
Appeal Decision

Site visit made on 13 March 2018

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2018.

Appeal Ref: APP/Z3635/W/17/3181955

Halliford Studios Limited, Manygate Lane, Shepperton TW17 9EG

- 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 Mark Hendy (Shanly Homes Limited) against the decision of Spelthorne Borough Council.
 - The application Ref 16/02113/FUL, dated 23 December 2016, was refused by notice dated 6 April 2017.
 - The development proposed is redevelopment of site for the erection of 28 flats and houses, together with associated landscaping, access and car parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - The effects of the design and layout on the character and appearance of the development and that of the surrounding area.
 - Whether acceptable living conditions would be provided for the occupiers of 35 Gordon Road, with particular regard to outlook and light.
 - The effects on the mature oak trees at the southern side of the site.
 - Whether the mix of dwelling sizes proposed would adequately meet housing needs in the area.

Reasons

The effects of the design and layout on the character and appearance of the development and that of the surrounding area

3. Twenty eight dwellings, a mixture of houses and flats, are proposed to replace the disused buildings on this former film studios site. There is no dispute over the principle of housing being acceptable. The scheme would make effective use of previously developed land, helping to boost housing supply in a predominantly residential area with good access to services and facilities, including the adjacent school.
 4. The Council has no concerns over the architectural design of the buildings and considers the layout of units along the site frontage would adequately reflect the existing street scene. The area contains mainly family-sized houses rather
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than flats. The number of dwellings proposed within this half hectare site would be acceptable in principle and fall at the top end of the density range sought by Policy HO5 of the Council's *Core Strategy and Policies Development Plan Document* (DPD).

5. However, DPD Policy EN1 requires a high standard in the design and layout of new development. This is to ensure that proposals are attractive, with their own distinct identity which respects and makes a positive contribution to the street scene and character of the area.
6. Whilst there might therefore be no policy objection with the density proposed the layout of buildings, hard surfaced areas and private and communal open space should secure the high standard of design sought by DPD Policy EN1. The number and generally terraced arrangement of the dwellings would lead to a preponderance of hard surfacing with a relative lack of green space. This is exhibited by the inadequate amount of useable communal space around the eight flats and by some of the terraced dwellings having gardens sizes below that required by the Council's *Design of New Residential Extensions and New Residential Development Supplementary Planning Document* (2011) (SPD).
7. The amount of space around the eight flats, some of which have balconies, meets the minimum standards set by the SPD. However, the area adjacent the front entrance would lack privacy. Overall I find the limited amount of useable open space around the flats, along with some of the houses having sub-standard garden sizes, would contribute to the rather cramped arrangement of the development as a whole.
8. The number and sizes of dwellings proposed, and the areas of hard surfacing required to access these and provide car parking, would create a harmful imbalance with the relative amount of garden and open space. The proposal would therefore not provide the high standard of design and layout sought by DPD Policy EN1. This would have a harmful effect on the character and appearance of the development and that of the surrounding area, outweighing any benefits of making a more effective use of this previously-developed site.

Whether acceptable living conditions would be provided for the occupiers of 35 Gordon Road, with particular regard to outlook and light

9. The siting of units 16 – 18 would be perpendicular to the adjacent dwelling at 35 Gordon Road. The gable end to unit 16 would be alongside the side of the back garden to this neighbouring property. With accommodation in the roof space this two storey block would present a quite substantial mass rising above the boundary wall.
10. With regard to the guidance in the SPD I agree that diagram 2 illustrates a different situation to this case. The 25 degree line shown is not directly applicable in terms of the relationship between Unit 16 and No 35. This dwelling has single storey side extensions adjacent the appeal site and the only facing window serves a first floor bathroom. Nevertheless I find the siting of units 16 – 18 would have an overly dominant and overbearing impact on the aspect from the rear facing patio doors and the adjacent area of back garden of this neighbouring dwelling. These units would also over-shadow and reduce sunlight to this adjacent part of the next-door property during the latter parts of the day.

11. As a consequence, I find this part of the layout to be unneighbourly. The proposal would therefore conflict with the aims of DPD Policy EN1 to achieve a satisfactory relationship to adjoining properties, avoiding a significant harmful effect in terms of loss of daylight or sunlight or an overbearing effect on outlook due to bulk and proximity.

The effects on the mature oak trees at the southern side of the site

12. There are three mature oak trees along the southern site boundary which form part of a wider group covered by a Tree Preservation Order. The trees would be incorporated within the rear gardens of units 16 – 21 which are of an extended length. The arboricultural report submitted by the appellant already recommends some crown reduction to one of these specimens. However, the development is not considered to harm the trees through encroachment into their root protection areas. It is acknowledged that these trees would, when in leaf, shade some of the direct sunlight to these units.
13. The crowns of these oak trees would extend quite close to units 16 – 21 and the adjacent car barn. The introduction of buildings and garden boundaries close to these trees would detract from the wider visual amenity they provide. Due to their shading effect, and the presence of old and possibly decaying branches, the layout proposed would risk pressure on the Council having to agree to the carrying out of further tree surgery and maintenance that might otherwise not be sought.
14. Although the development would preserve these trees it would not only detract from their visual appreciation but most likely also their appearance and ecological value. The layout of houses would detract from the value the existing mature oak trees provide and harm the character and appearance of this area, further contrary to the aims of DPD Policy EN1.

Whether the mix of dwelling sizes proposed would adequately meet housing need in the area

15. DPD Policy HO4 seeks to ensure that the size and type of housing reflects community needs. It requires developments of four or more dwellings to include 80% one or two-bedroom units. Further guidance on the application of this policy is given in the Council's *Housing Size and Type Supplementary Planning Document* (July 2012) whereby the character of the larger housing in the surrounding area might allow a reduction from 80%. Nevertheless the 50% of the proposed scheme comprising one or two-bedroom units would fall short of the majority of this size sought.
16. The appellant's viability assessment supports the mix of dwelling sizes proposed in order to provide the developer a reasonable profit whilst supporting the provision of four shared ownership flats. The Council has examined and not disputed the viability evidence.
17. The appellant refers to the Council's more recent Strategic Housing Market Assessment (SHMA) published in November 2015. This shows a need for 45% one and two bed sizes which this proposal would exceed. The SHMA does not hold the same weight as development plan policy. The Council's policy allows some flexibility over the percentage of one or two-bedroom units. It would nonetheless require a majority of the scheme to comprise dwellings of this size.

18. As this scheme would depart from the requirements of DPD Policy HO4 the proposal would harmfully undermine the delivery aims for one or two-bedroom units sought through the currently adopted development plan.

Other Matters

19. The Council has agreed the viability case for the 14% level of affordable housing provided by the four shared ownership units proposed. The appellant has submitted a Unilateral Undertaking to secure the provision of these affordable dwellings and I have given weight to the benefits this would provide.

Balance and conclusion

20. The Council has resolved to approve a later scheme for 24 dwellings on the site, subject to a Section 106 agreement to secure a financial contribution towards off-site affordable housing. Spelthorne has also embarked on a local plan review but accepts that the current DPD housing target is significantly short of its latest objectively assessed need for 552-757 dwellings per annum and unable to demonstrate a five-year supply of deliverable sites.
21. The proposal would cause harm to the character and appearance of the site and surrounding area, the amenity value of three protected oak trees, the living conditions of the occupiers of No 35 and the Council's objectives over the adequate supply of smaller dwellings. This would significantly outweigh the modest benefits of the units additional to those now approved by the Council. As a consequence I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR