



APPEAL BY:

**Mr Jacobus Lombard
Re: Land At Junction Of Roseleigh Close , And
Cambridge Park
Cambridge Park, Twickenham, Middlesex, TW1
2JT**

**INSPECTORATE REF:
APP/L5810/W/24/3351726**

**COUNCIL REF:
23/2401/FUL**

STATEMENT OF CASE

CONTENTS

CONTENTS		PAGE
1.0	Introduction	
2.0	Reasons for Refusal	
3.0	Policy Context	
4.0	Site Description	
5.0	Planning History	
6.0	Key issues	
7.0	Summary	

LIST OF APPENDICES

APPENDIX	CONTENTS
1	Officer delegated report – 24/2401/FUL
2	Inspector’s Appeal decision 2004 PINs Ref: APP/L57810/A/04/11690000 LPA ref: 04/2420/OUT
3	Inspector’s Appeal decision 1987 Pins ref: T/APP/L5810/A/87/62174/P4 LPA Ref: 86/1251
4	Photos from 04/2420/OUT Casefile
5	Bespoke Independent viability review – BPC Report (NB – This document is marked as sensitive and not in the public domain)
6	Arboricultural Officer’s Comments
7	Cambridge Park CA Statement and study

1.0 INTRODUCTION

An application was submitted and validated on the 30.08.2024 for the Proposed development of 3no. two-storey maisonettes. with accommodation into the roof 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.

An appeal has been lodged against the Council's refusal to grant planning permission for the development.

A summary of the representations referred to are listed in the officer's report, which was forwarded with the questionnaire. A number of objections were received (32) and also an objection petition, but also 5 letters in support and an expression of support with 41 signatures and 4 more general observations.

2.0 - REASONS FOR REFUSAL

The application was refused by decision notice dated 20.03.2024 for the following three reasons:

Design/Loss of Openness

The proposed residential development, would by reason of its siting, scale, design, relationship with adjacent trees and direct loss of open space that forms an integral part of the Cambridge Park Estate, result in an unsympathetic and obtrusive form of development, deleterious to the well-established open and verdant nature of the site and spatial characteristics of the area. The application is contrary to the NPPF and in particular policies LP1, LP12, LP16 and LP39 of the Adopted Richmond Local Plan (2018), policies 15, 16, 28, 34 and 42 of the emerging Local Plan (Regulation 19 Version), Policies G1 and G4 of the Adopted London Plan (2021), and the East Twickenham Village Planning Guidance.

Trees & Ecology

The proposed development, by reason of its siting, scale, design, and relationship with the close proximity of a line of mature horse Chestnut Trees, which form a cohesive group, and insufficient information on indirect impacts, is not considered reasonable or sustainable, would be deleterious to the ecological value of the site and is likely to result in significant pressure to prune or remove these trees entirely which are making a significant contribution to the environmental quality and amenity of the area, contrary to the NPPF and in particular Policies LP15 and LP16 of the Adopted Richmond Local Plan (2018), London Plan policies G6 and G7, and emerging policies 39 and 42 of the Publication Local Plan (Regulation 19 version).

Affordable Housing

In the absence of a binding obligation securing an appropriate financial contribution towards the provision of affordable housing within the borough, the proposal would be prejudicial to meeting the Council's affordable housing objectives contrary to policy LP36 of the Adopted Richmond Local Plan (2018), adopted Supplementary Planning Document: Affordable Housing and emerging policy 11 of the Publication Local Plan (Regulation 19 version).

3.0 POLICY CONTEXT

The Development Plan comprises the Local Plan (adopted July 2018); Richmond Publication Local Plan (Regulation 19 version) the London Plan (March 2021); the National Planning Policy Framework (NPPF) and various Supplementary Planning Documents/Guidance. The relevant policies and guidance are set out in the officer's delegated report and were forwarded with our appeal questionnaire.

4.0 SITE DESCRIPTION

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.

5.0 PLANNING HISTORY

The relevant planning history is as follows:

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).

NB – This inspectors decision is provided as Appendix 2.

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.

NB – This appeal was dismissed under Pins ref - T/APP/L5810/A/87/62174/P4 on 16.07.1987 and a copy of the Inspectors decision is provided at Appendix 3.

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.

6.0 PLANNING CONSIDERATIONS

Key Issues

The Council's statement of case, planning history, site description and constraints have been clearly set out in the comprehensive delegated report which was submitted to the Planning Inspectorate (PINS) at questionnaire stage and which clearly set out and justified the reasons for refusal that were given by the Local Planning Authority (LPA), together with copies of all representations received.

The application was refused for reasons relating to:

- Design/Loss of openness.
- Trees/Ecology and
- Affordable Housing

1.Reason for Refusal – Design/Loss of Openness

The scheme was refused by delegated authority on the 20.03.2024 for the following reason:

The proposed residential development, would by reason of its siting, scale, design, relationship with adjacent trees and direct loss of open space that forms an integral part of the Cambridge Park Estate, result in an unsympathetic and obtrusive form of development, deleterious to the well-established open and verdant nature of the site and spatial characteristics of the area. The application is contrary to the NPPF and in particular policies LP1, LP12, LP16 and LP39 of the Adopted Richmond Local Plan (2018), policies 15, 16, 28, 34 and 42 of the emerging Local Plan (Regulation 19 Version), Policies G1 and G4 of the Adopted London Plan (2021), and the East Twickenham Village Planning Guidance.

In response to the Appellants Appeal statement/information and the Counsel advice by Landmark Chambers at para. 4, which states

The first thing to observe is that even on the officer's analysis there is no in principle objection to infill development in this location.

On this point the LPA have clearly stated in our Officer's report as follows:

"whereas a modest development of this particular site is likely possible in townscape terms, the planning balance is such that a clear case would need to be made to show that the benefits do outweigh the demonstrable harm." The Counsel advice does not appear to address this point.

Para 6 of the Counsel advice says the previous decision was on basis of PPG17 definition of open space. The definition has effectively been superseded by the National Planning Policy Framework NPPF, which states:

NPPF definition: *Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.*

The LPA clearly addressed this in our Officer's Delegated Report:

"On this point, whereas a modest development of this particular site is likely possible in townscape terms, the planning balance is such that a clear case would need to be made to show that the benefits do outweigh the demonstrable harm. On this basis the previous appeal decisions referred to have given a clear line that this space is not suitable for residential development and should be retained as open green space. The NPPF at para 124 requires planning decisions to (b) recognise that some undeveloped land can perform many functions, such as for wildlife and recreation, flood risk mitigation, cooling/shading, carbon storage or food protection.

Further to this, it is important to note that the Inspector for the earlier appeal referred to, did consider that the site falls within the definition of open space in PPG17, noting that the former PPG17, which was referred to in the appeal decision has since been superseded by the NPPF and its companion guide has been superseded by the Planning Practice Guidance. Open space is defined within the NPPF as:

"All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity."

The NPPF recognises that access to open spaces is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change (para 102).

Para 103 of the NPPF clearly states that existing open space should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."*

The NPPF definition above does not read as being exclusive to land with public access and there is still the visual amenity point, taken into consideration by previous Appeals Inspector's and pictures of the site taken in 2004 (see Appendix 4/below) do provide imagery of the site the previous Inspector would have visited, which is still very similar to the site as it is now, albeit the trees are even more established and the Appellant has put low-level fencing around the site to discourage more general use by residents.

The previous appeal decision is considered to be a material consideration of substantial weight and the site the Inspector in that appeal saw at Appendix 2 under ref:11690000 and considered to have value still exists today. The fact that the site has gone a little more wild, does not mean it is 'unsightly' and the weight of the Council's reason for refusal is principally design based, noting the site provides visual amenity, notwithstanding that the degree of amenity is localised.

In respect of the presumption against greenfield point raised by Counsel, the LPA agree with the Counsel opinion that it is not in the Local Plan policy wording, but we can and have clarified that it does play into the assessment of planning balance of harms versus benefits and the LPA do not need to ascribe any significant benefit to the additions to the housing stock in this case. The NPPF also clearly prioritises brownfield land and we would ask the Inspector to note our statement on Housing Land Supply (below), under the heading 'Other Matters'.

The Appellant refers to this site as Brownfield Land, but this site has always been undeveloped and from the information provided appeared to form part of the frontage of a very large house, the buildings of which were entirely to the north of this site and there is no evidence that there have ever

been buildings on this site. As far as the previous large houses are concerned, these have already been extensively redeveloped by the creation of the Cambridge Park Estate itself. This site appears to have formed a part of a very large frontage, but has always remained undeveloped for its open and verdant nature. Also the NPPF at page 74 excludes gardens from the definition of development and states:

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

And at page 73, the NPPF states:

Original building: A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

The LPA would like to communicate that whereas the open space point has been considered as a factor, on the basis of the NPPF definition and that previous appeal decisions having considered this, our reason for refusing this application does not refer to public open space policies. That it is not at the heart of the reason for refusal and we have clarified our position in this regard and in consideration of previous appeal decisions.

The LPA have noted that the previous Appeal Inspector (PINS Ref: 116900-Appendix 2) looked at this point very carefully and considered that this was a greenfield site, left undeveloped and open and that the previous housing was redeveloped on a comprehensive basis in the 1960's.

At its heart this is considered to be a design and openness matter, with the LPA ascribing that the public benefits do not outweigh the harm. The above referenced appeal decision, which the Appellants describe as unhelpful, but which clearly refers to visual amenity. On that basis the LPA is not clear as to how it can be critiqued for drawing attention to this previous appeal decision, which is clearly a material planning consideration, see paras:

8. **Nonetheless, however well it is designed, the building would reduce the value of the land as an area for informal recreation. It would also reduce the openness of the site and the area. These factors would make the estate a less attractive place in which to live and I conclude that because of them the development would have an unacceptable effect on the character and appearance of the area and be inconsistent with Policy BLT11.**
9. **I consider that the site falls within the definition of open space in Planning Policy Guidance Note 17 *Planning for Open Space, Sport and Recreation*. This Guidance indicates that such space should not be built on unless it is surplus to requirements. As the land continues to be of recreational and visual amenity value, I do not consider it to be surplus to requirements. Consequently, its development in the manner proposed would be inconsistent with the guidance in PPG17. This reinforces my view that the development is unacceptable.**

A picture of the site taken earlier this year, can be compared to earlier photographs contained in the 2004 planning file.



A picture from the 2004 planning file/appeal documentation



Photograph of site taken from Roseleigh Close and showing the entrance to Cambridge Park Footpath, which leads directly to the Thames.



photograph taken 2/2002

We would also note that the Counsels statement at 12(3)(a) that the proposals provide better public amenity. In the LPA's view building over an area of open grassland with housing is not going to improve the openness or public amenity of the site.

The Appellant also states the site is less open than in the 1960s, due to the size of the Horse Chestnuts in their appeal statement, noting:

The reality is that the close line of magnificent horse chestnut trees along Cambridge Park and the close-boarded fencing at the rear of the site greatly reduces any continuing sense of openness which may have been there in the 1960s when the trees were smaller and there were substantial Cedar trees within the site itself.

However, the appellants appeal information also states that two protected Cedar trees that were on the central part of the site in the 1990s have gone. The LPA would therefore state, that surely their removal would have increased the openness of the site and not reduced it.

In the LPAs opinion, the site has not significantly changed since it was previously considered by the Inspector in 2004 and it is still a verdant, pleasant area from a visual point of view. The LPA have fairly and reasonably considered what the previous inspector said. This site has been left open as a soft open area, whilst the comprehensive redevelopment of the estate took place in the late 1950s/early 1960s. The Inspector did not consider this area to be brownfield, noting.

6. I heard conflicting evidence about the extent to which residents use the site for informal recreation. The applicant accepted that there is no impediment to such use, but indicated that it occurs only rarely. On the other hand, several local residents asserted that they use the area from time to time for dog-walking, sunbathing or other purposes and one claimed that his daughter plays there on most days. It is clear to me that this 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 in an area which is not directly overlooked from adjoining buildings. The open area in front of the proposed building would be less extensive, less enclosed and, above all, more overlooked. Even if no fences were erected around it, it would take on the character of a semi-private area and be of much less recreational value.

A much earlier appeal decision in respect of our ref 86/1251 in 1987 under the Planning inspectorate's reference: T/APP/L5810/A/87/62174/P4 (see Appendix 3) also considered that the site should remain as open space and also considered the impact upon the tree's, noting at para's 9 and 10:

9. From my inspection I have formed the view that the site forms an integral part of the development which gives the estate its pleasant open character and any development of the appeal site would be detrimental to the appearance of the estate. I am of the opinion therefore that the site should not be developed but should remain as an open space.
10. One of the possible effects of the development of this land would be damage to the preserved trees. Although in your view the proposed bungalow need not affect the trees, the Council are of the opinion that its construction would require both roof and branch pruning and that the future occupants of the bungalow would complain of future growth and wish the trees to be removed or pruned. Without further information I am unable to determine whether the building would necessitate any pruning of the trees, but it seem to me that the 5 large trees on the southern boundary could lead to pressure for their removal or thinning; a view which is reinforced by your plan which shows the crowns of the hosechestnut trees overhanging the proposed house. I note that since the Tree Preservation Order was made one of the cedar trees has been removed.

Regardless that the Appellant has subsequently denied access to the area by fencing it off, it is still of significant visual value to the contribution to the appearance of the area.

We would again reiterate the comments from our comprehensive delegated report:

In consideration of this site, it is noted that the previous appeal decision, as referred to in the planning history has considered the land to be providing informal recreation and that however well designed a proposal to redevelop this site for housing is, developing this land would reduce the value of the land as an area which contributes to the area's sense of openness and for informal recreation, with the Inspector noting at para. 6 (Appeal - 1169000):

"It is clear to me that this land is regarded by local residents as a community amenity space and is used as such".

This LPA considers this to be a greenfield site and the promotion of brownfield land for new housing should be promoted in the first instance. This is a theme throughout the NPPF, London Plan, Adopted Local and emerging/submitted local Plan. On this point, the adopted Local Plan states:

- *Para 3.1.6: "The Spatial Strategy emphasises that local community needs, including delivery of housing and the infrastructure required to support it, are expected to be met without compromising the quality of the natural, built and historic environment. This means in particular that the highly valued network of green infrastructure, including its contribution to biodiversity objectives, will be protected, and where possible enhanced. The borough's parks and open spaces provide not only recreational opportunities for those that live and work in this borough, but*

also for local communities and residents in neighbouring and other London boroughs, by providing a green lung for southwest London. Therefore, there is a presumption against the loss of, or building on, greenfield sites in this borough.”

