



Appeal Decision

Site visit made on 6 October 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2020

Appeal Ref: APP/Z3635/W/20/3255055

35 High Street, Stanwell TW19 7LJ

- 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 Elimelech Shif of Stayling Ltd against the decision of Spelthorne Borough Council.
 - The application Ref 18/01729/FUL, dated 13 December 2018, was refused by notice dated 12 May 2020.
 - The development proposed is demolition of existing building and erection of 2no 2 bedroom semi-detached houses together with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing building and erection of 2no 2 bedroom semi-detached houses together with associated parking, on land at 35 High Street, Stanwell TW19 7LJ in accordance with application, Ref 18/01729/FUL, dated 13 December 2018 and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposal on highway safety, in particular whether the proposed access would provide adequate access for both vehicles and pedestrians; and
 - Whether the proposal makes adequate provision for waste and recycling facilities and collection.

Reasons

Highway Safety

3. The appeal site comprises part of an area of land located to the rear of the properties on High Street. It is accessed via a narrow lane which runs between the existing properties. The land around the appeal site is open and used principally for informal car parking. A pair of semi-detached properties has recently been erected on a parcel of land adjacent to the appeal site. Both the informal car parking and the recently erected dwellings are accessed via the existing narrow lane.
4. The existing access is relatively straight, however due to the position of the adjoining buildings, for a proportion of its length, its width is constrained. Whilst it is unlikely to be wide enough to allow for a pedestrian/ cyclist and a

car to pass when travelling in opposite directions, there would be adequate visibility for users to see each other, prior to entering the constrained part. Furthermore, should a car choose to wait for a pedestrian at the High Street end of the lane, there would be sufficient space for a car to wait off the highway, so as not to block the flow of traffic along High Street. Moreover, in the context of the existing circumstances, I have found no reason to conclude that the additional movements associated with the two dwellings would have a significant effect on highway safety.

5. I have had regard to the comments of the Council in terms of the cumulative impact of the appeal proposal, when considered alongside the recently constructed dwellings, and any further development that may come forward adjoining the appeal site. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case. Furthermore, I note that the Council's Highways Development Officer did not express any concerns in relation to this aspect of the proposal.
6. For the above reasons, I therefore conclude that the proposal would not have a significant effect upon highway safety and, in this regard, complies with Policy EN1 of the Core Strategy and Policies DPD 2009, the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 and the National Planning Policy Framework (the Framework). These policies, amongst other things, seek to ensure that proposals make safe and satisfactory provision for access by all means of travel.

Waste and recycling provision

7. The existing access is not of sufficient width to enable refuse collection to take place directly outside the proposed dwellings. Therefore, provision would be made for an onsite bin store, with future residents required to position their bins closer to the public highway for collection, before returning them once empty.
8. This arrangement is less than ideal, however there would appear to be adequate space for the bins to be placed adjacent to the public highway on their scheduled day of collection. Given this would occur once a week, the presence of additional bins, would be unlikely to materially harm the character and appearance of the area. Furthermore, this is the identical arrangement for dealing with the disposal of waste and recycling arising from the recently constructed dwellings adjoining the site, with the proposed bin store for the appeal scheme being located only marginally further away from the public highway than that provided for these dwellings.
9. For the above reasons, I therefore conclude that the proposal would make adequate provision for waste and recycling facilities and, in this regard, complies with Policy EN1 of the Core Strategy and Policies DPD 2009 and the Framework.

Other Matters

10. Concern has been raised with regards to the potential for the proposal to harm the living conditions of surrounding residents. However, due to the separation distances involved, there would be no material increase in overlooking, loss of

privacy or overshadowing to neighbouring properties as a result of the proposal. Whilst there is potential for some disturbance and inconvenience to be caused during the construction, this would be for a limited period of time. I have therefore attributed little weight to it and consider that it can be adequately dealt with through a condition.

11. I note the concerns regarding ground stability, however there is no evidence before me to substantiate these concerns. There is also no substantive evidence that there would be any adverse effect on surface water flooding as a result of the proposal. Suitably worded conditions can be attached to ensure that the provision of permeable areas is delivered.
12. Reference has also been made to legal rights of way across the land and other legal covenants. This is however a private civil matter for the parties. Accordingly, issues relating to land ownership have not had any material bearing on my assessment of the planning issues in this appeal.

Conditions

13. The conditions suggested by the Council have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. A standard implementation condition, along with a requirement to implement the scheme in accordance with the approved plans is necessary.
14. To protect the character and appearance of the area it is necessary to attach a condition to require the submission of external materials. To protect the living conditions of local residents and to ensure that the proposal would not have any unacceptable impacts upon highway safety, it is necessary to attach a condition requiring the submission of a Construction Method Statement.
15. It is necessary, to attach a condition requiring the submission of ground investigation works. To encourage the use of alternative modes of travel, it is necessary to require the submission of details of the proposed secured covered cycle storage.
16. To protect the living conditions of surrounding residents, it is necessary to attach a condition to ensure no further openings are made in elevations of the dwellings. For the same reason, it is necessary to remove certain permitted development rights.
17. In the interest of achieving sustainable development, it is necessary to require details of measures to utilise renewable energy are provided, along with the provision of electric vehicle charging points. To protect highway safety, it is appropriate to attach a condition to ensure the proposed vehicle turning area is provided, prior to the occupation of the dwellings. To protect the surrounding area from surface water run off, a condition is necessary to ensure that any area of hardstanding is constructed from permeable materials.

Conclusion

18. I conclude, for the reasons outlined above, that the appeal should be allowed subject to the identified conditions.

Adrian Hunter

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development/works hereby permitted shall only be carried out in accordance with the following approved plans and details: 0533/100.01 rev G; 0533/000.01 rev D; and Plan SK01.
3. No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - a) The site access point(s) of all vehicles to the site during the construction phase.
 - b) The parking of vehicles of site operatives and visitors.
 - c) The areas for loading and unloading plant and materials.
 - d) Storage areas of plant and materials used in constructing the development.
 - e) The erection and maintenance of securing hoarding, if appropriate.
 - f) Wheel washing facilities.
 - g) Measures to control the emission of dust and dirt during construction.
 - h) No burning on site during construction or site preparation works.
 - i) Measures to minimise noise nuisance to neighbours from plant and machinery.
 - j) Construction working and deliveries to only take place between 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
 - k) No driven piling without prior consent from the LPA.

The approved Statement shall be strictly adhered to throughout the construction period of the development.
4. No development shall take place until:-(i) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.(ii) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.(iii) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method

- statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology. The site shall be remediated in accordance with the approved method statement, with no deviation from the statement without the express written agreement of the Local Planning Authority.
5. The proposed hardstanding area shown on the submitted plan shall be constructed to be permeable, or be designed to run off to a permeable surface within the curtilage of the dwellinghouse, in accordance with details to be submitted to, and approved in writing by the Local Planning Authority before the commencement of the development. The hardstanding area shall be completed in accordance with the approved details and retained.
 6. Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority.
 7. No development above damp course level shall take place until details of the materials to be used for the external surfaces of the building(s) and surface material for parking areas are submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials and detailing.
 8. No further openings of any kind shall be formed in the flank and rear elevations of the development hereby permitted without the prior written consent of the Local Planning Authority.
 9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) no extensions or other form of enlargement to the residential development hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosure, shall take place without the prior planning permission of the Local Planning Authority.
 10. Following construction of any groundwork and foundations, no construction of development above damp course level shall take place until a report is submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of each building and thereafter retained.
 11. The development hereby approved shall not be first occupied unless and until space has been laid out in accordance with the drawing no. 0533/100.01 rev G plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.

12. The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements – 7kw Mode 3 – with type 2 connector – 230v 32 Amp single phase dedicated supply) for the charging of electric vehicles in accordance with a scheme to be submitted to and approved by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
13. The development hereby approved, shall not be occupied until facilities for secure and covered parking for bicycles has been provided in accordance with the approved plans. Thereafter the facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.