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## Appeal Decision

Site visit made on 7 January 2020

**by L J O'Brien BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> April 2020.**

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**Appeal Ref: APP/Z3635/W/19/3237477**

**Brecknock, Stanwell New Road, Staines-Upon-Thames TW18 4HY**

- 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 M Sandhu against the decision of Spelthorne Borough Council.
  - The application Ref 19/00696/FUL, dated 12 March 2019, was refused by notice dated 7 August 2019.
  - The development proposed is conversion of house into 4 flats.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - the effect of the proposal on the character and appearance of the host dwelling and the local area; and
  - whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to floor space, outlook and amenity space.

### Reasons

#### *Character and appearance*

3. The appeal property is a modest two storey detached dwelling situated in a fairly prominent location at the end of a residential road comprising a variety of different property types and designs. The property has a curved bay window at ground and first floor levels and existing single storey side projections.
4. The proposal is to construct a part two storey, part single storey, side and rear extension which would include a roof extension and side and rear dormer windows. These alterations are to facilitate the other aspect of the scheme which proposes the conversion of the property into 4 flats (3 with 2 bedrooms and 1 studio) with associated parking and amenity space.
5. The proposed extensions would enlarge the building significantly and would bring the building line at both ground and first floor level to the edges of the plot on both sides. As a consequence, the resultant building would appear cramped and overly large within its plot. Whilst I note that the existing side projections abut the boundary of the plot, one of these is set significantly back

- from the front elevation and both are single storey in nature thus minimising their bulk and impact on the street scene.
6. The proposed dormer windows would, individually, appear large and visually obtrusive within the roof slope of which they are part. Cumulatively, the dormer windows would be such that they would dominate the host dwelling and would not appear subservient. The different elements of the proposed roof structure, including the dormers, would sit awkwardly together and would fail to appear as one cohesively designed roof.
  7. The proposal also includes the removal of the curved bay window at ground floor level whilst retaining it at first floor level. This would further disrupt the rhythm, balance and proportions of the dwelling and exacerbate the harm I have identified above.
  8. The proposal includes an area of parking at the front of the property. The Council's Parking Standards are outlined within their Design of Residential Extensions and New Residential Development Supplementary Planning Document, April 2011 (SPD) and their Parking Standards Supplementary Planning Guidance, September 2011 (SPG). This guidance states that no more than half of the width or area of a dwelling's front garden should be used for parking.
  9. The parking area in this proposal would cover significantly more than half of the property's frontage, adding visual clutter and further eroding the character and appearance of the dwelling. Whilst I note that other properties in the vicinity have areas of parking in their front gardens, these examples are the exception and not the rule and other examples I noted did not appear to contain parking to the same level and visual prominence as is proposed in this instance.
  10. For the reasons outlined above, the scale, bulk and design of the proposed alterations would fail to respect the modest proportions of the existing dwelling. The proposed building would be prominent in views along the street and would fail to integrate effectively with other buildings within the street scene.
  11. Consequently, the proposal would harm the character and appearance of the dwelling and the local area. As such, the proposal would conflict with Policy EN1 of the Spelthorne Borough Council Core Strategy and Policies Development Plan Document, adopted February 2009 (CS). Amongst other things, this policy requires a high standard in the design and layout of new development and expects proposals for new development to demonstrate that they will respect and make a positive contribution to the street scene and the character of the area in which they are situated.
  12. Additionally, the Council states that the density of the development would be approximately 115 dwellings per hectare. This number has not been disputed by the appellant. Policy HO5 of the CS, states that within higher density residential areas new development should not generally exceed a density of 75 dwellings per hectare. Consequently, the density of the proposed development would be substantially higher than that which is usually associated with residential schemes of this type and also with that which is prevalent in the vicinity of the appeal site. The proposal would, therefore, also be out of

keeping with the typical pattern of development and subsequently cause harm to the character and appearance of the area in this regard.

13. CS Policy HO5 does go on to say that high density development may be acceptable where it is demonstrated that the development complies with Policy EN1 on design. In this instance, I have found that the proposal would conflict with the aims of Policy EN1 and, as such, the proposal would also fail to accord with Policy HO5.
14. The development would also fall short of the expectations of The National Planning Policy Framework (The Framework) which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.

#### *Living conditions*

15. The Technical Housing Standards – nationally described space standard (THS), March 2015 sets out requirements for the Gross Internal Floor Area of new dwellings as well as floor areas and dimensions for certain parts of a dwelling. Similar requirements are also set out in the SPD. Where there is an adopted Local Plan Policy the guidance is clear that the nearest equivalent technical standard as set out within the THS should be applied.
16. The converted building would be split into four, fairly small, separate units; the appellant sets these out as: Flat A – two bedroom (approx. 62m<sup>2</sup>), Flat B – studio (approx. 44m<sup>2</sup>), Flat C – two bedroom (approx. 68m<sup>2</sup>) and Flat D – two bedroom (approx. 63m<sup>2</sup>).
17. The proposed bedrooms of Flats A, C and D would be of a limited size, capable of accommodating a bed and, at best, some limited storage. Each of those flats would also have a small bathroom and kitchen/living/dining area. The proposed layouts would represent a cramped form of development which would not provide a satisfactory level of amenity for any potential future occupiers. Of particular concern is Flat D, which is set over two floors, as it proposes to layout the majority of the living space within the loft of the property. This layout would lead to a substantial proportion of the flat having sloped ceilings and reduced ceiling heights. This would compound the sense of enclosure and the cramped living conditions for future occupiers of that property.
18. The inadequate size of the dwellings is evidenced by the failure of the proposal to meet the required space standards. The THS sets out an expectation that a double, or twin, bedroom providing two bed spaces will provide a floor area of at least 11.5m<sup>2</sup>. The Council's calculations, which do not appear to have been disputed by the appellant, suggest that the double bedrooms proposed in Flat A (approx. 10.5m<sup>2</sup>), Flat C (approx. 11.2m<sup>2</sup>) and Flat D (approx. 9.4m<sup>2</sup>) would fall short of the standards. The THS also states that a single bedroom should have a floor area of 7.5m<sup>2</sup>. The Council states that the single bedroom in Flat C would be approximately 5.82m<sup>2</sup>.
19. The appellant states that Flat D has an internal floor area of 63m<sup>2</sup>. However, guidance contained within the THS states that any area with a headroom of less than 1.5m is not counted within the gross internal floor area of a dwelling and the Council contend that the appellant's measurement fails to take account of the reduced ceiling height of the loft rooms. Instead, the Council suggest a figure of approximately 46m<sup>2</sup> would more accurately reflect the floor area of

Flat D. Irrespective of which figure is correct, the overall internal floor area of Flat D would fail to meet the standards set out in the THS which states that a two-storey 2 bedroom, 3 bed space dwelling should have a floor area of 70m<sup>2</sup>.

