
Appeal Decision

Site visit made on 22 November 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 December 2016

Appeal Ref: APP/Z3635/W/16/3153335

Land rear of 273-275 Laleham Road, Shepperton, Surrey TW17

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Tarrant against the decision of Spelthorne Borough Council.
 - The application Ref 15/01144/FUL, dated 12 August 2015, was refused by notice dated 20 January 2016.
 - The development proposed is the erection of a detached bungalow with ancillary parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. Having considered all the representations made, including those from local residents, the main issues are:
 - the effect of the proposed development on the character of the area; and,
 - whether the proposed development would provide acceptable living conditions for future occupiers in terms of amenity space, internal living space, and outlook.

Reasons

The character of the area

3. Policy EN1 of the Core Strategy and Policies Development Plan Document 2009 (CSDPD) requires a high standard in the design and layout of new development, and expects proposals to respect and make a positive contribution to the street scene and the character of the area. It should pay regard to the scale, height, proportions, building lines, layout, materials, and other characteristics of adjoining land and buildings.
 4. The surrounding area is characterised by housing with a mix of house types and heights, and with a distinctive, spacious street block layout where the houses are arranged back to back across long, back gardens with front gardens between them and the street. While this site of five, lock-up garages sited between the back gardens of the surrounding housing does not have a prominent bearing on the street scene, it would nonetheless be visible from the street, and from neighbouring houses. It would thus have a bearing on the character of the area.
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5. While the pattern of development in this street block appeared to me to have no similar, backland housing development, the existing garages occupy a substantial footprint, and the proposed development has many factors which would reduce its impact on that pattern. The building footprint appears to be smaller than the garages; its height would be modest; it would incorporate a pitched roof; and, it would use materials similar to the surrounding houses. These positive factors of the design would assist its integration with the surrounding area.
6. However, the proposed layout with a tall, enclosing fence running close to the long wall of the bungalow and between it and the space in front, would tend to sever the visual connection between the house and the space around it. This would run against the characteristic pattern of the surrounding development which has open frontages.
7. I have taken into account the appellant's references to development on similar sites in the wider area. The pair of bungalows built at 29-31 The Drive, Ashford have front gardens and open frontages which address the common turning area. The siting of the bungalow built at 301A Staines Road West reflects the neighbouring bungalow alongside it, sharing common front and rear building lines and an open frontage onto the common parking and turning area. The appellant refers to the appeal decision¹ relating to 172 Staines Road East, Sunbury, however, the bungalow in that appeal provided a relatively deep, open frontage between the common access and turning area and the bungalow.
8. The bungalow in this case would be separated from the common access and turning area only by a narrow corridor, and it would be screened by a high enclosure between the proposed house and the common area. I acknowledge the private amenity space to be provided. Were its enclosure to be low it would integrate the proposal more sensitively into the frontage space, however, it would not relieve the sense of disconnection between the bungalow and the space of the common turning area. Unlike the schemes referred to, this proposal would sever the visual connection between the bungalow and the common area in front of it, and for this reason I disagree that the Council's decision-making has been inconsistent.
9. While the site and its immediate surroundings appeared to me not to be in a state of dereliction or to be suffering abuse, I note the appellant's points that surrounding trees and planting would be retained and that the garages are no longer used for parking cars. However, this does not outweigh the harm to the character of the area identified above which would result from the development.
10. For these reasons the proposed development would run against the distinctive pattern of development in the area and harm its character. It would conflict in this respect with CSDPD Policy EN1, and with the guidance in paragraph 58 of the National Planning Policy Framework 2012 (the Framework), that development should respond to local character. It would also be at odds with the advice in the Planning Practice Guidance² which suggests that development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development.

¹ Appeal Ref: APP/Z3635/A/11/2157357

² Planning Practice Guidance, DCLG 2014 as amended, Paragraph:007, ID 26-007-20140306

The living conditions for future occupiers

11. The Council measures the private garden space of the proposal as 48m². Though it considers that the dressing room shown on the plan of the proposal could in fact be a second bedroom, given its size and lack of window I consider this unlikely. On this basis, the area of private amenity space in the proposal would meet the guideline area of 35m² suggested for a one-bedroom dwelling in the Council's Supplementary Planning Document 'Design of Residential Extensions and New Residential Development' 2011 (SPD).
12. I appreciate that there are garages in the back gardens of the houses in Laleham Road, the cars into and out of which would pass the garden of the proposal. However, the overall number of vehicle movements is likely to be small, the speed and noise from manoeuvring low and short-lived, and unlikely to materially reduce the occupiers' enjoyment of the garden. In respect of amenity space, the proposed development would provide adequate private back garden area to satisfy the needs of the future occupiers.
13. The Council's measure of the gross internal area of the proposed dwelling is 47m². Its SPD, which amplifies Policy EN1, sets out minimum floor areas for new dwellings, and the Planning Practice Guidance refers to the Nationally Described Space Standard, which for this proposal requires a minimum gross internal floor area of 50m². Against this minimum standard the proposed floor layout would fall 3m² short, and this counts against the proposal.
14. The living space would have an outlook through the large opening looking onto the private garden as well as a secondary window in the flank wall. However, the bedroom's single window would be only around 1.2m from the fence enclosing the development which would be around 2m high. This would obstruct the outlook from within the bedroom to the degree where it would harm the amenity of the occupiers within. I note the reference to a bedroom window with an outlook onto a fence in the development permitted at 301A Staines Road West, Ashford; however the plans submitted as evidence indicate that the consented bedroom windows look out onto a clear frontage. It would not, in any event, outweigh the harm to the outlook of the future occupiers of the bedroom in this case.
15. I conclude on this issue that though the development would provide sufficient area of private amenity, the shortfall in the floor area of the proposal together with the lack of outlook from the bedroom would result in unacceptable living conditions for future occupiers in terms of internal living space and outlook. It would thus be in conflict with CSDPD Policy EN1, as well as one of the core planning principles of the Framework which says that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

16. Whilst I have considered the concerns raised by neighbours including light pollution, accessibility, refuse collection, flooding, given my findings on the main issues above, these have not led me to a different overall conclusion.

Conclusion

17. Whilst the development would provide a modest benefit of one additional house to local housing supply, this is outweighed by the unacceptable harm it would cause to the character of the area and the living conditions of its future occupiers, which is in clear conflict with the policies of the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR