



Appeal Decision

Site visit made on 6 October 2020

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/Z3635/W/20/3250469

55 Squires Bridge Road, Shepperton, TW17 0JZ

- 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 Ardian Musaraj against the decision of Spelthorne Borough Council.
 - The application Ref 19/01727/FUL, dated 21 December 2019, was refused by notice dated 17 February 2020.
 - The development proposed is erection of pair of 2 storey, 3-bedroom semi-detached houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the area, including the effect of the proposal on the Oak tree subject to a Tree Preservation Order;
 - The effect of the proposal on the living conditions of future occupiers with specific regard to internal space and external amenity space;
 - The effect of the proposal on the living conditions of the existing occupiers of numbers 53 and 55A Squires Bridge Road with specific regard to privacy and outlook;
 - The effect of the proposal on highway safety.

Reasons

Character and appearance

3. The appeal site previously formed part of the garden of 55 Squires Bridge Road and also includes part of the garden of two newly constructed dwellings fronting Squires Bridge Road. The area comprises of predominantly detached and semi-detached properties fronting Squires Bridge Road. There are a variety of architectural styles in the area; however, properties are consistently set in substantial plots with modest gardens to the front and large gardens to the rear. These factors contribute to the distinctive open and verdant character of the area. The site itself is currently free from development and

- allows views from the road over the rear gardens of dwellings on Squire Bridge Road and so contributes to the open character of the area.
4. It is proposed to build two semi-detached dwellings in the rear gardens of 55, 55A and 55b Squires Bridge Road. The properties would have a frontage onto the Squires Bridge Road close and would achieve a 1m set in from the sides of each dwelling. The design and materials of the properties would not be inconsistent with surrounding properties which vary in style and appearance.
 5. Nonetheless, the dwellings would be situated in significantly smaller plots than those of surrounding properties, perpendicular to existing properties on Squires Bridge Road. This would be at odds with the Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development (SPD) 2011 which requires that the orientation of buildings should reflect the existing pattern of development. Furthermore, the dwellings would be situated in close proximity to the rear elevations and gardens of neighbouring dwellings resulting in a cramped appearance.
 6. The front of the gardens would be dominated by hardstanding to the front and there would be little scope to require soft landscaping by condition due to the need to accommodate off-site parking. Moreover, the rear gardens would be substantially smaller than those of surrounding properties. Overall, the dwellings would appear cramped in comparison to those of surrounding dwellings.
 7. Furthermore, existing views across the rear gardens of properties on Squires Bridge Road would be lost and the proposal would be highly visible from the street and in views from the area of open space which lies to the rear of the appeal site which is regularly used by walkers. Taking these factors in combination, I consider that the proposal would be at odds with the predominant pattern of development; have a poor relationship with surrounding properties; and would detract from the open, spacious and verdant character of the area.
 8. An Oak tree subject to a Tree Preservation Order¹ (TPO) is situated on the boundary of the site with the adjacent park. The tree report which accompanied the application identifies the Oak tree (T1) as in good (A1) condition with a life expectancy of more than 40 years and as having good structure, form and vitality. From everything which I have seen in submissions and on my site visit, I agree with this assessment. Indeed, I consider that the Oak tree contributes significantly to the character and appearance of the area.
 9. Both parties agree that the proposal would fall within the Root Protection Area (RPA) of the tree. The Tree Report identifies that the South West corner of the foundation for the western plot would be within the radial RPA of the tree and that the proposals would need to be altered to incorporate special construction measures to the south west corner of the build or the tree removed.
 10. Whilst a condition could be applied to any permission requiring details of how the tree would be protected and retained during construction, due to the proximity of the tree to the proposed development, I would not be prepared to leave the acceptability of this matter to a condition. Moreover, the crown of the tree would dominate the small rear garden resulting in a loss of light to the

¹ Tree Preservation Order 265/2020 (T1)

garden and potentially the rear windows of the western most dwelling. This would result in pressure to prune or even remove the tree in the long term. Any such pruning work could affect the shape and balance of the tree and reduce the contribution which it makes to the character and appearance of the area. So even if it was possible to protect the tree during construction, the long-term health, viability and appearance of the tree would be harmed. Consequently, I conclude that the proposal would have a harmful effect on the health and appearance of the Oak tree which would diminish the contribution which it makes to the character and appearance of the area.

11. For the reasons stated, the proposal would have a harmful effect on the character and appearance of the area. It would, therefore, be contrary to Policy EN1 of the Council's Core Strategy and Policies Development Plan Document (CSP DPD) 2009 and the Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development (SPD) 2011 which together seek to ensure that development makes a positive contribution to the street scene and the character of the area. Conflict would also arise with Policy EN7 of the CSP DPD which seeks to safeguard healthy trees of amenity value. Furthermore, the proposal would be contrary to paragraph 127 of the National Planning Policy Framework (the Framework) which requires development to be sympathetic to local character.

