



Appeal Decision

Site visit made on 29 September 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2020

Appeal Ref: APP/Z3635/W/19/3243283

**Former garages/lock-up stores, Station Approach, Sunbury-On-Thames
TW16 6SA**

- 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 Station Approach (Sunbury) Limited against the decision of Spelthorne Borough Council.
 - The application Ref 19/01077/FUL, dated 30 July 2019, was refused by notice dated 27 September 2019.
 - The development proposed is the demolition of three lock-up garages and the erection of a two x 2 bed flats and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A Daylight and Sunlight Assessment for Planning (DSAP) October 2019 report was submitted with the appeal. The additional information does not raise any new substantial issues as it seeks to address the living condition objections raised by the Council. Therefore, parties would not be prejudiced in making further comments on this information, if they had wished, and the appeal has been determined taking into account the DSAP.

Main Issues

3. The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of neighbouring property, having regard to outlook and light.

Reasons

Character and appearance

4. The appeal site comprises three garages, part of a larger block, and an area of landscaping on the side of Station Approach adjacent to a train station. The remaining part of the block contains one garage which lies outside of the site. Beyond this garage and the site, there is a garden area and a residential building at Bracken Court. This building and its neighbour are modern in design, with first floor accommodation within almost vertically clad elevations and flat roofs above. Within the landscaped area, there are trees protected by a Tree Preservation Order. They are part of a line of trees that continues beyond the other side of the site on land between the road and the station.

5. Across the road, there are traditionally designed, two storey dwellings which have exterior brick elevations and pitched roofs above. They are set in spacious surroundings. The plot and the Bracken Court development do not relate to this in context because of their close proximity to the train station and separation provided by Station Approach road itself.
6. Nevertheless, the Bracken Court building is low level in scale given the flat roof above the first floor and it's set back from the Station Approach road with intervening landscaping. In contrast, the proposed flatted building would be substantial in scale and height given the second floor would be within a steeply pitched roof with dormers and flat crown above. Furthermore, a significant part of the building would be in close proximity to the road because of the irregular shape of the plot. A bend in Station Approach road results in the plot narrowing on its eastern side.
7. Additionally, this would result in the garden serving the development being noticeably smaller than that at Bracken Court. The existing garages are utilitarian in appearance with an extensive concrete frontage and there is evidence of fly-tipping on the appeal site. However, the proposal would result in an overdevelopment of the site, with a prominent and overly imposing building which would be far more detrimental to the character and appearance of the area. Behind the train station, there is a recent substantial and imposing building. However, this is considerably distant and detached from the site and therefore, it would not be part of the site's defining context and thus, little weight is given to it as a precedent for this development.
8. The proposal would also result in the removal of two protected trees. The appellant's Arboricultural Impact Assessment and Method Statement (AIAMS) Revision B July 2019 details one of these trees is dead whilst the other is a moderately valued, category B tree which would be located close to the building. The AIAMS indicates that retention of the tree is possible with some minor crown lifting to improve light penetration to the proposed garden of the development.
9. However, the horse chestnut tree has a significant sized canopy which would grow as it has a minimum of 40 years life remaining. To enable satisfactory light into the garden serving the new flats, substantial tree works would be required which would be detrimental to the public amenity value of the tree.
10. Future occupiers should be aware of the protected tree when deciding to purchase the new flats and deciding for themselves whether the presence of it would be a problem. However, circumstances can change, especially when people live in a property, and therefore, this would not prevent requests from future occupiers. The Council would retain formal control over requests for tree works to the protected tree but in practice I consider that it is likely to be difficult to resist such pressure in the long term for the reasons indicated.
11. Therefore, the development would be likely to result in the significant reduction of this tree's amenity value, and possibly its loss. The tree is attractive due to its height and canopy size and contributes positively, along with the other protected trees, to the sylvan character and appearance of the area. In particular, it visually breaks up the developed environs of the railway station and therefore, its loss would be significant.

