

Department of the Environment and Department of Transport

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DEPT. OF TECHNICAL	
20 JUL 1987	dc
37	WMS
86/1251	m(12)

Your reference

Our reference

T/APP/L5810/A/87/62174/P4

Date

70 JUL 87

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY CRAIG McFARLANE
APPLICATION NO:- 86/1251

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the London Borough of Richmond-upon-Thames Council to refuse planning permission for the erection of a bungalow and a detached garage at corner of Cambridge Park and Roseleigh Close, Twickenham. I have considered the written representations made by you and by the Council and also those made by other interested persons. I inspected the site on 5 April 1987.
- From my inspection of the site and considering the written representations I have formed the view that the important issues in this case are whether this site could be developed without seriously affecting the character of the estate as a whole and whether the land should be retained as a landscaped area.
- The Cambridge Park Estate was developed around 1960 and in Roseleigh Close consists of 2-storey blocks of maisonettes with bay windows and pitched tiled roofs. On the other side of Cambridge Park there is situated Cambridge Park Court which is an older 3-storey block of flats with the top floor contained in a mansard roof.
- The appeal site comprises an open lawned area which was left unbuilt on when the area was developed and appears to have been laid out originally as a landscaped area for use by the residents of the flats. The site has a frontage to Cambridge Park of about 23 m and a frontage of about 28 m to Roseleigh Close. There are 5 horsechestnut trees on the southern boundary and 1 cedar tree in the north-east corner of the site; all the trees are subject to a Tree Preservation Order.
- Your client's proposal to erect a bungalow was refused by the Council on the grounds that it would result in the loss of a landscaped area, would be likely to affect the trees and would appear cramped and congested and out of scale with the other development in the vicinity.
- An appeal against the refusal by the Council to permit the erection of 2 semi-detached houses was dismissed by an inspector in 1981 and an application for a 2-storey house was refused by the Council in the same year. The Council are strongly supported in their refusal of the appeal application by a large number of residents of the Cambridge Park Estate.

7. The most important issue to be determined is whether in principle this site should be developed at all; this must be established before details of appropriate development can be considered. In your submission you state that the site has not been dedicated to the inhabitants and that there is no right of way over it. For the Council it is asserted that when the estate was originally developed the land was set aside as an amenity area and is of particular value in view of the prominent position at the point of entry into the estate.

8. A number of residents claim that, in accordance with the provisions of their leases, they are entitled to use this land. These are not matters which I may take into account and my determination of this appeal must rest on the planning merits of the case. However, it appears to me that in granting planning permission for this estate the Council's predecessor authority clearly took into account the fact that this piece of land would remain as an open area with trees. Although you assert that the land was never dedicated to the residents, this does not in my view, override the fact that at the time of applying for planning permission and granting planning permission for this estate it was clearly contemplated by both the owner and the Council that the land would remain as open space as an adjunct to the estate.

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 horsechestnut trees overhanging the proposed house. I note that since the Tree Preservation Order was made one of the cedar trees has been removed.

11. I have taken into account all the other matters raised; these are mainly matters relating to detailed design and materials. If I were disposed to grant planning permission in principle for this development, I would not consider the proposed design appropriate for this site by reason of its incongruous nature. None of the other matters raised outweighs the considerations upon which my conclusions are based.

12. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir
Your obedient Servant



D W FRITH DipTP FRTPI FRICS
Inspector

London Borough of Richmond upon Thames

TOWN AND COUNTRY PLANNING ACT 1971

To **C L McFarlane**
c/o I J West
 of **8 Chaik Lane**
Epsom
Surrey.

WHEREAS in accordance with the provisions of the Town and Country Planning Act, 1971, and the Orders made thereunder you have made application dated **7th August 1986** and illustrated by the plans for the permission of the Local Planning Authority to develop land situated at **Corner of Cambridge Park and Roseligh Close, Twickenham, Middlesex.** by **Erection of a bungalow and a detached garage.**

NOW THEREFORE WE THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES acting by the Council of the said Borough as the Local Planning Authority, HEREBY GIVE YOU NOTICE pursuant to the said Act and the Orders made thereunder that—

Permission to develop the said land in accordance with the said application is hereby REFUSED.

The reasons why permission is refused are as follows:—

The erection of a detached bungalow and garage as proposed would be contrary to the provisions of the Richmond Upon Thames Local Plan and in particular policies ENV 6,7,16, 18 and 20 in that:

- 1) It would result in the loss of an open landscaped area that forms an integrated part of the Cambridge Park Estate and would thus cause a loss of visual and residential amenity to the occupants thereof.
- 2) It would be likely to result in the loss or severe lopping of trees which make a significant contribution to the environmental quality of the area and which are subject to the Tree Preservation Order T11.
3. It would appear cramped and congested, an incongruous feature out of scale and character with other development in the vicinity of the site.

Dated this **24 OCT 1986** day of

, 19

E Latham

Chief Planning Officer
 Dept. of Technical Services
 Regal House (2nd Floor)
 London Road
 Twickenham, TW1 3QB

Signature **Chief Planning Officer for:**
 Director of Technical Services

- NOTES: (i) Attention is particularly drawn to the Schedule to this Notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
- (ii) This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1976 or under any enactment other than the Town and Country Planning Act 1971.

THE SCHEDULE REFERRED TO

Rights of Applicants Aggrieved by Decision of Local Planning Authority

(1) If the Applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may by notice served within six months of receipt of this notice, appeal to the Secretary of State for the Environment in accordance with Section 36 of the Town and Country Planning Act 1971. The Secretary of State has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the Local Planning Authority in regard to the proposed development are in progress. The Secretary of State is not, however, required to entertain such an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of Sections 29 to 33 of the Act and of any Development Order and to any directions given under such Order.

(2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may in accordance with Section 180 of the Town and Country Planning Act 1971, serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land.

(3) In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused, or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 134 to 163 and 169 of the Town and Country Planning Act 1971.

FOR OFFICE USE ONLY

Particulars of any Direction under the Acts or the Orders made thereunder.

Date of Appeal to the Secretary of State for the Environment and Date and Effect of his decision.