
Appeal Decision

Site visit made on 8 January 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2020

Appeal Ref: APP/Z3635/W/19/3237930

Land on the south corner of Shaftesbury Crescent, Ashford Road, Staines, Surrey TW18 1QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Gary Rolfe against the decision of Spelthorne Borough Council.
 - The application Ref 19/00379/OUT, dated 19 March 2019, was refused by notice dated 22 May 2019.
 - The development proposed is described as outline consent for a two-bedroom detached house with associated access and parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal's description is taken from the appeal form. Outline planning permission is sought with the scale of the house and the means of access to and the layout and landscaping of the site to be determined at this stage. The appearance of the development would be a matter reserved for subsequent approval.
3. The County Highway Authority comment that the site is fully contained in the extent of highway and that the public presently have rights to pass and repass over the land. The land would need to be "stopped up" to extinguish highway rights prior to any development taking place. This process is separate to and independent from the processing of this planning appeal.

Main Issues

4. The main issues are the effect of the layout and scale of the development on the character and appearance of the area and on a protected sycamore tree.

Reasons

Character and appearance

5. The appeal site has a tapering triangular shape measuring about 2.2m facing Ashford Road and widening to a depth of some 12.65m at far western end of the long frontage to Shaftesbury Crescent. It is an unenclosed area of grass with two clumps of trees and shrubs adjacent to the footway to Shaftesbury Crescent.

6. The surrounding area is residential in character but mixed in form. Ashford Road comprises mainly detached and semi-detached two storey houses but includes bungalows. The dwellings are usually sited in rectangular plots, but these are of varying width. The buildings are set at an angle to Ashford Road resulting in a staggered arrangement in the street scene. Shaftesbury Crescent leads to a more modern estate of generally smaller houses in shorter plots including several terraced houses. On the short stretch of the road linking the estate to Ashford Road, there is an infill bungalow (Orchid Lodge) adjacent to the appeal site and an infill chalet bungalow opposite this. Nos. 1 and 3 Shaftesbury Crescent alongside Orchid Lodge face the short stretch of the road whereas 155 Shaftesbury Crescent opposite has its flank to this stretch and aligns with adjacent houses. There is not therefore a single consistent layout, pattern and grain of dwellings in the immediate sections of Ashford Road and Shaftesbury Crescent upon which to consider the proposal. The context is mixed.
7. In relation to scale, the two storey form and detached nature of the proposed house would not be out of keeping with this mixed character of dwellings near to the site. With a floor area indicated to be 79 square metres, it would be a small and narrow house, but there is some variation in the size of dwellings nearby. Siting of the house would be fixed at the outline stage; a narrow L-shaped building is proposed that would enable the presentation of main elevations to both road frontages. Nonetheless, when viewed from Ashford Road, the scale of the house would present contrasting proportions to neighbouring dwellings being narrower, of lesser mass and probably lower height unless a steeper angle of pitch is used for the roof which would also be a contrasting and unusual feature. There is greater variation in the scale of buildings in Shaftesbury Crescent and the contrast in scale would not be perceived as being as harmful in the mixed context of this road.
8. In relation to layout, the house would not share the same north to south orientation of adjacent dwellings in Shaftesbury Crescent, nos. 1, 3 and Orchid Lodge, but neither do the present corner plots with Ashford Road or 155 Shaftesbury Crescent. The limited depth of the site would not enable such an orientation nor adherence to the angled front line set by nos. 1, 3 and Orchid Lodge. This front line diverges from the alignment of Shaftesbury Crescent but extends to the front corner of 283 Ashford Road, the existing corner building. The appeal site is thereby an open amenity strip set in front of this line. The proposal would in effect set a new building line to the southern side of Shaftesbury Crescent with no. 3; other dwellings would be set behind this. It would not be dissimilar to the northern side of the road with the infill chalet bungalow set behind a line set by the flank walls of the corner plots.
9. There is more to the issue of layout than building lines and house orientation. The proposal would have satisfactory parking arrangements and pedestrian access from Shaftesbury Crescent. The front garden would be of modest size but supplemented but a landscaped block at the end of the site. There would be a rear garden of adequate size and location and this would provide some separation from Orchid Lodge, set substantially back from the road frontage.
10. Yet the most significant element in layout would be the siting of the house and how this would be perceived. The house would be close to the footway in Shaftesbury Crescent and wholly forward of its neighbour Orchid Lodge. It would be highly conspicuous from both sides of the splayed junction with

Ashford Road and from the west along Shaftesbury Crescent. The prominence of this corner location and the narrowness of the plot warrants a good overall design to the building if it is to make a positive contribution to the street scene. The proposal would fail to achieve this. Whilst appearance is not formally for determination at this stage, from the information available the building would appear as a weak corner feature. It would appear narrow and small in the context of its closest neighbour, 283 Ashford Road, and understated in the wider street scene of Ashford Road for such a prominent corner position. In the context of Shaftesbury Crescent, the forward siting of the building would attract attention and the building would appear squeezed into a narrow plot.

11. The proposal would thereby conflict with Policy EN1 of the Spelthorne Core Strategy (2009) (SCS) which requires a high standard in the design and layout of new development including making a positive contribution to the street scene and the character of the area in matters including scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land. There would also be conflict with the Spelthorne Design of Residential Extensions and New Residential Development Supplementary Planning Document (2011) that elaborates on Policy EN1 in emphasising the importance of character, plot size, building size and form and layout in achieving a good design to new residential development.
12. Whilst these policies pre-date the National Planning Policy Framework (the Framework) to my mind they are consistent with Section 12 of the Framework in achieving well-designed places. The proposal would not be compatible with Paragraph 127 of the Framework that requires development to function well and add to the overall quality of the area and to be sympathetic to local character including the surrounding built environment.
13. The appellant has drawn my attention to Policy HO4 of the SCS the supporting text to which highlights a particular need for 1 and 2 bedroom dwellings in the borough. Policy HO4 requires developments to include at least 80% of their total as one or two bedroom units but only for developments of four or more dwellings. The proposal would provide a 2 bedroom dwelling in accordance with this need, but the policy is not strictly relevant to the proposal as it is for only a single unit. The policy and its supporting text do not overrule or supersede the requirements of Policy EN1.
14. The appellant has referred to the layout and scale of houses at Walton Park as a justification for the proposal. This shows a mix of large and smaller houses including on corner plots. But this relates to a comprehensive layout of mixed dwellings including curved roads where different considerations of building lines apply. There is also a regularity in the width of the plots at Walton Park whereas the narrowness of the appeal site contrasts with that of surrounding plots.

Sycamore tree

15. A sycamore tree on the site would be close to the western part of the proposed house. The tree has a central leading stem, but other stems hang over the footway and across the site. The tree has an even canopy and is in a prominent position in the street scene. It makes a significant contribution towards local visual amenity.

16. The proposal would necessitate removal of a significant proportion of the tree's canopy which would be likely to compromise the tree's amenity value. Excavations below the crown in what should be a root protection area would also be necessary and these could threaten the tree's survival. Future occupiers of the house may seek further reductions to the tree given its proximity to the house. The proposal would thereby be contrary to Policy EN7 of the SCS which seeks to safeguard healthy trees of amenity value.
17. The appellant contends that works to the tree would be minor and that precise details could be left to a full plans stage. But as layout is to be determined as part of the outline application the siting of the house and its massing would be fixed by the current proposal. The impact on the tree therefore needs to be determined at this stage. The appellant has also questioned the tree being subject to the making and confirmation of a tree preservation order subsequent to the refusal of the appeal application. Whilst the Council's processes in relation to the placing of tree preservation orders are separate from those involved in assessing the planning merits of the proposal, the existence of the tree preservation order is a material consideration and weighs against the proposal in view of the likely harm arising to the tree.

Other matters

18. The proposal would result in the benefit of providing an additional dwelling that would contribute towards the general housing need; the house would also be of a size particularly required. The Council cannot currently demonstrate a five year supply of deliverable housing sites with the appropriate buffer. The Council's housing policies can therefore be considered out of date and the presumption in favour of sustainable development and of granting planning permission at Paragraph 11 of the Framework applies. However, the benefit of one additional dwelling needs to be weighed against the harm arising to the character and appearance of the area and to the protected sycamore tree. It is my judgement that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

19. The layout and scale of the development would have a harmful effect on the character and appearance of the area and on a protected sycamore tree. For the reasons given and having regard to all other matters raised, including the many representations from residents, the appeal is dismissed.

Rory MacLeod

INSPECTOR