
Appeal Decision

Site visit made on 18 May 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2020

Appeal Ref: APP/Z3635/W/20/3244852
r/o 97 Feltham Road, Ashford TW15 1BS

- 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 Bhathal Baldev against the decision of Spelthorne Borough Council.
 - The application Ref 19/01218/FUL, dated 4 September 2019, was refused by notice dated 30 October 2019.
 - The development proposed is described as 'one new flat in existing roof space'.
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Decision

1. The appeal is allowed and planning permission is granted for 'one new flat in existing roof space' at r/o 97 Feltham Road, Ashford TW15 1BS in accordance with the terms of the application, Ref: 19/01218/FUL, dated 4 September 2019, subject to the attached schedule of conditions.

Procedural matter

2. I have noted the discrepancy between the site address provided on the appellant's application form and the Council's Decision Notice. I have taken the site address from the appellant's appeal form as this appears to accurately identify the site, and the main parties agree that the site is to the rear of 97 Feltham Road.

Main issues

3. The main issues are the effect of the proposal on i) the character and appearance of the area; and ii) the living conditions of future occupiers of the development having particular regard to the amount of floorspace.

Reasons

Character and appearance

4. The host dwelling is a two-storey building with rooflights in the front and rear elevations. It is set back from Felton Road, located to the rear of other two-storey buildings. The building has been subdivided into flats with an area of hard standing to the front which provides vehicular parking and turning, as well as refuge and recycling storage. To the rear of the property, beyond the communal garden, are allotments.
5. The proposed development would provide additional vehicular parking and waste storage space on the existing hard standing to the front of the building.

This would not be prominent from the public realm and would be seen in the context of the existing provisions for vehicles and waste storage.

6. Moreover, the proposal details alterations to the roof at the rear of the host building through the addition of a balcony and associated access and privacy screens. I consider that the plans initially submitted provided adequate information to assess the proposed alterations. However, I have also considered the side elevations (drawing 2625/PL/04) submitted by the appellant as part of the appeal and on which the Council have had opportunity to comment. The side elevation plans provide some additional clarity and I have noted the Council's further comments made in light of them.
7. Based on the evidence provided, the roof alterations would be modest additions set back from the eaves and set below the crown roof form. The works to secure access to the balcony would be obscured from oblique views by the proposed frosted glass screens, and the whole alteration would be viewed against the existing mass of the host building's roof. Additionally, the rear elevation of the building is not prominent, save for the views from the neighbouring allotments. As such, the balcony would not be prominent and, in any event, would be sympathetic to the scale and form of the host building. The external materials can be controlled by condition.
8. Therefore, the proposal is considered to be of a sympathetic design that would maintain the character and appearance of the area. The proposal would comply with Policy EN1 of the Council's Core Strategy and Policies Development Plan Document, adopted 26 February 2009 (DPD) and Section 12 of the National Planning Policy Framework (the Framework). These seek to ensure high quality design in development.

Living conditions

9. The proposal details the provision of a new unit of accommodation within the roof space of the existing building. The floorplans show the provision of an open plan kitchen, living and dining room, with a separate bathroom and two further rooms (annotated as a bedroom and a study) all accessed from an entrance hall.
10. Policy EN1 of the DPD does not refer to any adopted floor space standards in seeking to achieve a high standard of design and layout in new developments. Whilst the Council have not referred to any other policy or guidance within their reason for refusal, they have stated at paragraph 3.5 of their appeal statement that it is the Council's policy to seek minimum floor space standards to provide satisfactory design in new development. Furthermore, they state that this policy is supported by appendix 4 of the Council's Design of New Residential Extensions and New Residential Development, Supplementary Planning Guidance dated April 2011 (SPG); as well as the Technical Housing Standards – Nationally Described Space Standard, March 2015 (NDSS).
11. Whilst the appellant has described one of the rooms as a study, they have stated that it would have a floor area of 12 sqm. Based on the technical requirements at paragraph 10 of the NDSS the room can be considered as a double bedroom. Therefore, the unit may be considered as a 2-bedroom, 4-person unit across a single-storey. The proposal would fall some way short of the minimum gross internal floor area set out within the SPG and the NDSS for such a unit. However, I am mindful that these are not adopted standards

within Policy EN1 of the development plan. As such, I afford the referenced minimum space standards some weight as a material planning consideration, but not full weight.

12. The proposal would create a modest dwelling that would provide separate living and sleeping areas. The room annotated as a study is at the very lower end of being considered as a double bedroom. With minor and inconsequential alterations to the position of the wall between the two rooms, the flat could be classed as a 2-bedroom 3-person unit, for which its overall floorspace falls only slightly below the minimum standards. Furthermore, the proposal details a private balcony that adds to the overall levels of amenity for future occupiers. I consider that the proposal, although modest in area, reflects a high standard of design and layout and would not represent an unreasonable subdivision of the space.
13. As such, whilst there is technical conflict with the local and national guidance within the SPG and NDSS respectively, the proposal would provide a high standard of design and layout through its arrangement. Therefore, the proposal would comply with Policy EN1 of the DPD and Section 12 of the Framework. These seek to ensure high quality design and layout in development and provide a high standard of living conditions for future users.

Other matters

14. I note the third-party concerns, including in relation to car parking provision and issues related to construction. The proposal details the provision of two additional car parking spaces, and I consider that this would be sufficient to meet the needs of the development. Furthermore, disturbance from the construction process is likely to be modest and transient, and health and safety concerns are controlled by other legislation. Additionally, I note that these concerns did not form part of the Council's reasons for refusal.

Conditions and conclusion

15. I have had regard to the conditions suggested by the Council and note that the appellant has raised no concerns with their imposition. The conditions are reasonable and necessary in order to define the terms of the permission and protect the character and appearance of the area. As such, I have imposed the suggested implementation, approved plans and matching materials conditions.
16. Furthermore, I have sought the views of the main parties on conditions to secure the proposed additional car parking spaces and bin storage. I find such conditions to be reasonable and necessary in order to provide adequate facilities to meet the needs of future occupiers without harm to either highway safety or the living conditions of existing occupants of the other residential properties at the site. The parties have raised no objection to such conditions. Finally, I have imposed a condition to require the provision of the proposed privacy screens in order to protect the living conditions of neighbours.
17. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR

Attached schedule of conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2625/PL/01, 2625/PL/02, 2625/PL/03 and 2625/PL/04.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials detailed on the application form.
- 4) Prior to the first occupation of the development hereby permitted the car parking spaces shown on drawing 2625/PL/02 shall be made available for use. The parking spaces shall remain clear of obstruction and be retained for the parking of vehicles thereafter.
- 5) Prior to the first occupation of the development hereby permitted the refuge and recycling storage shown on drawing 2625/PL/02 shall be made available for use. The refuge and recycling storage shall be retained thereafter.
- 6) The balcony hereby permitted shall not be first brought into use until both frosted glass screens have been provided. Once installed the frosted glass screens shall be retained thereafter.