
Appeal Decision

Site visit made on 4 February 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th March 2020

Appeal Ref: APP/Z3635/W/19/3240130
22 Church Road, Ashford TW15 2UY

- 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 Dhillon (Henispark Properties) against the decision of Spelthorne Borough Council.
 - The application Ref 19/0889/FUL, dated 25 June 2019, was refused by notice dated 20 August 2019.
 - The development proposed is a two-storey rear extension to provide additional office accommodation, second floor extension and conversion of existing first floor to form 2 no. 2 bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of 24a Church Road, in terms of outlook, daylight and sunlight.

Reasons

3. The appeal concerns a two-storey building situated at the end of a terrace to the eastern side of Church Road. It is a busy area occupied by a mixture of commercial and retail uses at ground floor, but there are residential properties to the upper storeys of buildings. The remainder of the terrace is of three storeys and the rear of the site is served by a private access to the west of the building.
4. I note that the appellant has planning permission¹ to increase the height of the existing footprint of the building by a further storey to provide two 1-bedroom flats (the consented scheme). The appeal proposal would be to the same height but would square-off the rear elevation, infilling toward the eastern boundary with 24a Church Road. The additional footprint of the proposal would contain a storage room for the proposed ground floor office and an additional bedroom for each of the proposed flats.
5. The proposal would add considerably to the scale and bulk of the existing building and would be considerably larger than the consented scheme. Moreover, the resultant development would present a substantial blank solid

¹ Planning Reference: 19/00507/FUL, granted planning permission on 21 June 2019.

wall along the boundary with No 24a, which would appear oppressive and imposing when viewed from the rear facing windows of that property.

6. I appreciate that the existing rear outlook of No 24a is toward commercial outbuildings, a parking court and an electricity substation. The outlook from the property would therefore not be of a high quality. Nonetheless, this would not justify the harm that would be caused by the additional bulk of the proposed extension in close proximity to the boundary of that property. Moreover, the outlook from the property would be far worse with the proposed development, to the extent that the living conditions of the occupiers of No 24a would be unacceptably affected.
7. Given the orientation of the terrace and the presence of a large tree to the rear, it is likely that the rear elevation of No 24a will currently be in shade for a large part of the day. The proposal would also be likely to result in some overshadowing leading to an additional reduction in the daylight and sunlight entering No 24a. However, due to the existing and proposed arrangements, it is unlikely that the scale of the proposed extension would cause unacceptable harm to the living conditions of the occupiers of that property in relation to the availability of daylight and sunlight.
8. Despite my findings in relation to the effects of the proposal on daylight and sunlight, I conclude that the appeal development would appear oppressive and overbearing when viewed from No24a, and so would unacceptably harm the living conditions of the occupiers in terms of outlook. Hence, the proposal would not accord with Policy EN1 of the Core Strategy and Policies Development Plan Document (Adopted 26 February 2009), which requires that new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of, amongst other things, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.

Planning Balance

9. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.
10. I note the contribution that would be made to the supply of housing by this small site, particularly as it could be built-out relatively quickly. Whilst there is no threshold for the assignment of weight to the quantity of proposed accommodation within the planning balance, the appeal scheme would deliver two 2-bedroom flats, which would contribute to the overall housing mix in the Borough. However, as the contribution to the supply of housing would be minor in its extent it would only be afforded limited weight.
11. The proposed development would be accessible to the services and facilities available in the immediate vicinity of the site and the local railway station, which provides services to London. There would therefore be social and economic benefits associated with the occupants of the proposed flats that could support the local economy through expenditure. Benefits would also arise from employment and procurement of materials during the construction period. Nonetheless, the proposals would provide only two additional units of accommodation, such that these benefits would be limited in scale and kind, and consequently carry only limited weight.

12. I note that the Council did not raise any concerns regarding the principle of development, including the effect of the reduction of office provision on the vitality and viability of the town centre, the appearance of the proposal, and the living conditions and parking provision for future occupiers of the building. However, the absence of harm in these matters would weigh neither for nor against the appeal scheme.
13. Due to the adverse effect of the proposed development on living conditions, the proposal would not comply with the development plan, read as a whole, and there are not material considerations that indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR