
Appeal Decision

Site visit made on 25 July 2017

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: 5 September 2017

Appeal Ref: APP/Z3635/W/17/3172906

Dockett Cottage, Towpath, Shepperton TW17 9LL

- 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 Daniel Wellings against the decision of Spelthorne Borough Council.
 - The application Ref 16/01941/FUL, dated 23 November 2016, was refused by notice dated 30 January 2017.
 - The development proposed is the erection of replacement dwelling following demolition of existing dwelling, garage, and ancillary guesthouse.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of replacement dwelling following demolition of existing dwelling, garage, and ancillary guesthouse, at Dockett Cottage, Towpath, Shepperton TW17 9LL in accordance with the terms of the application, Ref 16/01941/FUL, dated 23 November 2016, and the plans submitted with it, subject to the conditions on the attached schedule.

Main Issues

2. The main issues are:
 - whether the proposed development represents inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; and,
 - the effect on the character and appearance of the area.

Reasons

Whether inappropriate development

3. The appeal site contains a 2-storey house, a detached single-storey annexe and a garage alongside the towpath of the River Thames in the Plotland Area of the Green Belt close to Shepperton Lock.
 4. Paragraph 89 of the Framework sets out those categories of new buildings which may be regarded as not inappropriate in the Green Belt, including the replacement of a building, provided the new building is in the same use, and is not materially larger than the one it replaces.
 5. Policy GB1 of the Spelthorne Borough Local Plan 2001 (LP) says that development in the Green Belt will not be permitted except for uses
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appropriate to the Green Belt including the replacement of existing dwellings. The supporting text of the policy refers to replacement dwellings and the new dwelling not being inappropriate so long as it is not materially larger than the dwelling it replaces. As it relates to this proposal, the policy is consistent with the approach set out in the Framework, and as such I give it full weight insofar as it is relevant to the appeal.

6. Policy EN2 of the Spelthorne Core Strategy and Policies Development Plan Document 2009 (CS) provides that permission for the rebuilding and extension of dwellings in the Green Belt will only be permitted where the proposal does not significantly change the scale of the original building, regardless of the size of the plot, does not detract from the character of the area, and complies with CS policy EN1 which requires a high standard of design. CS Policy EN2 is therefore not entirely consistent with the Framework. Paragraph 215 of the Framework says that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. This inconsistency limits the weight I can accord policy EN2 insofar as it concerns the Green Belt.
7. The new house would have a floor area of 194m², amounting to 10m² more than the combined floor areas of the existing structures on the site. This is a material increase in floor area. However, account must be taken of the fact that the existing development includes three individual buildings spread across the site, only one of which incorporates a first floor. The proposed house would have a single form and would incorporate a first floor within it, hence the additional area.
8. However, the footprint of the proposed development would be 2m² less than the existing. This reduction in footprint, combined with the consolidation of the three structures into a single building with a smaller footprint would outweigh the effect of the additional floor area which would be contained within it. I have taken into account the change in overall height of the proposed house and its form. The proposal would have a simple, staggered, pitched roof with an eaves marginally above window head height and a ridge around 300mm higher than the existing house. Given the consolidation of form and the reduction of footprint of the proposal, the additional floor area and increase in height would not result in a materially larger dwelling than the one it would replace.
9. I conclude on this issue that the proposed development would not be inappropriate development in the Green Belt and would comply with LP policy GB1 in this regard.

Effect on character and appearance

10. The appellant describes the Plotland Area as having developed in the 1930s when farming declined and the popularity of holiday cottages increased. My impression of the area is that while its character is influenced by the older cottages with raised ground floors and low-pitched roofs, there are now a variety of styles and sizes of more recently developed buildings which also have a bearing on its character.
11. The footprint of the proposed house would be larger than that of its adjoining neighbours, however, so too is the existing house, and the development would result in a reduction in overall footprint and site coverage. My impression of

the area is that its size would not be incompatible with the traditional Plotland dwellings. The ridge and eaves of the proposed house would appear marginally higher than those of its adjoining neighbours, however, so too does the present house on the site.

12. The consolidation of form would result in far greater gaps to the flank boundaries than the present situation where the buildings abut or stand close to the side boundaries. The proposed house would also stand significantly further back into the plot than the existing house and the annexe. Even taking account of the increased width of the proposed house, the development would provide a more spacious frontage to the river than the present configuration of buildings. The increased openness on the site would reflect the spaciousness between the traditional Plotland houses.
13. I acknowledge the Council's point that the proposal would incorporate a first floor; however, the existing house has a second storey too. Moreover, the first floor of the existing house appears almost as a full-height storey whereas the first floor of the proposed house would appear to be set more within the pitch of the roof. The roof would be dual-pitched with a low incline, with the ridge running front to back like many of the Plotland houses. The building footprint would be staggered; however, this would diminish its apparent width and would not be incompatible with the prevailing forms.
14. While the roofs of neighbouring houses tend to use small scale units for covering, there is a variety of material and profile among them. Their walls tend to be formed of brick or timber, many of which are painted. In this context, the standing seam, metal roof and rendered and timber walls of the proposed house would not appear out of character.
15. I appreciate the Council's concern about the elevation of the proposal appearing broad in proportion. However, the modelling of the staggered set-back of the form would reduce the risk of the house appearing uncharacteristically broad. In any event, there are examples of front elevations with similar or broader proportions in the area.
16. The existing house and annexe have an unusual configuration and arrangement on a relatively large plot in the Plotland Area. While this proposal would take a different design approach from them, it would not give the area a more urban appearance, but would reflect the scale and essential character of the area and the appearance of the houses which contribute to its charm. There would be no conflict with CS policy EN2 where it concerns the Plotland Area.

Conditions

17. The Council has suggested a number of conditions that it considers would be appropriate were I minded to allow the appeal. I have had regard to these although I have amended and combined the requirements of some and omitted others taking advice in the Planning Practice Guidance (PPG) into account.
18. Conditions relating to commencement and plan numbers are necessary for the avoidance of doubt and in the interest of proper planning. To protect the character and appearance of the area a condition requiring details of materials is reasonable and necessary. Given their place in the programme, the resolution of these details should be before development commences.

19. The house would be in Flood Zone 3b. It is therefore necessary to condition the finished floor level, as well as compensatory flood voids and their maintenance and the removal of spoil and materials. Details of the maintenance of the voids do not need to be resolved pre-commencement, so I have altered the condition accordingly.
20. As the site is sensitive to contamination, precautionary conditions for a ground survey, a demolition statement and a construction environmental management plan are required, though given the size of the development, the demolition and construction statements could be combined under a single condition. The Bat survey includes precautionary measures and recommendations for mitigation which are necessary to make the development acceptable. To accord with CS policies SP7 and CC1, details of renewable energy measures are also necessary.
21. It is necessary for the conditions regarding the construction management plan and contamination to be agreed pre-commencement. So too, because of the effect on the appearance of the development, is the condition for renewable energy.
22. Given the coverage of the proposed house on the site, its width and its eaves height and the spatial character of the surrounding buildings, the potential to enlarge the house further, including in the roof, without adversely affecting the character of the area is limited. While the PPG advises that conditions limiting permitted development rights should only be used in exceptional circumstances, I agree that the withdrawal of permitted development rights for enlargement under class A (the enlargement, improvement or other alteration of a dwelling house) and class B (additions etc. to the roof of a dwelling house) and development under class E (buildings etc. incidental to the enjoyment of a dwelling house) would be necessary. The removal of rights under these classes would be reasonable, as a restrictive condition would not prevent development, but would bring it under planning control.

Conclusion

23. The proposed development would not be inappropriate development within the Green Belt and it would not harm the character and appearance of the area. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

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: 133- 01 Site Location Plan; 133- 02E Proposed masterplan; 133- 03A Existing & proposed floor areas; 133- 04F Proposed floor plans; 133- 05A Site plot ratios; 133- 06B Proposed elevations; 133- 07 Existing and proposed comparison plan; 133- 08C Existing streetscape; 133- 09A Proposed streetscape; 133- 10 Existing plans & elevations; 133- 11 Existing masterplan; 133-12B Proposed landscaping plan; 133- 13B Existing Roof Plan; 133- 14A Proposed Roof Plan 1:50; and, 133- 15A Proposed roof plan 1:200.
- 3) No development shall commence, including any works of demolition or site clearance, until a Construction Environmental Management Plan (CEMP) for the site has been submitted to and approved by the Local Planning Authority in writing. The CEMP shall detail the proposed methodology for demolishing the existing structures and any mitigation measures. It shall include a Pre-Demolition Asbestos Survey. All of the demolition and construction work shall then be undertaken in strict accordance with this approved plan and relevant codes of practice, unless otherwise agreed in writing by the Local Planning Authority.
- 4) No development shall commence until 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.
- 5) No development shall commence until a survey report detailing the ground conditions of the site has been submitted to and approved in writing by the Local Planning Authority. Where made ground or contamination is encountered, a scheme to investigate, assess and remediate contamination risks shall be agreed in writing with the Local Planning Authority, and shall be carried out in accordance with the agreed details and timetable.
- 6) No development shall commence until a report has been submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised to meet the requirement for the scheme. The agreed measures shall be implemented with the construction of the building and thereafter retained and maintained.
- 7) The development shall be carried out in accordance with the approved drawings 133-04F and 133-06B, and the following mitigation measures shall be fully implemented prior to occupation:
 - Finished floor levels shall be no lower than 12.18m AOD.
 - Provision of compensatory flood storage through the incorporation of voids around the entire perimeter of the building with the underside of

the void set no lower than 11.88m AOD. Voids to be at least 1 metre wide every 5 metres on all sides of the building.

- Undercroft void space and openings shall remain open, free and maintained from blockages and debris. Void space shall not be used for storage.
- 8) Prior to the occupation of the development, details of the maintenance of the flood voids shall have been submitted to and approved in writing by the Local Planning Authority. The voids and openings shall be maintained in accordance with the approved details for the lifetime of the development and kept open and free from obstructions.
 - 9) Prior to the occupation of the development, and on completion of any agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority.
 - 10) The development shall be carried out in accordance with the mitigation measures detailed within the Bat Emergence Survey by Messrs Wychwood Environmental Ltd and dated July 2015 (updated October 2016).
 - 11) There shall be no raising of existing ground levels on the site within the area liable to flood, other than in accordance with the approved details.
 - 12) All spoil and building materials stored on site before and during construction shall be removed from the area of land liable to flood, upon completion.
 - 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements as provided for within Schedule 2, Part 1, Class A and Class B, and no development as provided for within class E of that Order shall be constructed.

End of schedule of conditions