
Appeal Decision

Site visits made on 28 November and 6 December 2016

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 12th December 2016

Appeal Ref: APP/Z3635/W/16/3147733

7 - 11 Manygate Lane, Shepperton TW17 9EQ

- 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 Churchill Retirement Living Ltd against the decision of Spelthorne Borough Council.
 - The application Ref 15/01412/FUL, dated 22 October 2015, was refused by the Council by notice dated 1 March 2016.
 - The development proposed is demolition of existing houses and erection of a new building with three floors of accommodation to provide 16 no. 1 bed and 9 no. 2 bed sheltered apartments for the elderly including communal facilities. Creation of new access, associated parking area and landscaping.
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Decision

1. I dismiss the appeal.

Procedural Matters

2. The description used in the bullet point above is taken from the Council's refusal notice and appears more detailed. In any event the nature of the proposal is clear from the submitted drawings and other documents.
3. An accompanied site inspection had been arranged for 28 November and this was attended by representatives of both the Council and the appellant. A view was taken within the garden of each of the appeal properties, as well as from public places in the surrounding area. The Council referred to requests to view from local residents, but no-one was in attendance and to have sought access would have risked missing someone. A further visit was arranged for 6 December specifically to enter private properties in River Court as requested.

Main Issues

4. These are;
 - The effect of the proposals on the character and appearance of the area.
 - The effect of the proposals on the living conditions of neighbouring residential occupiers, together with the highway impact.

Reasons

Character and Appearance

5. Policy EN1 of the Core Strategy and Policies Development Plan Document 2009 on the design of new development requires a high standard in design and
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layout, creating buildings and places that are attractive, paying due regard to scale, height, building lines and layout among other requirements. Policy HO5 of the same document on the density of housing development makes reference to Planning Policy Statement 3 '*Housing*' when defining density. That statement of Central Government housing planning policy has been superseded by the National Planning Policy Framework. In fact Policy HO5 continues that higher density than might be suggested by the policy may be acceptable where complying with Policy EN1.

6. Supplementary Planning Document '*Design of Residential Extensions and New Residential Development*' refers to the removal of minimum density requirements from PPS3 and states that Policy EN1 and other Council policies already provide clear guidance enabling poorly designed schemes on any site to be refused. No changes to the Council's existing policies were therefore considered to be required at that time. One of the most important considerations in preparing a well-designed scheme is stated to be to ensure it is in keeping with and makes a positive contribution to the character of an area
7. The National Planning Policy Framework states at paragraph 56 that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
8. The Council has supplied a map showing the location of protected trees along the western boundary of the site, but within the adjoining school grounds, and how the boundary of the Lower Halliford Conservation Area adjoins the southern boundary of the site and includes part of the school buildings, River Court, as well as the older and more architecturally significant properties to the river bank. The setting of this designated heritage asset is a material consideration as are views into and out of the area.
9. On the matter of open space and density, the nature of the proposed use differs from family housing and the need would likely be for secluded areas away from traffic noise. The location of the front façade is on the building line and the area of garden there serves more as landscaping to the public realm, although residents may enjoy being there for that reason. The garden to the rear is limited by the need for car parking space and room to manoeuvre and it appears reasonable to locate the garden away from that use and nearer the residential properties at River Court.
10. The rear garden land at present does not play a significant part in the street-scene, but the presence of the protected trees on the rear boundary does. Their upper canopies would remain dominant features, and in the balance between making best use of land in an accessible location, and retaining what was family garden space to three large houses, the proposed density of development does not appear too great as such. However, the test, as accepted in Policy HO5 and the later Supplementary Planning Document, is the effect of any given density with regard to Policy EN1 and particularly in this appeal, the visual effect.
11. The proposal would require the removal of three large detached houses, which in their detailing and use of materials echo that of the semi-detached house on the east side of the road, but which do not resemble to the same degree the development at River Court to the south or the flats to the north. Numbers 7

- and 9 occupy a significant part of the width of their sites and leave a limited gap to River Court, whilst number 11 has space to the north where it abuts the flats. The view of the Council's Conservation Officer is concurred with now that they are not of particular merit, but they do sit well in their surroundings.
12. Two elements of the proposed front elevations respond appropriately to the street context; that adjoining River Court being redolent of the proportions and detailing of that recent development within the conservation area, and the forward projecting part to the other end would echo the form of the flats with three storeys and eaves.
 13. However, the two parts would be linked by a recessed area utilising a third form of wall and roof finish, and whilst the effect would be of reduced mass and some articulation, the sheer face and abrupt termination at a parapet would clash unattractively with the roof slopes either side, a feature shown to effect in the computer generated image of drawing P08. This feature introduces an uncharacteristic building form into the street-scene.
 14. It is accepted that the Officers responsible for the Report did not agree with the Conservation Officer's view as to this feature, considering the whole front façade *'to be in keeping with the character of the area, paying due regard to the height, design and materials of existing properties.'* Nevertheless, in an appeal to the Secretary of State, the proposals are to be considered afresh, and this issue has been raised previously. It could well be that, as asserted by the Conservation Officer, a limited rearrangement of the staircase could soften this appearance, but at present it is a jarring element.
 15. To the north end the attractive eaves detailing would change to that of a parapet with hidden gutters, resulting in a raised wall height and the risk of a further unattractive junction with the pitched roofs at either end of that section. The introduction of a parapet does not echo a feature in the vicinity, the large modern flats to the south-east relying on deep overhanging eaves and would appear bulky and over-high, and hence out of scale as a result.
 16. A further part extending to the rear would revert to the conventional eaves arrangement over three storeys, and this would terminate approximately 9m from the rear boundary with a central flat area. The range would have a southern aspect of two storeys with rooms and dormers in the roof, similar to the arrangement at River Court which it would face. That arrangement would continue round to the front, with the blue dotted line on drawing 20058SP P02 making clear where the location of the façades differ from what is there now.
 17. It is this rearward projection that appears to be the main issue for the Council, and the gap formed at the northern end of the site to accommodate the vehicle entry would allow a view through to this area. It is the case that the flats to the north project back into their site, both blocks having a 'T' shape and the further block being set to the rear of the site. But, in that case there is clear space around the buildings as seen from public viewpoints of the street and the footpath along the northern boundary of the school fields. In the case of the appeal proposals the rearward projection would interfere with the appreciation of the protected trees, and would appear as an over-deep intrusion into their setting and the open space between them and the frontage development. It is because of the trees that the wide open spaces of the school fields do not overcome this failing.

18. Whilst the view from that footpath is more distant, it appears the case that the central roadway to the flats to the north is public highway as far as the entry to the garages, and from that viewpoint the rearward projection would appear intrusive at the full three storeys.
19. With regard to views from the conservation area, the development would likely be visible from the footway on Russell Road across the car park to the Red Lion public house in a gap in front of 4 River Court. However, that gap does not appear a particular feature of the designated area and there is already the closer modern development of River Court. The more distant rearward projection would not intrude to any harmful extent.
20. Also acceptable is the effect of the garages and manoeuvring space directly in line with the gap at the side of the building, as this could be softened by landscaping where the entry onto the road is set to the south. The grouping of garages with those already in place to the north appears a reasonable use of space.
21. Nevertheless, there are, as detailed above, elements of the proposal that would cause visual harm and whilst density as such is not at fault, the design and disposition of the accommodation and particularly the amount of rearward projection would not reach the standard sought in paragraph 56 of the Framework of the Supplementary Planning Document. With regard to Policy EN1, the proposal would not respect or make a positive contribution to the street-scene and the character of the area, and would fail to pay due regard to the surroundings.

Living Conditions

22. Representation has been received as to the effect on the living conditions of neighbouring occupiers and also with regard to highway issues and how that is seen to affect them. Whilst not matters supported by the Council, it is appropriate to address these concerns as a main issue, particularly in view of the visits made to three dwellings in River Court. In this respect Policy EN1 seeks to achieve a satisfactory relationship to adjoining properties.
23. It appears that the development at River Court has been designed to take account of the privacy that existed in the rear gardens of the three detached dwellings on the site, and so there are limited windows facing the site. Both numbers 2 and 3 would have sideways views from upper windows over the site, and clearly the view would change. There is no right to a view as such in planning considerations, but these properties would experience at a closer distance some of the visual failings identified in the first main issue.
24. With regard to outlook from and effect on the rear gardens, particularly to that of number 3, there would be two storey construction closer than at present where the slightly recessed part of section H-H would be visible. That would be noticeable in views from the more recent extension to number 3, but on balance would not cause real harm to the occupier's living conditions in planning terms. The location of the two storey side elevation adjoining the mutual boundary would be set slightly further away than is the case at present. On that basis the effect on number 2 would be acceptable also.
25. Turning to consider the effect on number 4 River Court, this is a larger detached dwelling and its garden area faces the rear of the site. The rearward

projection would be visible, but being aligned similarly to that of the River Court garages to the right of the view, there would remain open space to much of the outlook from the garden and house. As with the other two dwellings visited, the failings identified in the first main issue would be apparent.

26. There would be rooms at three levels in the proposed development, but the separation distances are such that harmful overlooking would not exist at the level sought to be avoided in Policy EN1 which concerns significant harmful effects, and the Council refer to obscure glazing in places.
27. The matter of highways has been raised by local residents and by the time of the completion of the second site inspection, pupils at the school to the north along Manygate Lane were leaving with some parked cars and additional traffic. There is parking control along the road close to the site, to provide clearance at the junction and the entry to River Court and the flats opposite, leaving a section of single width due to parked cars outside the semi-detached properties. However, the nature of the development would not lead to significant additional traffic over that likely to be generated by three large family houses, and parking provision is acceptable to the relevant authorities. Any infringement of parking control would be enforceable against.
28. The Council confirm that an amended site layout plan has been submitted showing the reposition of the location of the access further to the south to provide adequate visibility zones. The County Highway Authority has raised no objection to the proposed subject to a condition. Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe, and not whether existing highways conditions are considered to be severe. That approach is confirmed in the web-based Planning Practice Guidance (Paragraph 002 Reference ID: 42-002-20140306).
29. To conclude on this issue, the proposed development would not significantly harm the living conditions of neighbouring residents, in line with Policy EN1, and the highway impacts are acceptable.

Conclusions

30. Whilst the highway effects are acceptable and there would be no significant harmful impact in terms of privacy, daylight and sunlight, or an overbearing effect due to bulk and proximity, there are public and private views that would be adversely effected by the design and siting of the development, as set out in the first main issue. The proposal would not accord with Policy EN1 of the Development Plan and would not be of the standard of design sought in the Framework. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR