
Appeal Decision

Site visit made on 17 April 2018

by Kevin Gleeson BA MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th May 2018

Appeal Ref: APP/Z3635/W/17/3191046

Manor Farm Cottage, 126 Green Street, Sunbury on Thames TW16 6QJ

- 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 RSH-Land against the decision of Spelthorne Borough Council.
 - The application Ref 17/01483/FUL, dated 21 September 2017, was refused by notice dated 16 November 2017.
 - The development proposed is demolition of existing residential bungalow to be replaced with a 2.5 storey building providing 7 no. apartments with communal parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area with particular regard to the significance of the setting of 124 Green Street, a Grade II listed building;
 - whether future occupiers of the proposed development would be likely to experience acceptable living conditions in terms of amenity space;
 - the effect of the proposal on the living conditions of occupiers of 145 Manor Lane, with particular reference to privacy and outlook; and
 - whether appropriate provision is made for car parking.

Reasons

Character and Appearance

3. The appeal site is within an established residential area which is characterised by a range of different dwelling sizes and designs. These include bungalows, two and three storey detached and semi-detached houses together with some terraced properties and blocks of flats.
4. The appeal site is larger than many nearby plots although not dissimilar in size to 124 or 128 Green Street. Because of the size and position of the existing property the appeal site provides an opportunity to make more efficient use of housing land which Policy HO5 of the Spelthorne Core Strategy and Policies Development Plan Document, 2009 (the Core Strategy) supports. The policy

- requires a demonstration that the development complies with Policy EN1 on design particularly in terms of compatibility with the character of the area.
5. The existing bungalow fronts onto Green Street and shares the same building line as 124 and 128 Green Street. However the building line is not particularly strong because of the space between buildings and the setback of neighbouring properties beyond nos. 124 and 128. The proposed building would be set marginally forward of the existing building but not to a degree which would have an adverse impact on the street scene.
 6. On the Manor Lane frontage the existing property is set back some distance from the building line provided by no. 145 although the detached garage reflects that line. The proposed development would be angled slightly away from the existing building line with the corner element forward of it.
 7. The removal of the existing garage to create access to an area of parking would result in a large area of hardstanding on the Manor Lane frontage but this openness would be in keeping with the character of the wider area and would not be harmful visually in the context of the development as a whole.
 8. The overall footprint of the proposed development would be considerably greater than most neighbouring properties. Whilst both 124 Green Street and 145 Manor Lane extend close to their boundaries on either side, the width and scale of development in each case is much less than that of the proposed development. In extending across the full width of the Green Street frontage the proposal would fail to make a positive contribution to this frontage and would create development uncharacteristic of the surrounding area.
 9. The creation of crown roofs would result in large gable areas which would be visible from Manor Lane and Green Street. In particular the roof form of the northernmost Green Street section would be very visible and uncharacteristic as a single storey development with accommodation in the roof notwithstanding that there are other examples locally of crown roofs. Although this part of the proposal would be at a lower height than the remainder of the development it would appear contrived and awkward in relation to the taller elements. As a result, and in spite of the introduction of a variety of set-backs, fenestration and materials the overall bulk of the development would be greater than other residential properties in the immediate locality.
 10. As I observed during my visit there are various other corner sites in the local area which have been developed to provide higher density development. A number are larger than their neighbours but in itself this does not justify creating prominence at a corner. Nevertheless, the proposed development although marginally higher than some neighbouring properties would not in itself be out of character with other two storey developments in the immediate locality or wider surroundings. Similarly, development which provided enclosure to mark the corner of the site would not be unacceptable in principle.
 11. The Design of Residential Extensions and New Residential Development Supplementary Planning Document, 2011 (the Design SPD) provides an indicative density guideline of 35-55 dwellings per hectare (dph) for the appeal scheme. Accepting the appellant's position that the proposed density is 94 dph the proposed density considerably exceeds the SPD guidance and Policy HO5 which together support higher density developments where they are compatible with the character of the area and in a location accessible by non-

- car based modes of travel. The site is in an accessible location being within reasonable walking distance of Sunbury station and well located with regard to bus stops and local shops. Nevertheless, I find that the scale of the proposed development would not be in keeping with the character of the area for the reasons given and would not justify the density proposed.
12. No. 124 Green Street, also known as The Manor Cottage, is an eighteenth century cottage which was subsequently extended. As a Grade II listed building it is a designated heritage asset.
 13. There is a statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it has. Policy EN5 of the Core Strategy also sets out that proposals for any sites affecting the setting of a listed building should have special regard to the need to preserve its setting.
 14. The significance of the listed building derives from its special architectural and historic interest, the former derived from its value as a house representative of its age incorporating building materials and detailing of the period and the latter derived from its illustration of the historic development of Sunbury. The historic context and setting of the listed building has changed over time with the local area characterised by and integrated into the twentieth century suburban residential development.
 15. The west facing frontage of The Manor Cottage highlights the architectural interest more than the flank walls. Nevertheless, both the northern and southern elevations allow an appreciation of the gable end roof forms and tall chimneys. These elements are prominent in both close and longer distance street views. Moreover, because of its height and position extending to the front and sides of the plot, The Manor Cottage has a degree of prominence in the street scene. Accordingly, I find that both the setback and height of the bungalow on the appeal site and the setback of neighbouring buildings to the south of The Manor Cottage contribute to the openness and the significance of the setting of the listed building.
 16. The proposed development would change the character of local views of The Manor Cottage and would materially harm the appreciation of the special architectural and historic interest of the listed building, challenging its dominant position in local views. Marking the corner of the site, the height and scale of the new building would draw attention away from the listed building when the two buildings were viewed together.
 17. Consequently I find that the proposed development would conflict with Policy EN1 of the Core Strategy in that it would not provide a high standard in the design of new development or make a positive contribution to the character of the area. It would also be contrary to Policy EN5 in failing to preserve those elements of the setting that make a positive contribution to the listed building. The proposal would also fail to meet the aims of the Framework in respect of design quality and the principles of the Design SPD.
 18. In the context of the setting of The Manor Cottage the proposed development would result in a degree of harm which would be less than substantial. Paragraph 134 of the Framework states that where less than substantial harm would result, it should be weighed against the public benefits of the proposal

