
Appeal Decision

Site visit made on 21 March 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 01 June 2017

Appeal Ref: APP/Z3635/W/16/3165115

103 London Road, Staines-Upon-Thames TW18 4HN

- 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 R Rough against the decision of Spelthorne Borough Council.
 - The application Ref 16/00638/FUL, dated 20 April 2016, was refused by notice dated 17 June 2016.
 - The development proposed is a proposed additional floor level to the previously approved scheme (ref 13/01021/FUL) to provide 1 No 2-bedroom apartment.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed additional floor level to the previously approved scheme (ref 13/01021/FUL) to provide 1 No 2-bedroom apartment at 103 London Road, Staines-Upon-Thames TW18 4HN in accordance with the terms of the application, Ref 16/00638/FUL, dated 20 April 2016, subject to the conditions set out in the attached Schedule to this decision.

Procedural Matter

2. Planning permissions has previously been given on the site for a 3 storey building including 8 flats (Ref 13/01021/FUL) although that building has not been fully constructed. The appellant has confirmed that the previously approved development was commenced within the time limit through implementation of drainage works. There are outstanding pre-commencement conditions related to that decision and the appellant has submitted details in an attempt to discharge those. The Council confirms that they have no reason to challenge the status of that planning permission.
 3. The current proposal would involve the construction of an additional floor level on top of a building that does not exist. I have no evidence to dispute that the approved development can be continued with but am not making a determination of a Certificate of Lawfulness about that matter. I will proceed to determine this appeal. Should it subsequently come to light that it is not lawfully possible to construct the previously approved development, it would also not be possible to implement the current proposal.
 4. A further confusion with the submission relates to the titles of the plans. All plans were described as being "proposed". I will consider this proposal on the basis of the plans showing the additional floor level and that the building will otherwise be constructed as previously approved.
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Main Issues

5. The first main issue is the effect of the proposal upon the character and appearance of the area. The second is the effect of the proposal on the living conditions of the occupiers the adjoining flats with particular regard to outlook.

Reasons

Character and appearance

6. The appeal site is in a position behind substantial buildings that front onto London Road (also referred to as Roman Road). Directly in front of the site is a 2 storey flat roofed vehicle service centre with flats above it, a filling station with a 2 storey block of flats over that. To the other side of the entrance that leads to the site is a 3 storey block of flats and beyond that a row of more traditional dwellings. On the opposite side of London Road there is a larger scale to the mainly commercial buildings. There is an extensive mix of building styles and sizes in this area.
7. The approved building would be of modern design over 3 storeys, 8.675m high with a flat roof presented in a single block but with cladding and glazing that would visually break up the building. The current building on site is a large factory also with a substantial area of flat roof which is 2 storeys high. The approved building would be higher but would take up less ground than the existing industrial building. External amenity space would be provided between the building and the river that adjoins the northern boundary of the site.
8. The current proposal would involve a further floor adding 2.4m on top of the approved 3 storey building but this would be off-set from all the sides of the approved building. The proposed roof would have a significant overhang providing an interesting modern feature. Amenity space surrounded by a balustrade would be provided between the rear elevation and the edge of the previously approved building.
9. Although this proposal would create a larger structure than the current approval, the existing building and neighbouring properties, this would add some interest to the existing design. Although in a backland position rather facing directly onto the main road, the building would not look incongruous being surrounded by existing flat roof buildings and it would be on top of a large modern flat roofed building. The additional height and bulk would not look out of place when seen through the gap between the buildings on the road frontage. The modern design would be more strident but in my opinion would be an improvement upon the appearance of the existing industrial building.
10. The rear elevation would be seen from the land beyond the adjoining river, but this would not have a harmful impact given that the building would have an agreeable modern appearance amongst older unexciting rear elevations of the existing buildings. The opening up of the rear part of the site with additional amenity space would also compliment the open grounds of the land adjoining the opposite bank of the river.
11. The proposal would therefore create an attractive building, producing further interest to the character of the existing approved structure and surrounding area. In relation to the first main issue, the proposal would have a beneficial impact upon the character and appearance of the area. This would comply with Policy EN1 of the Core Strategy and Policies Development Plan Document,

adopted 26 February 2009 (DPD). In these respects, the proposal would also constitute a good design, as required by paragraph 56 of the National Planning Policy Framework (Framework).

Living conditions

12. There are flats near to the site, on both sides and above the vehicle service centre. Although it would be higher, the proposed structure would be separated from those flats by a substantial distance. The additional floor would be off-set from the edge of the previously agreed structure which would retain space at that level. The Council states that the nearest flats would only be 8m away from the proposed development which is not disputed by the appellant. The field of view from some habitable rooms of those and other adjoining flats may be affected by the development to some degree. The Council has also referred to a 45 degree angle of view being infringed although without referring to any particular policy or demonstrating the significance of the infringement. I do not consider that degree of infringement of outlook would bring about oppressive living conditions within the affected rooms.
13. In relation to the second main issue, the proposal would have an acceptable effect upon on the living conditions of the occupiers the adjoining flats. In this respect the proposal would also comply with DPD Policy EN1 as there would be a satisfactory relationship between the proposed and adjoining properties. This would also comply with the requirement in paragraph 17 of the Framework to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

14. The site is close to a wide range of facilities and services. I do not consider that the proposed occupants would rely upon the use of private vehicles. Parking arrangements would be satisfactory.
15. The appellant's submission and evidence indicate that the Council cannot demonstrate a 5 year supply of housing sites as required by paragraph 49 of the Framework. The Council states that they can although provide no evidence to back up their assertion. Given that I consider that the proposal complies with the DPD it is unnecessary for me to reach a firm conclusion on this.

Conditions

16. I have considered the conditions suggested by the Council. I have approached these conditions as I have the decision overall, on the basis that the proposal is an extension to an existing building which will include the access, vehicle parking, cycle storage, waste and recycling areas previously approved. Many of the suggested conditions are unnecessary as they relate to the original building not this proposed extension. I have not repeated those where they do not relate to this proposal directly.
17. The proposed roof-top amenity space would be off-set substantially from the side of the building and I do not consider that overlooking of neighbouring properties would be caused, making additional details unnecessary. I have no evidence before me about why it is necessary to achieve greater energy efficiency than the standards required by the Building Regulations. It is also not clear why particular environmental management controls are necessary

during construction of the additional floor level above the Council's existing non-planning powers.

18. I have attached some conditions similar to those suggested. Additional details of materials are necessary to ensure the extension is compatible with the previously approved building. I can understand that noise attenuation is necessary due to the proximity to flight paths and nearby traffic although I have not included a specific limit because I am not provided with information about current background noise levels. I have required the submission of a noise assessment and the Council will be able to consider the information on its merits when details are submitted to achieve adequate noise mitigation.

Conclusion

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood

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: 'L1530/35'; 'L1530/36'; and 'L1530/37'.
- 3) No development shall commence until further details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Construction work shall not take place until a scheme for protecting the prospective occupants of the proposed extension from background noise shall have been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before the extension is occupied and retained thereafter.