Living conditions-future occupiers

12. According to the Council's calculations each dwelling would provide only 74m² of internal floorspace, falling significantly short of the requirement for three-bedroom, 5 person dwellings of 93m² of internal floorspace as set out in the Government's Technical housing standards². These calculations are not disputed by the appellant. Consequently, the proposed dwellings would result in cramped internal living conditions for future occupiers.
13. The SPD requires that dwellings designed for family accommodation need to have sufficient garden space which is suitable in size and shape. Table 2 (page 12) sets out the minimum areas required for garden space. Three or more bedroom semi-detached or detached dwellings would be required to provide 70m² of private garden space per dwelling. According to the Council's figures the western most dwelling would provide approximately 42m² of garden space and the eastern most dwelling around 53m² of rear garden space. On this basis, the proposed dwellings would fall significantly short of the requirements for private garden space against the SPD requirement.
14. The appellant contends that the proposal would meet the SPD requirement and that the amenity spaces would be similar to the two dwellings recently completed adjacent to 55 Squires Bridge Road. However, the appellant's calculations are not before me and based on the submitted plans, the amount of private amenity space would be clearly less than the newly constructed properties. In any event, due to the proximity of the newly constructed properties and the dormers on the second floor of those properties, there would be perceived overlooking of the garden of the eastern most dwelling. The proposal would, therefore, provide insufficient private amenity space in terms of both quantity and quality to the detriment of the living conditions of future occupiers.

² Technical housing standards-nationally described space standard, Department for Communities and Local Government March 2015.

15. Overall, the proposal would harm the living conditions of future occupiers with specific regard to internal space and external amenity space. The proposal would, therefore, be contrary to Policy EN1 of the CSP DPD and the SPD which together require development to achieve a satisfactory relationship to adjoining properties and provide sufficient private garden space.

Living conditions-existing occupiers

16. The upper floor windows of the proposed dwellings would be situated in close proximity to and directly overlook the rear garden of No 53 resulting in a loss of privacy to the occupiers of No 53. Whilst the upper windows could be conditioned to ensure that they are non-opening and frosted glass this would result in a loss of outlook for future occupiers.
17. The occupiers of No 55A currently have an outlook over their rear garden to the open space which would be replaced with an outlook onto a blank flank wall in close proximity to the rear garden. The proposal would, therefore, reduce the outlook to the occupiers of No 55A and have an over-bearing effect.
18. Consequently, I conclude that the proposal would harm the living conditions of the existing occupiers of Nos 53 and 55A Squires Bridge Road with specific reference to privacy and outlook. It would, therefore, be contrary to Policy EN1 of the CSP DPD and the SPD which together require that development avoids significant harmful impact in terms of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook. Furthermore, the proposal would be contrary to paragraph 127 of the Framework which requires development to provide a high standard of development for existing and future users.

Highway Safety

19. The appeal site is within a small close situated off the main Squires Bridge Road, a busy road within a residential area. The junction of the small close with Squires Bridge Road has limited visibility to the north due to the presence of a road bridge over the River Ash. Visibility to the south is impeded to a degree by a tree situated in the highway verge.
20. The proposal would be situated well back from the junction and would not physically alter the actual junction or visibility splays. The proposal would increase the number of properties served by the small close from three at present to five thereby intensifying the use of the junction. However, no information is before me with regards to either existing or proposed vehicle movements at the junction or accident records in the vicinity. Consequently, I find the evidence inconclusive; however, I would have gone back to parties on this matter, had I decided to allow the appeal.
21. In the absence of this evidence, I am unable to conclude that the proposal would not have a harmful effect on highway safety. As such the proposal would be contrary to Policy CC2 of the CSP DPD which states that traffic generating development should only be permitted where it is or can be made compatible with the transport infrastructure in the area taking into account, amongst other things, highway safety. Conflict also arises with paragraph 108 of the National Planning Policy Framework (the Framework) which requires that a safe and suitable access can be achieved for all users.

Other matters

22. Attention is drawn to two recently constructed dwellings to the south of No 55 Squires Bridge Road in support of the appellants case. However, these properties are consistent with the orientation and predominant pattern of existing development and have more amenity space to the front and rear. Planning permission has been granted at No 15 Squires Bridge Road for the partial demolition of existing dwelling and conversion and erection of 2 five-bedroom dwellings. However, I note that the proposed dwellings would front onto Squires Bridge Road and would have adequate gardens to the front and rear. Neither of these cases are, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision.
23. The Council acknowledges that it cannot demonstrate a five-year supply of deliverable housing sites and that as a result paragraph 11d of the Framework is engaged. The proposal would make a contribution to housing provision in the area, albeit limited. The proposal would also bring modest economic benefits in the short-term during the construction phase and in the longer term in terms of contribution to local spend.
24. However, I have concluded that the proposal would harm the character and appearance of the area; harm the tree subject to the TPO; harm the living conditions of existing and future occupiers; and potentially result in harm to highway safety. I consider that these adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
25. Furthermore, the benefits of the proposal would not be sufficient to overcome the harm which I have identified or the statutory presumption in favour of the development plan.

Conclusion

26. For the reasons stated and with regards to all other matters raised, I conclude that the appeal should be dismissed.

Caroline Mulloy

Inspector