- *Para 3.1.7: “The Spatial Strategy and supporting evidence demonstrate that the Council can meet its strategic housing target without using greenfield sites. New housing will be provided through redevelopment and maximising the use of brownfield sites.”*
- *Para 3.1.30: “The Council’s Monitoring Report on Housing continues to identify a sufficient five-year housing land supply in line with the London Plan target. As at 1 April 2015 the housing land supply in the borough potentially provides for 2154 units over the next five years which is 579 units more than the target supply in the London Plan, and another potential 1875 units in years six to ten. The Report also includes a map showing the spatial distribution and expected housing growth, based on the strategic housing land supply. This demonstrates that the Council can continue to meet its strategic housing target without building on or using greenfield sites. New housing will therefore be provided through redevelopment and optimising the use of brownfield sites.”*
- *Para 5.1.3: “Housing delivery, and infrastructure required to support it, is expected to be met without compromising the green infrastructure network and there is a presumption against the loss of, or building on, greenfield sites.”*

Continuing on, the Publication Local Plan states:

- *Para 21.3: “As set out in the Local Plan’s spatial strategy (see Policy 2 ‘Spatial Strategy: Managing change in the borough (Strategic Policy)’), housing delivery and the infrastructure required to support it, is expected to be met without compromising the green and blue infrastructure network; there is a presumption against the loss of, or building on, greenfield sites.”*
- *Para 17.2 (in reference to New Housing): “In accordance with London Plan Policy H1 this target is expected to be achieved, 17.4 through optimising the potential for housing delivery on all suitable and available brownfield sites.”*
- *Policy 16 supports homes on small sites with the exception that this should: “result in no net loss of existing biodiversity or significant loss of open space or garden land”.*

Local Plan para 9.1.7 notes that the majority of housing delivery in the borough is expected to be on previously developed land (which this site is not) and it also recognises that the majority of greenfield land in the borough is covered by protective designations, although that is not the case in this particular instance and the land is not formally recognised as Local Green Space, or alternative.

The Applicant asserts within their planning statement that this land should be considered ‘Brownfield’ because it has historically formed part of property known as Cumberland House. It may be the case that this site had a historic link with a former property in that it may have provided part of the carriage entrance, however the aerial records held by the Council from 1946 (which is immediately prior to the creation of the Town & Country Planning Act in 1948) clearly shows the site was not developed over at that time. It is also clear from the information held that Cambridge Park Estate was developed later in the 1950’s, with the modern layout of Cambridge Park estate, clearly evident on imagery from 1966:

Aerial Richmond – 1946



Aerial 1966 Richmond



It may well have been the case that the site was used in connection with a historic house further to the north (unproven), but it is also clear that the site has never contained buildings and aerial imagery that immediately precedes the creation of the Town and Country Planning Act, the usual 'jumping off' point for consideration of previous planning decisions clearly shows a site covered with well established, dense tree cover. The Appeals Inspector also gave direct consideration to this point in their appeal decision (1569000) and noted at paragraph 10:

"The applicant argued that the development would be consistent with Planning Policy Guidance Note 3 Housing which encourages full use of accessible previously developed land. Curtilage is defined as an area of land attached to a building, but the site is not attached to, and does not have an intimate association with, any individual building. It serves the estate as a whole".

Continuing:

"The site does not fall within any curtilage and so is not previously developed land. The fact that there may have been in the curtilage of a building over 40 years before the present estate was built is of no consequence. There is no longer any obvious trace of that building".

The Applicant's claim that this site is 'brownfield' is therefore without foundation and it has previously been concluded to be previously undeveloped 'Greenfield' land in an appeal decision taken in 2006.

The London Plan has been adopted more recently. London Plan Policies H1 and H2 set the general

expectation for increasing housing supply and expect a positive approach to small sites (below 0.25ha). Paragraph 4.2.4 on incremental intensification expects this in existing residential areas within PTALs 3-6 or within 800m distance of a station or town centre boundary. This site does not fall within this category; however, it is acknowledged to only fall just outside of an area that does meet the above criteria. The Council under the new London Plan has also had its housing targets increased to 441 dwellings per annum and due to the lack of large sites in the borough, it is acknowledged the use of small sites will be critical in meeting this target.

The council's earlier Monitoring Report evidences that Richmond has been exceeding its housing targets for the three-year period of 2017/18 to 2019/20 although there was an undersupply in 2020/21 with the effect of the pandemic noted in the context of large sites not completing as forecast. The Report evidences a 5-year housing land supply going forward. This document acknowledges that windfall sites, such as this do make a substantial contribution to the 5-year land supply but it remains the case in this context that little weight can be afforded to the benefit of the additional dwellings arising on greenfield land, which the Adopted Local Plan expressly states are not required to be developed to meet housing targets.