12. Network Rail and The Tree Council have produced a recommended planting species matrix for land adjacent to railways. Included in the list of unsuitable species is horse chestnut due to the size of leaf. However, this matrix is of limited value in this instance because it applies to proposed planting. In any case, I have found the amenity loss of this tree would be significant and overriding as set out here.
13. For all the reasons indicated, the development would harm the character and appearance of the surrounding area. It would not respect and make a positive contribution to the street scene and character of the area, having regard to scale, height, proportions, building lines and layouts. It would result in the significant reduction of a protected tree's amenity value. The proposal would conflict with Policies EN1 and EN7 of the Spelthorne Core Strategy and Policies Development Plan Document (DPD) 2009.

Living conditions

14. The residential building at 3-4 Bracken Court has a main elevation facing towards the appeal site, with windows mainly at first floor level. The position of the proposed residential building would conflict with the recommended separation distances between dwellings which is within the Council's Design of New Residential Extension and New Residential Development Supplementary Planning Document (SPD) 2011. However, the building would be sited behind the remaining single storey garage and drive serving the neighbouring property. Due to a step back in its flank elevation, part of the new residential building would also be located a good distance from the common boundary. Therefore, there would be no significant loss of outlook to the occupiers of neighbouring properties.
15. The new flatted building would be sited a significant distance from the neighbouring property which would prevent any loss of ambient light. In terms of sunlight, there would also be no significant loss to the windows of the neighbouring building due to separating distance with the new development. Furthermore, the DSAP has detailed a Vertical Sky Component assessment. This measured the general amount of light available on the outside plane of nearest windows, as a ratio of the amount of total unobstructed sky viewable, following the introduction of the new building. It found the windows to be well within accepted values. An Annual Probable Sunlight Hours assessment similarly found relevant windows to be within accepted values.
16. The garden area of the neighbouring residential building would be near to the new flatted development. Due to its orientation, there would be loss of sunlight to its garden area during mornings but if assessed over a whole day, the loss of sunlight would not be significant. Indeed, the DSAP has assessed sunlight to the garden during a March day where availability of sunlight is accepted to be restricted compared to the summer and shows garden areas would have at least two hours on that day. The DSAP findings on light and sunlight is based on accepted practice and policy which is given significant weight in the absence of any contrary evidence.
17. For all these reasons, there would be a satisfactory relationship to adjoining properties because significant harm in terms of loss of daylight, sunlight and outlook would be avoided. Accordingly, the proposal would comply with Policy EN1 of the DPD (in respect of living conditions).

Other matters

18. The Council's SPD provides minimum garden sizes for new dwellings and the proposed garden would be below this minimum by a small amount. However, the SPD minimum is guidance only and in this type of location with good access to facilities and services, the living conditions of future residents would not be adversely affected through having private outdoor space smaller than the minimum. Based on the appellant's Noise and Vibration Impact Assessment, July 2019, the living conditions of future residents would not be harmed by noise and disturbance.

Development Plan Balance

19. The proposal would encourage housing development and would make effective use of land in accordance with DPD Policy HO1. The making the most of sites is also supported in DPD Policy HO5 which relates to the density of housing development. However, the harm to the character and appearance of the area would be significant. DPD Policy EN1 is central to the determination of the appeal because it details site specific considerations connected with this issue. DPD Policies HO1 and HO5 are more peripheral to the determination because they relate to housing delivery throughout the borough. Furthermore, they are more aspirational in requiring the Council to undertake actions and take account of density principles. Consequently, the proposal would be contrary to the development plan taken as a whole.
20. The proposal would boost housing supply in accordance with the National Planning Policy Framework (the Framework) in a location with very good access to facilities and services, including public transport. The Council has a 4.4 housing land supply. However, the Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It indicates design is a key aspect of sustainable development. The unattractive and unsympathetic nature of the development would harm the character and appearance of the area and this would be significant, permanent and long-term. Furthermore, two dwellings would only have a small benefit in boosting housing supply. Therefore, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. There are no considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused.

Conclusion

22. For all the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR