
Appeal Decision

Site visit made on 24 April 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 26 May 2017

Appeal Ref: APP/Z3635/W/17/3168754

8-12 Clarendon Road, Ashford, Middlesex TW15 2QE

- 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 Darren Hooper of Hoopers Homes against the decision of Spelthorne Borough Council.
 - The application Ref 16/01326/FUL, dated 8 August 2016, was refused by notice dated 7 November 2016.
 - The development proposed is the demolition of existing buildings and erection of two 2 storey blocks comprising 10 flats (4 x 1 bed & 6 x 2 bed) with associated parking and amenity space (amendment to planning permission 15/01106/OUT).
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of two 2 storey blocks comprising 10 flats (4 x 1 bed & 6 x 2 bed) with associated parking and amenity space at 8-12 Clarendon Road, Ashford, Middlesex TW15 2QE in accordance with the terms of the application, Ref 16/01326/FUL, dated 8 August 2016, subject to the conditions set out in the schedule to this decision letter.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and whether the development would provide suitable living conditions for the future occupiers of the development with particular regard to amount and quality of the rear garden space.

Reasons

Character and appearance

3. The appeal site is located on the north-east side of Clarendon Road. The site consists of a pair of semi-detached dwellings and a vacant storage building which I understand was originally a cinema. To the rear is an access driveway from Queens Lane.
4. There have been several previous proposals for the redevelopment of the site some of which have been approved¹ and some of which have been refused and dismissed at appeal². It is common ground that the redevelopment of the site for residential purposes is acceptable in principle. It is also noted that the Council have not advanced a case that the development would be out of

¹ 14/01254/FUL & 15/01106/OUT

² 12/01236/FUL (APP/Z3635/A/13/2201092), 15/00351/OUT

character with the surrounding area with the exception of the density and site coverage matters and I have no reason to disagree.

5. In respect of the density of the development, Policy HO5 of the Spelthorne Core Strategy and Policies Development Plan Document (2009) (CS) outlines a guideline of between 40 and 75 dwellings per hectare, although higher density development may be acceptable where proposals accord with Policy EN1 of the CS. Whilst the density of the current proposal is around 100 dwellings per hectare I am also conscious that permission 15/01106/OUT had the same dwellings per hectare density as the current proposal.
6. Like the previous proposals, the current scheme involves the demolition of all of the existing buildings and the construction of two new buildings. The Council have calculated that the footprint of the current scheme extends to around 386 square metres, with an amenity space of around 300 square metres. The previous appeal development consisted of a building footprint of around 392 square metres and an amenity space of around 246 square metres. The previous Inspector considered that the development before him represented a high degree of building footprint within the confines of the site and consequential density limiting the amount of available garden space.
7. Whilst I acknowledge that the current proposal has a building footprint only marginally smaller than the previous appeal scheme, it is significant that the revised site layout allows for a much greater area of useable amenity space to the rear. I am also conscious that the proposed development has a smaller footprint than the existing buildings at the site.
8. To my mind, given the improved site layout (with its slightly smaller footprint and much greater rear amenity area), the overall proposal would not appear to be an overly dense form of development nor would it be out of character within the surrounding area.
9. For the above reasons, the development would not give rise to any harm to the character and appearance of the area and would accord with Policy EN1 of the CS which amongst other matters seeks to ensure that development has a high standard of design and respects and makes a positive contribution to the character and appearance of the area.

Living conditions

10. The proposed development would allow for around 300 square metres of useable amenity space at the rear of the buildings for the future residents of the development. This also represents a significantly larger area than that considered by the previous inspector and in the region of 79 square metres of space above what would be required by the Design of Residential Extensions and New Residential Development Supplementary Planning Document (2011) (SPD).
11. The depth of the garden area from the buildings to the parking spaces ranges from around 8.6 metres to around 11.4 metres. The SPD does not specify a minimum length for a shared amenity area but does indicate a distance between habitable room windows, with an explanatory diagram showing a minimum rear garden length of 10.5 metres. In this case, there is no residential development at the rear of the site, and in addition to the amenity area, there is a parking area associated with the proposed development which

would take the distance from the rear of the building to the edge of the appeal development site to around 13.6 metres.

12. Whilst I note that the scheme still includes the footpath broadly through the middle of the site, it is significant to note that the 15/001106/OUT outline permission (which considered layout) also included a similar route through the site.
13. Given the layout of the site, and the amount of rear amenity space available, I consider that the development would provide a sufficient quantity and quality of amenity space to serve the future occupants of the flats.
14. For the above reasons, the development would provide suitable living conditions for the future occupants of the flats in accordance with Policy EN1 of the CS and the SPD which amongst other matters seek to provide suitable living conditions for the occupiers of new residential development.

Conditions

15. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. Conditions relating to external materials, landscaping and boundary treatment, and a waste storage area are also necessary in the interests of the character and appearance of the area.
16. For environmental reasons, it is also necessary to ensure that adequate surface water drainage is provided and that investigations are undertaken in respect of potential contaminated land issues. To accord with Policy SP7 and CC1 of the CS, details of energy efficiency measures are also necessary.
17. Conditions are also required in respect of car and cycle parking areas to ensure that adequate parking provision is made in the interests of highway safety.
18. To protect the amenity of adjoining residential properties details of any external lighting is required, and that the first floor window facing 6 Clarendon Road is obscurely glazed. The other obscure glazing suggested by the Council is not necessary. To ensure that adequate amenity space is provided for the future residents, a condition is also necessary in respect of the provision of the garden area.
19. With the exception of the contaminated land matters, and the construction method statement, it is not necessary for any of the suggested conditions to be agreed pre-commencement. It is necessary for these matters to be agreed prior to any works commencing as the contaminated land investigations relate to matters below ground level and should be resolved before any ground disturbance works occur. In respect of the construction method statement, this needs to be agreed prior to any works so that the development does not create unacceptable problems during the entire construction period.

Conclusion

20. Taking all matters into consideration, the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans – AAL-16-150-P02, AAL-16-150-P01 rev A, AAL-16-150-P03 rev A, AAL-16-150-P04 rev A and AAL-16-150-P05 rev A
- 3) Prior to the commencement of the construction of the external surfaces of the development details of the materials and finishes for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a comprehensive desk-top study is carried out to identify and evaluate all potential sources of land and/or groundwater contamination relevant to the site has been submitted to and approved in writing by the local planning authority.

Where potential sources and impacts of contamination have been identified a site investigation shall be carried out (in accordance with a methodology first agreed in writing by the local planning authority) to fully characterise the nature and extent of any land and/or groundwater contamination and its implications.

Following the site investigation, a written method statement for the remediation of land and/or groundwater contamination affecting the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of remediation works. The method statement shall include an implementation timetable and monitoring proposals, together with a remediation verification methodology.

The site shall only be remediated in accordance with the approved method statement unless an alternative remediation strategy is first agreed in writing by the local planning authority.

- 5) Prior to the first occupation of any part of the development, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the local planning authority.
- 6) Prior to the commencement of any construction works above ground level details of how at least 10% of the energy requirements of the development as a whole will be achieved utilising renewable energy methods, including the percentage that each of the contributing technologies has to the overall percentage shall be submitted to and approved in writing by the local planning authority. The submitted details shall include how renewable energy, passive energy and energy efficiency measures will be generated and utilised for each building to collectively meet the requirements for the development. The approved measures shall be implemented in full with the construction of the buildings and shall remain operational for the life of the development unless otherwise first agreed in writing by the local planning authority.

- 7) Prior to the first occupation of any part of the development, details of the position, design, materials and type of boundary treatment shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in full prior to the first occupation of any part of the development.
- 8) Prior to the first occupation of any part of the development a detailed hard and soft landscaping scheme for the site (including the parking area and pedestrian paths within the site) shall be submitted to and approved in writing by the local planning authority.
- 9) A hard landscaping, planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling to which it relates to or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority first gives written consent to any variation.
- 10) The parking area shall be provided in accordance with the approved details prior to the first occupation of any part of the development and shall be made available for the occupiers of the development as such for the life of the development.
- 11) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-
 - i. the parking for vehicles of site personnel, operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials;
 - iv. measures to prevent the deposit of materials on the highway;
 - v. details of dust suppression and mitigation measures during the construction period.
- 12) Prior to the first occupation of any part of the development, details of a secure, lit and covered cycle parking area shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in full prior to the first occupation of any part of the development and shall be retained for the life of the development.
- 13) Prior to the first occupation of any part of the development, details of a waste storage area and facilities shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in full prior to the first occupation of any part of the development and shall be retained for the life of the development.
- 14) Prior to the first occupation of the first floor flat adjacent to 6 Clarendon road (Flat 7 on drawing AAL-16-150-P04 rev A) the bathroom window shall be of a non-opening design up to a minimum height of 1.7 metres above the internal floor level and shall be obscurely glazed in accordance with details of the type of glazing pattern which shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed and retained as such for the life of the development.

- 15) Prior to the first occupation of any part of the development details of all proposed external lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved details.
- 16) The rear garden area shown on the approved plans shall be provided in full prior to the completion of the development or the first occupation of all of the flats (whichever is the sooner) and shall be maintained as such for the life of the development.
- 17) No construction works shall take place until details of a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The drainage scheme should include provision for soakaways (where technically possible) and utilise permeable paving. The approved scheme shall be implemented in full and thereafter maintained for the life of the development.