However, it should also be acknowledged that Richmond has a need for housing, whilst also having a variety of constraints to development including the river Thames, large swathes of protected parks as well as a high quantum of open space designations and conservation areas, meaning there is a high need for housing, but limited opportunities to deliver housing.

Within the National Planning Policy Framework (NPPF) 2023, Chapter 5 continues to encourage local planning authorities to; 'support the Government's objective of significantly boosting the supply of homes'. Encouragement for the delivery of new housing is also expressed within the London Plan 2021, Policy LP 34 of the Richmond Local Plan (2018) and the emerging Local Plan Policy 10. Within this, the borough has a 10-year target set in the London Plan of creating 4,110 homes, which is reflected in the emerging Richmond Local Plan policy 10.

The Publication Local Plan (para 17.6) sets out that the borough is on course to meet and exceed the strategic dwelling requirement over a 10-year period. The latest Local Plan Authority Monitoring Report – Housing – 2022/23 notes that previous AMRs have shown that past London Plan requirements over the relevant plan period have been significantly exceeded and notwithstanding that completions in 2021/22 fell short of the target, the AMR sets out that the target will be met over a 10-year period.

The significant need for housing within Richmond is apparent within the recent Local Housing Needs Assessment (LHNA) which forms part of the evidence base for the emerging Local Plan. The stage 2 LHNA was carried out and was published in March 2023. In relation to the overall need for affordable housing (which is not being proposed in this case), the stage 2 assessment determined an overall need equating to 1,407 dwellings per annum. This overall need figure is well above the housing target identified for Richmond within the London Plan of 411 dwellings per annum. This highlights the high level of housing need within the borough. The Councils Housing Delivery Test score was recently published, which states only 92% of the overall housing target had been met over the past 3 years, so Richmond is now required to produce a Housing Delivery Test Action Plan.

An understanding of the longer-term housing supply is however needed to understand how much weight to afford this in the planning balance. In this respect, the Council's Background Paper – Housing Delivery (20 October 2023) prepared to accompany the submission of the Publication Local Plan provides a thorough evaluation of recent delivery (affected by the Covid-19 pandemic, Brexit, inflation, high build costs and lack of available labour) and the housing pipeline. This confirms that the Council can support a 5-year housing supply and forecasts to exceed its 10-year London Plan target with a 13% buffer notwithstanding the recent under-delivery.

Given such, as the policy position currently stands the Local Planning Authority (LPA) has to weigh up the planning balance of the provision of new housing in the borough on a greenfield site which can only be afforded limited weight in this instance and any other benefits, against the loss of the openness of the greenspace previously identified and the lack of any requirement with the Adopted Local Plan of sites such as this to provide housing and any other harm.

On this point, whereas a modest development of this particular site is likely possible in townscape terms, the planning balance is such that a clear case would need to be made to show that the benefits do outweigh the demonstrable harm. On this basis the previous appeal decisions referred to have given a clear line that this space is not suitable for residential development and should be retained as open green space. The NPPF at para 124 requires planning decisions to (b) recognise that some undeveloped land can perform many functions, such as for wildlife and recreation, flood risk mitigation, cooling/shading, carbon storage or food protection.

Further to this, it is important to note that the Inspector for the earlier appeal referred to, did consider that the site falls within the definition of open space in PPG17, noting that the former PPG17, which was referred to in the appeal decision has since been superseded by the NPPF and its companion guide has been superseded by the Planning Practice Guidance. Open space is defined within the NPPF as:

“All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.”

The NPPF recognises that access to open spaces is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change (para 102).

Para 103 of the NPPF clearly states that existing open space should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

The previous Inspector (1169000) concluded that as the land continued to be of recreational and visual amenity value, it is not considered surplus to requirements.

With regards to the loss of the existing green space, from the quantity of responses received to this application from local residents it is clear that this space remains of importance to many of the local residents who have responded to the consultation and the space is creating and contributing to a sense of openness within the estate. It is an accepted planning principle that small pockets of green space such as this have the ability to play a part in the green network and give a sense of space and visual amenity. As the Inspector stated in his decision (on the appeal), the area clearly was designed as part of the estate to have this purpose. In the supporting text to Policy LP 12 at paragraph 5.1.3 it is also made clear that there is an in-principle presumption against the building on greenfield sites (as housing can be delivered without recourse to it).

Further in relation to APP/L/5810/A/1169000 at paragraph 11, the Inspector concluded:

“It was also argued that the proposed building would improve the appearance of the area by screening the flanks of the adjacent buildings and closing off views between the roads and the area behind the flats. The adjacent buildings are established features of the area and, to my mind are not unattractive. I see no advantage in them being screened, and loss of loss of the ability to see through the site to the land behind would, in my view, would not be beneficial but would contribute to the harmful loss of openness.”