20. Flat B is considered against the requirements for a single storey, 1 bedroom property by both parties. The Council, however, applies the size standards for a two bed space property, whereas the appellant uses those for a one bed space dwelling. The plans before me indicate that the flat would accommodate a double bed and this appears to be the basis for the Council's calculations. In my view, as this Flat would be a Studio and not contain a separate bedroom, it is not unreasonable to consider that, even though it could accommodate a double bed, it would provide one bed space. The THS states that, where a shower room is provided instead of a bathroom, a floor area of 37m<sup>2</sup> should be provided. Flat B would have a floor area of approximately 44m<sup>2</sup> and would therefore meet the requirements of the THS. Consequently, the proposal would provide an adequate standard of amenity for the future occupiers of Flat B in this regard.
21. In addition to concerns around the internal floor space of Flat A and Flat D, these flats would also represent a poor standard of amenity in respect of the outlook from these properties. Bedroom 1 of Flat A would be at ground floor level and would have a single window which would look directly into a proposed parking space. Any car parked within that space would be in extremely close proximity to this window and would form a significant feature in the outlook. Bedroom 2 of Flat D would not have any windows to provide any degree of outlook from that room. It would be served, instead, by a rooflight. The limited outlook from both of these bedrooms would add to the sense of enclosure created by the small room sizes and, in the case of Flat D, the reduced ceiling height.
22. The proposal would provide a shared garden at the rear of the property measuring approximately 126m<sup>2</sup>. The SPD sets out that, where amenity space is to be shared, each of the first five flats should be provided with 35m<sup>2</sup>. Using these standards the scheme would be expected to provide a shared garden measuring 140m<sup>2</sup>. The failure of the proposal to provide the required level of amenity space would further erode the living conditions of the potential future occupiers of the flats.
23. Flats A, C and D would be cramped and floor areas would fall below the sizes which can be reasonably expected of dwellings such as these. The outlook provided to occupiers of Flats A and D would also be substandard. Furthermore, the proposal would fail to provide the level of garden space which is expected of such a scheme. Taken together, the proposal would fail to provide satisfactory living conditions for future occupiers of the proposed Flats.
24. For the reasons set out above, the proposal would conflict with the THS and the SPD which set out space standards with the aim of ensuring that satisfactory indoor living space and amenity is provided and inappropriately cramped accommodation is avoided. The proposal would also conflict with Policy EN1 of CS insofar as it relates to the requirement for new development to provide a high standard in their design and layout.
25. There would also be a failure to conform with The Framework which states that developments should create a high standard of amenity for existing and future users.

## Other Matters

26. I note the existing planning permission (17/01122/FUL) for the subdivision of the plot to create two three-bedroom dwellings and a significant number of enabling alterations to the dwelling which include two storey side extensions, an additional bay window, a roof extension with dormer windows and the erection of a single storey rear extension. In my view the implementation of this permission is a strong and realistic fallback position.
27. The approved scheme, however, is smaller than the current proposal and also more sympathetic in design terms. The dwellings would also provide satisfactory living conditions for potential future occupiers. Consequently, the approved scheme differs significantly from the proposal before me.
28. The proposal includes the provision of four off-street parking spaces at the front of the site. The SPG sets out that a one bedroom dwelling should provide 1.25 car parking spaces per dwelling and a two bedroom dwelling should provide 1.5 spaces. Based on this calculation the development should provide 5.75 car parking spaces (this number should then be rounded up to the nearest whole number). This proposal would therefore have a shortfall of 2 spaces.
29. The County Highway Authority have considered the scheme and did not raise any concerns in this regard. I also note that under the existing planning permission relating to the same site a shortfall of 2.5 spaces was permitted and, due to the location of the application site, it was considered that any on-street parking undertaken by residents of the development would not cause a material highway safety concern. The Council's concerns in relation to parking, therefore, appear to relate to the inability of the site to accommodate the required number of parking spaces being indicative that the proposed development would be too large.
30. Consequently, in my view, in this instance a failure to accord with the Council's policy would not in itself warrant refusal of the scheme but is rather a further red-flag in respect of the excessive level of accommodation which is sought as part of this scheme.
31. There is no dispute that the Council does not currently have a five year housing land supply. A presumption therefore exists in favour of granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The addition of new dwellings which would contribute towards the housing supply in the area would undoubtedly be a benefit of the scheme. I also acknowledge the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupiers of the proposed dwellings utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context. Therefore, the cumulative benefits associated with the additional dwellings, would not outweigh the harm I have identified above.
32. I note the appellant's statement that they could have changed the internal layout of the proposal had they been made aware of the Council's concerns. However, in my view, whilst some internal changes may overcome some of the harm I have identified, for the reasons set out above, such changes would not be sufficient to mitigate all of the harm, particularly in respect of the character and appearance of the area.

33. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached that the proposal would cause harm to the character and appearance of the area and would fail to provide satisfactory living conditions for future occupiers.
34. I have noted a number of other issues raised; including the effect on the living conditions of other nearby residents. However, as this proposal is going to be dismissed for other reasons and the other concerns expressed do not have a direct bearing on the main issues, it is not necessary for these to be explored further as part of this appeal.

### **Conclusion**

35. The proposed development would fail to accord with the development plan and the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, for the reasons given above I conclude that the appeal should fail.

*L J O'Brien*  
INSPECTOR