

## STATEMENT OF COMMON GROUND

23/2401/FUL

The Local Planning Authority (LPA) has read the Appellants draft Statement of Common Ground, which contains statements, taken from our officer's delegated report.

### **Proposal:**

#### **The LPA would agree with the description of the development:**

Proposed development of 3no. two-storey maisonettes with accommodation into the roof and a partial basement level on land at Junction of Roseleigh Close and Cambridge Park, associated landscaping, car/cycle parking and refuse storage at Cambridge Park, East Twickenham.

## STATEMENT OF COMMON GROUND

References and quotes are from the officers' report under the above reference.

### 2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

#### **Added by the LPA on 23.10.24 - For Appellants agreement**

The site is an undeveloped corner at the junction of Roseleigh Close and Cambridge Park in East Twickenham, which is open on two sides. This corner site is broadly square/rectangular in shape, covering an area of approximately 562 sq. metres. A 6-unit maisonette block (34 Cambridge Park) is located to the immediate east of the site, and another 6-unit maisonette block (23-28 Roseleigh Close) is located on the other side of external garage units to the north of the site. There are also purpose-built maisonettes on the other side of the intervening Roseleigh Close (1-6) and in the parallel Beaulieu Close.

The site is not located within a Conservation Area, but the boundary of the Cambridge Park East Twickenham Conservation Area (CA21) is directly opposite the site on the south side of the intervening Cambridge Park Road. Cambridge Park Court on the opposite side of Cambridge Park lies within CA21 and is locally designated as a Building of Townscape Merit (BTM). The site forms part of the Cambridge Park estate, which was built in the 1950's and the landscaping, in particular the grassed areas in front of the blocks give the estate a distinctive and an attractive open character.

The site boundaries are clearly demarcated along Roseleigh Close to the west and Cambridge Park to the south, with the side wall of an external garage and timber boarded fence noted along the northern boundary and a timber boarded fence, forming the eastern boundary with 34 Cambridge Park. Along the street boundary a low-level mesh fence has been installed at around 1.5 metres from the back edge of the pavement.

The most prominent feature of the site is a line of five closely spaced mature horse chestnut trees along the Cambridge Park pavement – the two end and the middle trees of which carry Tree Preservation Orders (TPOs) TP0011. Together with trees further along and on the opposite side of the street, they form a distinctive Avenue leading towards the Cambridge Park footpath, which connects to the Thames riverside path. Two small trees are located along the north-east boundary of the site. The remainder of the site is grassland, bushes, and wild vegetation.

The site is located in Flood Zone 1 and is therefore at a low risk of flooding from watercourses and/or the sea and the Environment Agency flood risk from surface water maps also show that the site is not at risk of flooding from surface water. Part of the site is considered to be susceptible to groundwater flooding (greater than 50%). The area is included in character Area 5 of the east Twickenham, which describes this area:

*Roseleigh Close, Beaulieu Close and Haversham Close are of a similar date as the buildings on Vivienne Close but are more distinctive due to the green hung tiles that have been used on the projecting two-storey bays of each house. Roseleigh Close and Beaulieu Close are physically linked by a path and form three sides of a square on Cambridge Park. Most of the houses are semi-*

*detached but there are a few terraces of three on Beaulieu and Haversham Close. Their projecting bays with the unusual green emphasis of the tiles and projecting porches give these buildings a distinctive compositional rhythm. Like the buildings in Vivienne Close they are set apart on large plots with few prominent boundaries giving these closes an attractive, cohesive character.*

### 3. RELEVANT PLANNING HISTORY

#### **Added by LPA on 23.10.2024 for Appellants agreement:**

The roof, roof terrace and a partial basement level on land at Junction off Roseleigh Close and Cambridge Park, associated landscaping, car/cycle parking and refuse storage at Cambridge Park, East Twickenham.

The full list of planning history is noted above, however the most relevant planning history is as follows:

There has been a series of previous refusals for residential housing over this site.

04/2420/OUT – Erection of two new semi-detached three bedroom maisonette units. Refused 20.09.04 and subsequent appeal dismissed 30.11.2006 (APP/L5810/A/1169000).

This application was refused on the following basis (NB - Policies referred to have since been superseded):

*“The proposed residential dwellings represents an overdevelopment of this site, which would:*

*1. result in the loss of an open landscaped area that forms an integral part of the Cambridge Park estate, to the detriment of visual and residential amenity in the area.*

*2. by reason of its positing in relation to neighbouring residential properties breaking free from the prevalent building lines of the locality constituting an unsympathetic and visually obtrusive form of development to the detriment of the character and appearance of neighbouring properties and the surrounding area.*

*3. by reason of its close proximity be likely to result in pressure to fell or the severe lopping of trees which make a significant contribution to the environmental quality of the area some of which are subject to Tree Preservation Order T11.*

*4. by reason of its positioning with neighbouring residential gardens represent an overbearing and unneighbourly form of development, prejudicial to the amenities of neighbouring residents.*

*As such the proposal is contrary to policies ENV 8, ENV 19, ENV 24 and HSG 11 of the adopted Unitary Development Plan and Policies ENV 9, BLT 11, BLT 16 of the Unitary Development Plan Deposit Draft - first review.”*

Similarly, to this scheme, the proposed building was sited back from the road frontages and proposed a lesser footprint to that now suggested. Whilst the Inspectors decision is dated and must be reconsidered in the context of the updated planning policy position, it remains a material planning consideration, noting that the Inspector found that (NB. as an outline application only siting and access were subject to consideration):

The proposed building would substantially reduce the contribution which the site now makes to the character of the estate. Its openness would be considerably reduced and views across it would be restricted.

The land is regarded by local residents as a communal amenity space and is actively used as such. It is of value both for its contribution to the appearance of the area and for the opportunity which it provides for recreation which is not directly overlooked from adjoining buildings. The open area in front of the proposed building would be less extensive... and above all, more overlooked... It would take on the character of a semi-private area and be of much less recreational value.

It would be possible to erect a building in the location proposed without harming the trees on the site. The building could fit in well with others and have an acceptable impact on neighbouring amenity. The site falls within the definition of open space in PPG17 and such space should not be built on unless surplus to requirements. As the land continues to be of recreational and visual amenity value, it is not considered surplus to requirements.

The site is not previously developed land i.e. 'Greenfield'

Little weight was attached to previous appeal decisions to changing circumstances

04/0538/FUL –Erection of a new 2-storey dwellinghouse – Refused 16.04.04

86/1251 – Erection of bungalow and a detached garage.- Refused 24.10.86 and dismissed at appeal. The Inspector concluded that the principle of the erection of a dwellinghouse in this location was not acceptable as when the wider estate was constructed, this area was left clear of buildings and provides an important landscape area.

81/0134 – Erection of two-storey detached dwelling house with attached garage. Refused. 31.03.81 and upheld on appeal

79/1170 – Erection of a pair of two-storey, semi-detached houses with attached garages, refused and upheld at appeal in 1981.

## 5. MAIN POLICIES RELEVANT TO THE DECISION

### Issue ii - Design and impact on heritage assets

#### The following text is agreed:

It is considered that the development is compliant against NPPF (2023) Paragraph 209 and has adequately addressed policies LP3, LP4 and emerging/Submission Policy 30 in directly addressing the relationship of the development to the setting of identified heritage assets.

It is acknowledged that the proposed development does generally seek to reflect the existing height, style and pattern of development and although not directly in line with the immediate neighbour to the north (as is also the case on the other side of Roseleigh Close), the building generally fits with the proportions of others.

**However, this is notwithstanding our Statement of Case and our officer delegated report and what is NOT agreed, is the principle as clearly highlighted in our report and Statement of Case, which clearly states:**

*Notwithstanding the principles discussed above under (Issue i), it is acknowledged that the proposed development does generally seek to reflect the existing height, style and pattern of development and although not directly in line with the immediate neighbour to the north (as is also the case on the other side of Roseleigh Close), the building generally fits with the proportions of others.*

And we would note our in our design section comments:

In design terms and without prejudice to the LPA's position that the openness of the site contributes to visual amenity and developing this site would be directly contrary to the policies referred to above, it is acknowledged that the proposal could be further modified to address specific matters of detail and would not look so out of place in relation to the overall layout and pattern of the development as a contemporary interpretation, designed to meet with modern day policy requirements, in particular in regards to amenity space, layout, sustainability etc. However, there do remain concerns with the proposal, in particular:

- the distinctive wide grass verges would be interrupted with car parking spaces, which is untypical of this area (although this factor does have to be balanced against car-parking/servicing requirements)
- there would remain a conflict with the line of horse chestnut trees, which cast shade when in leaf (see trees section);
- the proposal is larger scale in footprint character than existing buildings in the estate;
- the elevational design has some relationship to existing building details, with the proposed building seeking to pick up on the bays to the existing properties, but this is not successful. Whilst the plans achieve a degree of symmetry the elevations deviate from this, and the position of the bays should be reconsidered. Moreover, there is a case for creating canted bays to tie in with the typology of the Estate and use green tiles to face them.
- The windows on the corner appear awkward with the roof terrace above
- the corner roof terrace in particular is uncharacteristic of the typology of the surrounding buildings, awkward in composition, and incongruous with the character of the area
- although materiality is not expressly stated and details could be conditioned (the applicant is advised that materials should tie in with the Estate vernacular of red brick), the indication is of dual materiality on the roof which appears at odds with the cohesiveness of the estate
- the scale and design of the second floor rear roof form is alien to this locality, with height extending directly up from the rear elevation with no eaves and fenestration larger than that on the first floor, emphasising the visual dominance of this element
- the layout and form of the garden area with three vehicles parked along with attendant bin, bike and plant stores, although meeting with other policy requirements would read as contrary features to the more established open character of the estate.

Furthermore and as noted above in the assessment on principle, previous appeal decisions have considered the land to be providing important visual amenity with its openness being an integral part of the spatial character of the estate and that developing this land would reduce the value of the land as an area of openness. The applicant has asserted that the character of the site has changed because it has been fenced off, since the previous appeal decision was made and it is generally accepted that despite the misgivings about various elements of the proposal, the scale is broadly acceptable and that previous Cedar trees referred to within the site have also died off in the intervening period.

### **Issue iii - Impact on Neighbour Amenity**

#### **The LPA would agree with this statement from the Appellants draft statement of common ground:**

Although these residents would be faced with a more enclosing, structure close to their boundary and rear amenity area, due to the creation of a new building over a site that has not previously been developed over, the proposal is not considered to harmfully impact upon this neighbouring residential block through loss of light or visual intrusion having regard to the orientation, siting, scale and separating distances.

#### **Noise and Disturbance**

Noise during construction would be managed through a Construction Management Plan to control hours of work, as well as dust suppression measures etc., and statutory nuisance legislation would apply through Environmental Services.

External areas/ASHPS could have the potential to cause noise. However, a residential use is not an inherently noisy use, and the site is surrounded by residential uses which also have gardens and the likely noise nuisance from the proposed residential development is not considered to be excessive or unjustifiably harmful. It is acknowledged that noise from any ASHP unit serving the development could be appropriately conditioned.

Likewise, no excessive light pollution would occur to the proposed surrounding environment. Appropriate conditions could be considered in the event of a recommendation of approval. Overall, the proposed development is considered to be in general accordance with, in particular

policies LP8 and LP10.

#### **Issue iv – Residential Standards**

**The LPA agree with this statement from the Appellants draft Statement of Common Ground in this respect:**

The proposed units therefore meet with and exceed policy requirements and provide flexible layouts and adequate storage, which would meet with the relevant space standards with regards to internal space. The three maisonettes would be fully Building Regulations M4(2) compliant in accordance with Policy LP 35 (E) requirements for inclusive access...

#### **Issue v – Affordable Housing**

**Agreed (please see the LPA's Statement of case for the latest position on this matter)**

The LPA does acknowledge the costs involved in undertaking this work [viability appraisals] for applicants and in the event the application is refused and an appeal to the Secretary of state is made, this particular issue could be resolved at that point and an independent review undertaken of the Applicant's viability information as supplied. The applicant is advised to contact the Council to progress this at such time as an appeal is progressed. [This is in hand].

#### **Issue vi – Sustainability**

**The LPA agree with this statement from the Appellant draft Statement of Common Ground in this respect:**

In order to ensure the application is compliant with Local Policy, a condition would have been recommended on any planning consent securing the proposals meet the necessary sustainability and energy efficiency targets as stated within the submitted energy statement, but overall the applicant has demonstrated that the proposed development which would make efficient use of land within the borough in accordance with the aims and objectives of Policy LP22 and the Sustainable Construction Checklist SPD. The proposals are compliant with Local Plan policies LP20 and LP22... In terms of the SCC the scheme scores an A+ (80) , which indicates that the development would make a major contribution towards achieving sustainable development in the Borough and the total carbon dioxide savings would amount to 77% over the target emission rate over the baseline level, well in excess of the 35% requirement

#### **Issue vii - Transport**

**The LPA would agree this statement from the Appellant's draft Statement of Common Ground in this respect:**

In terms of the highways impacts of the proposed development, the Council's Transport Officer has been consulted and confirmed that they have no objection, subject to a pre-commencement planning condition which will require the applicant to submit a detailed drawings for the new crossovers and a detailed construction Management Plan to be approved in writing by the Council.

#### **Issue ix - Flood Risk/SuDS**

**The LPA Agree with this statement from the Appellant's draft Statement of Common Ground in this respect:**

Based on the findings, which have been produced by persons with relevant qualifications, sufficient information has therefore been provided to the Local Planning Authority to confirm that the proposed would not increase flood risk from all sources and suitable mitigation measures in place to reduce flood risk in compliance with Policy LP21 of the Local Plan, the Strategic Flood Risk Assessment (2021), Basement Assessment User Guide (2021) and the aims and objectives of the NPPF. A condition would be imposed requiring the development to be carried out in accordance with the submitted BIA were the application being recommend for approval, but overall, it has been

demonstrated that the development would be safe, would not increase flood risk elsewhere, and that flood risk would be minimised through the implementation of a range of SuDS measures. A condition would also be necessary for a final detailed drainage design and maintenance strategy.

### **Issue x – Fire safety**

**The LPA Agree with the statement in the Appellants draft Statement of Common ground in this respect:**

Overall, the scheme can therefore be considered consistent with Policy D12 of the London Plan.

### **8. PLANNING BALANCE/CONCLUSION**

**Agreed** - It is accepted that the site is an established residential area and would provide net additional homes. The creation of three new residential units would add to the housing supply in the Borough.

As set out in the assessment, this afforded weight as a benefit of the scheme...

The scheme meets policy requirements in several respects, but these are considered necessary requirements rather than public benefits. The sustainability credentials do exceed the policy requirement which is a modest benefit.

The applicant has indicated that they would be prepared to undertake an independent review of their viability information to determine whether or not the development should make an affordable housing contribution.

**However, what is not Agreed**, as previously held and remains the case the redevelopment for housing would result in the loss of openness and the verdant character of a site that forms an integral part of the Cambridge Park Estate, to the detriment of the visual amenity of the area and established sense of openness, contrary to in particular policies LP1, LP12 and LP39 of the Adopted Richmond Local Plan (2018). As we have set out in our officers report and whilst we acknowledge that the proposed development does generally seek to reflect the existing height, style and pattern of development and although not directly in line with the immediate neighbour to the north (as is also the case on the other side of Roseleigh Close), the proposed buildings would generally fit with the proportions of others. However, as also highlighted above and in our Officer's Delegated report there are elements of the development, which would be unsuitable in design terms and will appear overly dominant and out of context with the prevailing character of the estate, factors which further weigh against the scheme in the planning balance.

The proposed relationship between the development, the proposed ecological mitigation and the close proximity of a line of TPO mature horse Chestnut trees, which form a cohesive group is not considered reasonable or sustainable and would be deleterious to the ecological value of the site and is likely to result in significant pressure to prune or remove trees entirely, which are subject to a Tree Preservation order (TT011). The constraints of the site are such that the dwellings themselves, whilst suitably sized, will have a clear and direct juxtaposition between retaining the visual and ecological value of the open area of green space. This would also have consequent impacts on the character of the area and the scheme would be in conflict with policies LP1, LP12, LP39 as well as LP15 and LP16.

Andrew Vaughan MRTPI for the Local Planning authority 23.10.2024