It is acknowledged that the area has been fenced off since this earlier appeal and there has been disputes over the ownership of the land and whether residents have a right of access over it. Although the policies referred to need to be weighed against the requirement for more housing in the borough, it remains the case that appeals have twice been dismissed on this site with reference to the loss of the existing informal green space and on this basis the proposal is considered to remain contrary to in particular Policies LP1 and LP12 and the NPPF paragraphs referred to (which replaced the aforementioned PPG17 referred to within the appeal) and also the associated London Plan Policies

G1, G4 and the related emerging Policies 28 and 34. Notwithstanding that the land is now fenced off to prevent public access, the previous conclusions are still considered valid in respect of visual amenity and directly applicable for the Council to attribute significant weight to the harm arising from the proposed residential development here.

Notwithstanding that the proposal remains contrary to in particular Policies LP1 and LP12, it is generally accepted that the application would broadly more meet with several, although not all of the criteria for infill development as required by Policy LP39, and the Small and Medium Housing Sites SPD, and the scheme does generally:

- 1. Retain sufficient width for adequate separation between dwellings;*
- 2. Would retain appropriate garden space for adjacent dwellings and provide adequate amenity space for the proposed development;*
- 3. Design is discussed further below but the development has broadly taken account of local character as a modern interpretation although there are several elements which fail to be truly successful.*
- 4. Incorporated materials and does attempt to reflect detailing on existing dwellings,*

However, in respect of criteria 2 and 4 there remain concerns that the proposal would not reflect spacing between the proposed buildings to existing and the established spacing of the wider estate and also the point noted by the previous Inspector on the loss of openness at paragraph 11 (as quoted above). Further issues are discussed below under issue ii.

Discussion on trees and landscape, amenity impacts, provision for adequate servicing, recycling and refuse as required by policies LP1 and LP39 and other policies are discussed further below.

And also from our design section of the same report:

The East Twickenham Village Plan Guidance also describes threats to the area, including the removal of front garden boundaries for off-road parking; this trend threatens the regularity of the street scene and its integrity and also the removal of original front garden boundaries and replacement with a different design and/or material. This threatens the regularity of the street scene and its integrity.

The site is a green area at the entrance to Roseleigh Close, which is a 1950s two-storey purpose built maisonettes of some period appeal, characterised by pitched roofs, and a spacious landscape setting, including wide grass verges without further boundary treatment to frontages, and largely an absence of front garden parking with only very limited exceptions, which includes the adjacent garages to the immediate north. Mature tree cover and deep setbacks are typical along Cambridge Park.

The locality benefits from generally an established uniform design, with the purpose-built maisonette blocks all reflecting very similar design features. All the properties in the vicinity of the site on the north side of Cambridge Park are two storeys with two storey front bay features, hipped roof form constructed in red brick and red clay tiled roofs with white framed windows and the proposal is designed as a modern interpretation of the surrounding built form:

Photo from Roseleigh Close looking southeast towards Cambridge Road/Cambridge Court



Fig: Image of Proposed from Design & Access Statement



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.

The elevations and roof form seek to take a cue from the surrounding Estate of maisonettes, although this is done with mixed success. 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.

Despite reservations it is generally accepted in broader terms that the proposed building is of a height and scale consistent with the general character of the area, albeit in a more contemporary form. However, as presented and for the reasons explained above the scheme fails to fully address the requirements of policy LP1. Paragraph 139 of the NPPF states that "development that is not well designed should be refused". The failure to create a design solution that is of high architectural and urban design quality which fails to positively contribute to and enhance the local environment and character constitutes further harm that would count against the scheme in the planning balance. Although it is acknowledged that the creation of driveways for example is necessitated to enable other policies to be met (in relation to car-parking) and in townscape/landscape terms that a scheme could be more broadly considered to meet with several of the criteria of Policy LP39 (A), notwithstanding the concerns about the loss of sense of openness and trees impacts here.

The second reason given for refusing this application was that:

2. Reason - Tree's & Ecology

The application was also refused under delegated authority for the following reason:

The proposed development, by reason of its siting, scale, design, and relationship with the close proximity of a line of mature horse Chestnut Trees, which form a cohesive group, and insufficient information on indirect impacts, is not considered reasonable or sustainable, would be deleterious to the ecological value of the site and is likely to result in significant pressure to prune or remove these trees entirely which are making a significant contribution to the environmental quality and amenity of the area, contrary to the NPPF and in particular Policies LP15 and LP16 of the Adopted Richmond Local Plan (2018), London Plan policies G6 and G7, and emerging policies 39 and 42 of the Publication Local Plan (Regulation 19 version).

The reason for why the application was refused on this basis is clearly and comprehensively set out in the Officer's delegated report and this was also a key consideration in the 2004 appeal decision, noting 20 years further establishment of the tree's has occurred since that time. As previously, the key reason for refusal in this case is the relationship between the existing trees and the proposal. Due to the proximity of the canopy line to the proposed development (2m on the submitted drawings) the northern side of the crowns will cover most of the recreational space in the to the south of the proposal..