including securing its optimum viable use. This is addressed in the planning balance below.

Living Conditions for Future Occupiers

19. The proposal provides for private garden space to the rear of the site comprising approximately 64sq.m compared with the requirement derived from the Design SPD of 195sq.m. However, the landscaped areas incorporating screened terrace areas on the Green Street and Manor Lane frontages would constitute useable garden space while the site's proximity to the Cedars Recreation Ground, located opposite the appeal site would also provide future occupiers with the opportunity to use an area of public space. Accordingly I find that future residents would be provided with adequate useable garden space and there would be no material conflict with the Design SPD.

Living Conditions for Neighbouring Occupiers

20. The SPD indicates that a minimum distance of 13.5m should be provided between a rear wall and the flank wall of a neighbouring property. The proposed development would provide a gable of approximately 8m in height within approximately 11.4m of the flank wall of the neighbouring property. In addition, a dormer in the rear roof would be 13.5m from 145 Manor Lane whilst the Design SPD advises that the distance should be 15m.
21. Whilst failing to comply with the standards set out in the SPD the shortfalls in each case are small. Moreover, whilst the dormer window serving a habitable room would allow the rear garden of 145 Manor Lane to be overlooked I do not find that this would particularly result in a loss of privacy or outlook as some degree of overlooking is to be expected in urban areas particularly where policies support higher density development. Moreover, such a situation occurs with the rear of the properties on Griffin Way beyond 145 Manor Lane.
22. Similarly, in spite of the height of the rear gable of the proposed development being considerably greater than 145 Manor Lane it would not result in an overbearing outlook for occupiers of that property, not least because windows in the flank wall are obscurely glazed.
23. Accordingly, whilst failing to meet the standards for separation in the Design SPD I find that the proposals would achieve a satisfactory relationship with adjoining properties avoiding significant harmful impacts in terms of loss of privacy or overbearing impact. Consequently there would be no conflict with Policy EN1 of the Core Strategy in terms of the effect on occupiers of neighbouring properties.

Car Parking

24. The proposed development would provide seven on-site parking spaces, a shortfall of four spaces based on the Council's Parking Standards SPD. One of the spaces is close to the boundary with 145 Manor Lane but I can see no particular reason why this would create problems with regard to privacy particularly as a planning condition could address boundary treatment.
25. Whilst there may be a need for on-street parking, based on my visit I consider that this demand can be accommodated in the surrounding roads and in spite of the proximity of the site to a junction which limits parking it would not cause undue parking pressure. Moreover, the site has good access to public

transport provided by local buses and Sunbury Station, and to local services. I also note that the highways authority has not objected to the proposed development. Consequently, whilst not meeting the Council's parking standards there would be no material conflict with Policy CC3 of the Core Strategy which encourages alternative means of transport alongside on-site parking.

Housing Supply

26. The Council is unable to demonstrate a five year supply of housing land in accordance with paragraph 47 of the Framework which also sets out the aim of the planning system to boost significantly the supply of housing. In these circumstances paragraph 14 of the Framework states that the presumption in favour of sustainable development means that planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies indicate development should be restricted. Footnote 9 identifies the types of specific policies which would mean that paragraph 14 was not engaged and those relating to designated heritage assets are explicitly referenced.
27. Nevertheless, I find that the net addition of six dwellings to the significant housing shortfall, carries moderate weight. In addition, the provision of small dwellings in an area of predominantly family houses is in accordance with Policy HO4 of the Core Strategy.

Planning Balance and Conclusion

28. The proposed development would result in moderate harm to the character and appearance of the area and would conflict with Policy EN1 of the Core Strategy. In addition, I have found that the proposal would be contrary to Policy EN5 in that it would result in less than substantial harm to the setting of 124 Green Street, a heritage asset, a finding to which I give considerable importance and weight.
29. I have found that the proposed development would provide acceptable living conditions for future occupiers in terms of amenity space and no harm would arise to the living conditions of neighbouring occupiers or in terms of parking provision.
30. Balanced against the harms is the public benefit of a contribution to the supply of housing of six additional dwellings which all contribute to the provision of small dwellings. This element weighs moderately in favour of the proposal but it does not outweigh the harms I have identified.
31. Taking everything into account and recognising that the proposal does not benefit from the presumption in favour of sustainable development I conclude that the proposal is contrary to the Spelthorne Core Strategy and material considerations do not indicate that the proposal should be determined other than in accordance with the development plan.
32. For the reasons set out above, I conclude that the appeal should be dismissed.

Kevin Gleeson

INSPECTOR