the gardens that currently provide some privacy. This would have an unacceptable deleterious effect on the living conditions of the occupiers of these properties.” and concluded “Accordingly ... there would be an unacceptable effect through the overlooking of neighbouring garden areas, that would be harmful to the living conditions of the occupiers of nearby properties. Thus, the proposal conflicts with policies LP8 and LP39 of the Local Plan” [Underlining added].
- 3.4 Further the Planning Inspectorate in rejecting the appeal to the rejection of 21/3806/FUL stated that “The window openings at first and second floors would provide opportunities for increased levels of overlooking and loss of privacy at the identified neighbouring properties at 112, 114 and 116 Amyand Park Road, and especially in respect of overlooking the rear private garden spaces at those propertiesthis appeal scheme would result in an increased degree of overlooking to neighbouring properties when compared to the existing modestly scaled building at the site.” It concluded that “In summary ... the proposed development would result in unacceptable levels of overlooking and loss of privacy at the neighbouring rear garden spaces, being detrimental to the living conditions of existing residents at those properties. Consequently, the appeal scheme would conflict with the aims and provisions of Policies LP8 and LP39 of the Local Plan” [Underlining added].
- 3.5 Together this demonstrates clear planning history that overlooking of the gardens of 112-116 Amyand Park Road was not acceptable, was in contravention of LP8 and LP39 and grounds for such scheme to be refused planning permission.
- 3.6 As such Condition U0154496 in relation to 22/1711/FUL required that “The proposed first and second floor window(s) in the front elevation(s) of the building(s) hereby approved shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.7 metres (5'7") above the relevant floor level”. This was required to prevent the overlooking of the garden of the Property.
- 3.7 **The Development as built fails to comply with Condition U0154496 and LP8 and LP39 for the reasons set out below and as such the VRC must be rejected.**

¹ At paragraph 4.8.3.

- 3.8 The windows on both the first and second floor overlooking 114 and 116 Amyand Park Road appear to be insufficiently obscured (well below 1.7m required) and are openable as can be seen in Images 7 and 8 below.

Images 7 and 8 - Windows overlooking the Property are openable



- 3.9 When this was challenged through Planning Enforcement team the following reply was received noting that *“[the windows] only remaining open due to the builders working internally, these will be non-openable to the same height upon completion.”*
- 3.10 This is simply not a credible position. As evidenced in this submission the developer has consistently lied and misled the council on their intentions and it is inconceivable that they be trusted on such an important matter.
- 3.11 The windows have been built as two part sash windows to be opened as normal. A single screw to alternative is simply insufficient. To comply with Condition U0154496 the windows need to be permanently and irreversibly prevented from being opened. This means to comply with Condition U0154496 the windows need to either be completely replaced or any changes made to make them “unopenable” be sufficiently permanent that to reverse it would require replacing the windows. Anything less would breach the findings of the Planning Inspectorate and open Richmond Council to legal challenge, which it would have no realistic chance of winning.
- 3.12 Furthermore the Council has adopted a number of SPDs, which are relevant to the assessment of residential schemes like the Development including the Residential Development Standards SPD (March 2010) which advise:
- 3.12.1 *“windows should not overlook a habitable room or garden of a neighbouring dwelling to an unreasonable degree.”² [Underlining added]*
- 3.12.2 *“design solutions such as the use of angled windows or obscure glazing can often overcome adverse overlooking to existing residential properties...”³*

² Residential Development Standards SPD (March 2010) at paragraph 3.2.1.

³ Ibid. at paragraph 3.2.4.