The Council Arboricultural Officer has commented further and would ask the inspector to note the image below, which shows the most recent google aerial image of the site with the entire garden and most of the living area in shade. Daylight will clearly be limited until the sun moves round to the West in the evening and this is in the height of summer.



Horse Chestnut has a dense crown habit when in full leaf and horse chestnut leaf miner is endemic in the Borough with infestations of moths, which will build throughout the summer months, most likely acting to irritate new occupants both in the garden and in the house when windows are open in hot weather. Falling chestnuts in autumn will also be an unwelcome characteristic for residents who will want to use the shared garden space. The impact of these issues will be exacerbated by the fact that these buildings are to be maisonettes and as such will not have private gardens, meaning that the communal garden will be of greater value to the occupants who will most likely object to densely shaded homes and outside space.

It should also be noted that Common horse chestnut is vulnerable to more recent changes to the environment and officer observations are that the species often goes into a state of physiological decline after excessive pruning, such trees have been noted to succumb to bleeding canker of horse chestnut or simply die during periods of drought and temperature extremes (this has been noted during the periods during and following the summer of 2022). It is anticipated that there will be an undue pressure to prune the trees once the building is occupied which could have a detrimental impact on the trees, introducing an unreasonable risk of these preserved specimens entering a state of decline. Even if the trees did not enter a state of decline, impact upon shade, leaf litter, conker drop and leaf minor presence would be negligible. This in turn would lead to an undue pressure to fell the trees.

This is an indirect impact of the development on trees. Whilst the trees are protected by TPO if the council permits a relationship between the trees and the development, which is unreasonable it may be difficult to use the TPO to prevent harmful works when the objective of the works is to create a reasonable relationship between the development and the trees. If refused works were subject to an appeal, they may be successful on grounds of an unreasonable relationship between the trees and the development.

LP16 states 'the Council will require that site design or layout ensures a harmonious relationship between trees and their surroundings and will resist development which will be likely to result in pressure to significantly prune or remove trees;'

We do accept that there is a degree of subjectivity to whether the trees will be perceived as problematic. However, we cannot control over who takes occupation of the building and if they find the trees to be problematic the relationship needs to be defensible. Furthermore, it is our common experience as an Authority that has responsibility for the management of trees in highways, parks, and open spaces that invariably a relationship such as this would be perceived as problematic. Typical complaints include lack of light in living spaces, lack of usable garden space, lack of usable growing space below the trees.

In response to the appellant's comments:

The observation that there may be indirect impact to the trees due to the size of the site was made by the project arboriculturist in the submitted document: BS 5837:2012 Tree Survey & Arboricultural Impact Assessment Date 28th August 2023: section 5.5.4 states "5.5.4 The proposed site plan with tree constraints shows that the proposal will have not have a direct impact on the tree crowns or root protection area of the retained trees. The potential indirect impact from construction space is anticipated from experience." However, as stated in previous comments there is no further discussion of the indirect impacts in the report. The appellant is therefore refuting the findings of the applications report submission.

LP16 does not specifically encourage the planting of 'shade trees' as stated by the appellant. It states that 'Trees and other landscape features can help areas to adapt to the likely effects of climate change; for example, they have a cooling effect and contribute to the reduction of urban heat islands by regulating local temperature extremes, which is important due to projected future increases in temperature as a result of climate change.'

The urban heat island effect is caused by the reflection of sunlight off roads, pavements and building and by the absorption of sunlight throughout the day. Trees absorb the light directly from the sun and indirectly through reflected light from roads and buildings which reduces the amount of radiation building up. Whilst a tree may directly shade certain areas at throughout the day, the reduction of the heat island effect requires multiple trees breaking up the reflected light and indirectly reducing the street temperature. It is not wholly achieved by the localised areas of direct shade caused by trees.

LP16 also states '5.5.4 It is important that species are chosen that are appropriate to the scale of their surroundings'. If this proposal is implemented these trees would not be appropriate to the scale of the surroundings and would dominate the new build and the recreational space which would cause complaints of excess shading with very little light available in the rear garden.

The statement that all south facing rooms except for one bedroom have a dual aspect does not appear to correlate with the plans. Nevertheless, this is insufficient to address the fundamental issue which is the relationship between the trees and the building.

The large windows may create the effect that the appeal describes, however this is subjective, and our experience is described in the officer notes for refusal:

'The design includes a lot of glass on the southern frontage which is only likely to further emphasise negative perceptions of the trees by occupants. It is the experience of the council that while some residents view trees positively, other do not and there is no way to control which will take occupation.'

The reports reference to the canopies extending beyond the building line is for number 34 and not the proposal. The comments go on to say: 'The proposed building line is two meters back, indicating that there may be direct conflict and drawing 19.001_P6 Plan View correlates with this. Vegetation on site prohibits access and accurate measurement of the northern spread of the trees. Measuring in parallel the branches were estimated at between 7 and 8 meters which correlates well with the report. The canopy of tree T03 projected further and was estimated at 9 meters.'

As can be seen in the photograph inserted above, the shading from these trees will dominate the communal space and the building which is only slightly set back from number 34 on the right of the picture. This relationship would be unsustainable for residents, which would likely result in sustained

and undue pressure for the pruning with a risk of causing the specimens to decline or indeed removal of these important trees.

The Horse chestnuts have only become more established since the earlier appeal decision, which considered this point and it has previously been found that these trees make a substantial and significant contribution to the character of the area.

The third reason for refusal is:

3.Reason 3 - Affordable Housing

The application was also refused under delegated authority for the following reason:

In the absence of a binding obligation securing an appropriate financial contribution towards the provision of affordable housing within the borough, the proposal would be prejudicial to meeting the Council's affordable housing objectives contrary to policy LP36 of the Adopted Richmond Local Plan (2018), adopted Supplementary Planning Document: Affordable Housing and emerging policy 11 of the Publication Local Plan (Regulation 19 version).

A viability report has been submitted which has been reviewed independently at the cost to the appellant. The review of the viability report has concluded to satisfy Local Plan Policy LP36 an affordable housing contribution is required, with the conclusion of the viability noting:

“5.3 Our own assessment of the scheme shows a residual site value of £1,074,814, which is above the benchmark land value by £1,041,094 without any allowance for a contribution towards affordable housing. This suggests that the scheme is viable and could support additional affordable housing or S.106 contributions.

5.4 The Council’s Commuted Sum Calculator (Appendix E) shows a maximum affordable housing contribution of £266,828. This is lower than the scheme surplus, so £266,828 is payable as the affordable housing contribution“

The latest communication from the Appellant in this regard received by email is that:

“We are preparing a UU with an offer which we will copy to you for consideration as well as to the Inspector.

Our expert is contacting Bespoke regarding their input assumptions.”

The LPA has asked the Community Infrastructure Levy (CIL) team to provide a more accurate estimate on the likely CIL contribution, which they have advised by email dated 22.10.2024 of:

Mayoral CIL	£43,614.11
Borough CIL	£188,188.49
TOTAL	£231,802.60

The updated CIL estimate has been forwarded to the Appellant and the independent assessors Bespoke for their further consideration.

However, as things stand the LPA awaits further communication from the Appellant in this regard. As things stand the expectation is that to address the affordable housing reason for refusal a Unilateral Undertaking, providing an affordable housing contribution is provided on the basis of an agreed viability position.

Other Matters

Housing Land Supply

Paragraphs 10 and 11 of the NPPF set out that plans and decisions should apply a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
- or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 8 of the NPPF (2023) clarifies that:

‘8 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply (or a 4 year supply), if applicable, as set out in

paragraph 226 of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77 and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous 3 years'

At the time of writing, the Council's most recent Housing Delivery Test result is 91%, therefore, as required the Council have produced an Action Plan, and there is no requirement to include a 20% buffer or for a presumption in favour of Sustainable Development to apply. In addition, the Council is able to demonstrate more than 5 years of housing land supply including the appropriate 5% buffer. The Council's Local Plan was adopted in 2018, but the development plan also consists of the London Plan, which was published in 2021, and a new emerging Local Plan is in preparation. The emerging Local Plan was submitted for examination in January 2024, with the Examination in Public hearings running from 25 June to 10 July 2024, therefore given the advanced stage it will carry weight within the decision-making process, this is defined within paragraph 48 of the NPPF.

Therefore, for the purpose of determining this planning application, the LPA is able to demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer). The ordinary planning balance having regard to the statutory test in section 38(6) of the 2004 Planning and Compulsory Purchase Act is therefore engaged.

SUMMARY

As with previous decisions the council has had full regard to the need to maximise the use of land for housing.. Clearly the former housing stock was extensively redeveloped in the late 1950/early 60s and the areas of the Cambridge Park that previously contained housing stock in the 1930s comprehensively redeveloped. The area that was previously housing is now built over. The fact that this site was left undeveloped as it always has been for its amenity value and quality still remains, given its open and verdant character.

As demonstrated in our Officer's delegated report and as also shown above, this application does present a conflict with the adopted Local Plan (2018), London Plan and also the Publication Local Plan which is being presently applied weight and is material in this decision.

The LPA has 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 our assessment, this afforded weight as a benefit of the scheme, however the degree of weight is limited given that the site is formerly undeveloped on and the Council consider that it can meet its housing targets without conflict with the stated policy position of a presumption against building on such sites.

The Council acknowledges that the scheme meets policy requirements in several respects, but these are considered necessary requirements rather than public benefits.

However, 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.

Without prejudice of the above if the appeal were to be allowed, the LPA will forward a list of conditions separately that the Inspector may wish to consider imposing if minded to allow the appeal, well in advance of the hearing date.

Yours Sincerely,

Andrew Vaughan MRTPI – Senior Planning Officer