

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: 28 May 2020

Appeal Ref: APP/Z3635/W/20/3244874

Land adjacent to 7 Maxwell Rd, Ashford, Surrey TW15 1RL

- 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 Barry Sutton against the decision of Spelthorne Borough Council.
 - The application Ref 19/01564/OUT, dated 18 November 2019, was refused by notice dated 13 January 2020.
 - The development proposed is described as 'outline planning for the erection of a new dwelling with associated parking and amenity space'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Barry Sutton against Spelthorne Borough Council. This application is the subject of a separate Decision.

Procedural matters

3. Outline planning permission is sought but with access to be considered at this stage. I have determined the appeal on this basis.
4. The appellant has submitted a site location plan for approval. Furthermore, they have submitted a block plan which shows details of the access, also for approval. Additionally, the plan shows a potential layout for the development. However, I have treated such details as illustrative only. As such, I do not afford such details full weight and I am mindful that alternative arrangements could be proposed in any subsequent conditional reserved matters submissions.

Main issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. Planning Practice Guidance¹ sets out that an application for outline planning permission allows for a decision on the general principles of how a site can be

¹ Planning Practice Guidance, Paragraph 005 Reference ID: 14-005-20140306

developed. Outline consent is the planning permission and it should be granted subject to conditions requiring the subsequent approval of one or more reserved matters. In order to establish the general principle, it is necessary to have regard to relevant material planning considerations, including the character and appearance of the area. Whilst the details of access pose no concern in regard to the character and appearance of the area, it is still necessary to consider the effects of the proposal more generally, and whether conditions could reasonably control the detail of the development.

7. The appeal site is located within an area characterised by two-storey, semi-detached and terraced housing. This provides a regular rhythm to the built form, along with the spaces around the buildings. The proposal is for a single dwelling on a detached parcel of land. As such, whilst the details of appearance, layout and scale are reserved it is inevitable that the proposal would be detached. This would be at odds with the established spatial pattern.
8. Moreover, the appeal site, whilst enclosed by boundary treatments offers a sense of space and relief from the built form, acting as a visual break. Furthermore, it is prominent on Maxwell Road. It is one of a number of similar parcels of land that positively contribute to the character and appearance of the area and form features of the street scene. This is consistent with the site assessments within the site planning history, including the appeal decisions². The appeal site continues to make a positive contribution to the area even though it has been separated from 7 Maxwell Road and is being utilised for the keeping of vehicles separately to the dwelling. A dwelling would be likely to significantly erode the openness of the site and its contribution to the character and appearance of the area. This would not represent high-quality design within the context of this planned housing estate's distinct character.
9. The appellant has suggested that the development could be subterranean. This would go some way to address the potential impact on the street scene. However, I have no evidence to support that this is likely, and the appellant acknowledges this to be an extreme option at page two of their appeal statement. As such, I afford this limited weight.
10. The appellant has submitted indicative plans in order to demonstrate a possible arrangement that may be used to satisfy any conditional requirement for approval of reserved matters. On my site visit I observed that these details broadly correspond with the footings for a building that remain on the site. Furthermore, given the constraints of the site in terms of both its size and shape there is very little reasonable alternative options to the illustrative arrangements on the submitted plans. Any variation to these details is likely to be minor and fail to positively contribute to the character and appearance of the area.
11. As such, based on the evidence before me I do not consider that a condition to require further details of the reserved matters would be reasonable. In this specific case the general principle of a new dwelling would likely be harmful to the area's character and appearance.
12. Therefore, in conclusion on the main issue the proposal would have a harmful impact on the character and appearance of the street scene. This would conflict with Policy EN1 of the Council's Core Strategy and Policies Development Plan

² APP/Z3635/W/14/3000540, APP/Z3635/C/15/3008291 and APP/Z3635/C/15/3008292

Document, Adopted 26 February 2009, and their Design of Residential Extensions and New Residential Development – Supplementary Planning Document, April 2011. This policy and guidance seek to achieve a high standard in the design and layout of new development through creating buildings and places that respect and make a positive contribution to the street scene and character of the area. Furthermore, the proposal would be contrary to the National Planning Policy Framework (the Framework) which states at paragraph 130 that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

Other matters

13. The Council accepts that it cannot demonstrate a five-year housing land supply. As such, the relevant development policies for the supply of housing should not be considered up-to-date and paragraph 11 of the Framework should be applied.
14. Whilst paragraph 59 of the Framework refers to the objective of significantly boosting the supply of homes, the provision of one additional unit would make little meaningful difference. When judged against some of the core planning principles the proposal would perform well in that it would be in an urban area with good access to services and facilities. However, as set out at paragraph 124 of the Framework, good design is also a key aspect of sustainable development.
15. Therefore, taking the component dimensions of sustainable development into consideration there would be a small social benefit in providing an extra housing unit. Furthermore, there would be economic benefits through the construction and occupation of the proposal. However, the adverse impacts to the character and appearance of the area would significantly and demonstrably outweigh such benefits when assessed against the policies of the Framework taken as a whole.
16. Finally, the appellant has also referred to a planning approval at York Close. I have visited this site and in short, I find limited similarities between the two sites which are not physically close. Additionally, whilst the Council may not have felt the illustrative details were acceptable, in the specific circumstances of that case other details may have been. As such I afford this example very limited weight.

Conclusion

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

James Taylor

INSPECTOR