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- 3.12.3 “to prevent adverse overlooking and general neighbourliness, windows should either be high level or omitted from any wall directly facing a neighbouring house or garden”⁴ [Underlining added]
- 3.13 As built the development has added additional windows on the first floor on its flanks and added roof lights overlooking its flanks both of which is materially increasing the overlooking of neighbours gardens on Victoria Road and Greville Close. Four of the rooflights are in habitable rooms.
- 3.14 In rejecting the appeal in relation to 21/3806/FUL the Planning Inspectorate noted “the inclusion of rooflights on the second floor front elevation of the proposed building would also introduce further opportunity for overlooking and loss of privacy at the above identified neighbouring rear garden spaces.. [and] would result in unacceptable levels of overlooking and loss of privacy at the neighbouring rear garden spaces, being detrimental to the living conditions of existing residents at those properties. Consequently, the appeal scheme would conflict with the aims and provisions of Policies LP8 and LP39 of the Local Plan” [Underlining added].
- 3.15 This clearly establishes, in relation to the Development, that rooflights overlooking neighbours gardens would cause unacceptable levels of overlooking and loss of privacy and are grounds for rejection. As such **the inclusion of the rooflights overlooking neighbours gardens on Victoria and Greville Close is further clear grounds for the VRC to be rejected.**
- 3.16 Whilst the flank windows have obscure glazing they also suffer from the windows being openable with the same issues discussed in paras 3.9-3.11 above. These windows on the flanks, including the rooflights, must be both obscure glazed and be permanently impossible to open to comply with LP8 and LP39.
- 3.17 The Residential Development Standards SPD (March 2010) also advises
- 3.17.1 “where houses ... have small gardens the construction of a larger dormer window in the roof can seriously reduce the privacy of neighbours. Minimise overlooking by restricting the size and type of window and setting the dormer back from the eave;”⁵ [Underlining added].
- 3.18 The Development unquestionably has a small garden at the rear and no garden at the front. The Application has moved the dormer windows at both the front and the back of the houses forward by c. 60cm such that they now pass beyond the brick line as shown in Image 9 below. The rationale for the movement of the dormers in the VRC is again not credible, they are of simple wood construction so it was a choice not a necessity to move them. **This change is contrary to the SPD and again the VRC should be rejected.**

⁴ Ibid. at paragraph 3.2.6.

⁵ Ibid at paragraph 3.2.7.

Image 9 – Dormers beyond the brick line



- 3.19 The dormer windows, and indeed those on the first floor also significantly overlooking gardens at rear of the Development as can be seen in Image 10 below.

Image 10 - Rear dormers significantly overlooking neighbour gardens



- 3.20 As with the windows at the side, given the significant change in position of the dormers sought in the application consideration is needed of the Residential Development Standards SPD (March 2010) as set out in paragraph 3.12 above and LP8 and LP39.

- 3.21 For the reasons set out in paragraph 3.5 above and the specific planning history relating to the development where both the council and the Planning Inspectorate have found that the material overlooking of neighbours gardens as demonstrated in Image 10 is contrary to LP8 and LP39 the only satisfactory requirement would be for the dormers to be built as designed or be both obscure glazed and permanently unable to be opened. The later solution would create the issues on living standards for future occupants of the rooms such as described in paras 2.4-2.7 above.

4. OTHER CONSIDERATIONS

- 4.1 In addition to the points above, we draw the Council's attention to the following:

- 4.1.1 The Applicant has consistently breached the Construction Management Plan on an almost daily basis, including through:

- Work outside the permitted hours;
- Deliveries outside the permitted hours;
- Illegally blocking parking bays to allow for deliveries reducing availability of parking for residents; and
- Seemingly obtaining up to 5 parking permits for construction vehicles reducing availability of parking for residents, which is quite a feat given para 4.1.2 below.

- 4.1.2 The Applicant has seemingly failed to fulfil Condition DV43CParking Permits Restriction - GRAMPPIAN having "[failed to] to demonstrate a scheme to ensure that residential occupiers of the development shall not obtain residential parking permits within any controlled parking zone which may be in force in the area at any time. The application therefore, fails to achieve the aims and objectives of the condition wording and so is in conflict with Policy LP45, and London Plan Policy T6.1 Residential Parking. As such no development should have commenced at all!

- 4.1.3 The proposed landscaping does not provide any cycle parking as required by Condition PK06A Cycle parking.

- 4.1.4 No effort has been made to show how the development generates a Biodiversity Net Gain. The original application simply shows the existing vegetation, and suggests that an offsite contribution may be required to deliver a biodiversity net gain. The landscaping has materially reduced the green space around the Development as a result of the larger size and mass of the Development. The applicant has not demonstrated that the Development would deliver a biodiversity net gain and does not appear to have proposed any off-site contribution.

Conclusion

For the reasons given above, it is considered that the Application fails to meet the requirements of LP8, LP39, the Residential Development Standards SPD (March 2010) whilst also seeking approval for plans and quality of living accommodation for future residents that both the Council and Planning Inspectorate have already refused.

We accordingly request that the VRC is refused.

Yours faithfully

Robert Redshaw