
Appeal Decision

Site visit made on 9 February 2021

by Christina Downes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 February 2021.

Appeal Ref: APP/Z3635/W/20/3250772
59 Laleham Road, Shepperton TW17 8EQ

- 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 T Coates against the decision of Spelthorne Borough Council.
 - The application Ref 19/01273/FUL, dated 20 September 2019, was refused by notice dated 15 November 2019.
 - The development proposed is to demolish a large shed and construct a 3 bedroom, 2 storey detached dwelling.
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Decision

1. For the reasons given below, the appeal is dismissed.

Reasons

2. I note that the drawings show a 2 bedroom dwelling. Notwithstanding the description on the application form, I shall determine the appeal on this basis.

Effect on the character and appearance of the area

3. The appeal site is currently occupied by a large shed and comprises the rear part of the domestic curtilage of No 59. This residential property is one half of a pair of two storey houses that stand at the end of the built-up frontage along a spur of Laleham Road close to where it terminates. The main part of Laleham Road runs to the south and at this point rises up to a bridge crossing the M3 motorway. The western and northern site boundaries delineate the edge of the settlement beyond which is open land within the Metropolitan Green Belt.
4. The proposal is to demolish the shed and replace it with a dwelling. This would have no street frontage but would be reached by a new driveway at the side of No 59. I observed that there are examples of nearby development behind the main frontage housing. These include the detached bungalows at Pearmain Close and the single storey development at Village Court. Whilst these have formed their own development pattern, it seems to me that the principle of a dwelling in the backland would not necessarily be unacceptable.
5. The new dwelling would be forward of the existing shed in order to provide a garden at the back. Whilst this would be relatively small there would be further amenity areas at the side. The overall outdoor space would not be comparable in size to the adjoining gardens, but there are some that are smaller, including at Village Court. Overall, the proposed amenity space would be acceptable.
6. However, in order to achieve this the front of the new dwelling would be very

close to the proposed rear boundary of No 59. This would include the flat roofed section, which is indicated to be 5.6m in height. The distance between the new and existing building would be closer than the 21 metres recommended in the Council's supplementary planning document: *Design of Residential Extensions and New Residential Development*. I note that this relates to the back-to-back distance between two-storey dwellings and so does not exactly fit the circumstances here. Nevertheless, I consider that the proposed degree of separation would be insufficient and that the new dwelling would appear to be squeezed onto its plot. This would fail to accord with the overall spacious character of the surrounding area, in my opinion.

7. I observed from my site visit that there are a variety of different building types and styles in the locality. However, I find little to commend the appearance of the proposed dwelling. I appreciate that planning permission was refused for a larger building, but the attempt to lower the height and reduce the width has not been successful. The two sections of the building appear to me to have an uncomfortable relationship with each other and this is emphasised by the rather random approach to fenestration with little continuity in terms of size or style of window and a largely blank front elevation. Although not altogether clear from the drawings, it would appear that the western vertical face of the upper part of the building would be timber clad. This seems to me to add to the visual confusion and further reinforce the lack of harmony in the overall composition.
8. It is difficult to understand in what way design cues have been drawn from the surroundings area. The large, mainly flat roofed box atop the single storey gabled building, would in my opinion appear as an unacceptable intrusion that would fail to integrate satisfactorily with its surroundings. Whilst I appreciate that views of the development would be limited on account of existing vegetation, the development would be seen from Laleham Road and its spur through the gap at the side of No 59. There would also be private views from a number of places within the surrounding residential area and these should not be discounted. I appreciate that it is proposed to provide green roofs on the sloping sections on the eastern side. However, these would not ameliorate the basic shortcomings of the building design.
9. I conclude that the appeal development would result in a poorly designed development that would be harmful to the character and appearance of the area. Good design is at the forefront of the Government's planning agenda and the National Planning Policy Framework (the Framework) makes clear that it is a key aspect of sustainable development. The proposal would conflict with policy EN1 in the Spelthorne Core Strategy and Policies Development Plan Document (the CS) in this respect. Although this was adopted in 2009 the policy is consistent with the design objectives of the Framework.

Effect on existing residential occupiers

10. The part of the new dwelling nearest to No 57 would be single storey and the roof would slope back from the boundary. The main effect would be on No 59 due to the proximity of the higher flat roofed element to its rear boundary. To my mind this would be a dominant feature in the currently open view. It would appear particularly oppressive when viewed from the existing rear garden, which would be reduced in width as well as depth to accommodate the new

development. The amenity value of this outdoor space would be considerably diminished, and the overbearing impact would conflict with saved policy EN1.

Effect on fluvial flood risk

11. The Environment Agency issued new modelling in January 2020. This indicated that none of the appeal site now falls within Flood Zone 3 and its objection has consequentially been withdrawn. A house is categorised in the “more vulnerable” category in the *Planning Practice Guidance*. For Flood Zone 2 this means that a sequential test must be undertaken to see if the development could be carried out in a lower flood risk area. However, it is confirmed in the supplementary planning document: *Flooding* that land in Flood Zone 2 will be needed to meet housing requirements. The sequential test would therefore be passed. The *Planning Practice Guidance* does not require an exception test to be applied for more vulnerable uses in Flood Zone 2.
12. A Flood Risk Assessment was submitted with the appeal. This shows that the dwelling itself would be above the flood waters in a major flood event. However, occupiers may need to leave the dwelling in the case of a long inundation for all sorts of reasons, including lack of food or drinking water or due to a medical issue. The dry island would not extend to the whole of Laleham Road, which is also in Flood Zone 2. There would not therefore be a dry access and egress from the site. Even though inundation may be slow, there is no guarantee that the occupiers would leave the dwelling in time, especially as it would offer a safe refuge.
13. Flood waters may be shallow, but even so there can be a risk with walking through them due to unforeseen obstacles, including loose or missing drain covers. New occupiers would be entitled to sign up to the Environment Agency’s Flood Alert and Flood Warning Service, but there is no guarantee that they would do so. I do not consider that the proposal would conflict with saved policy LO1 in the CS or the supplementary planning document associated with it. However, there would be increased pressure placed on the emergency services in circumstances where evacuation became necessary. The Framework endorses safe access and escape routes and in this case they could not be guaranteed in the event of a major flood.

Overall conclusions

14. The Council is not able to demonstrate a five year supply of land to meet its housing needs. In such circumstances the presumption in favour of sustainable development is engaged under paragraph 11 of the Framework. The provision of one dwelling would contribute to reducing the housing deficit, albeit in a relatively small way. There would also be some limited benefit to employment during construction and the new occupiers would contribute to the local economy through their support of local shops and services. They could also take advantage of the accessible location to meet many of their daily needs.
15. However, the harm to the character and appearance of the area, the poor design of the dwelling and its overbearing impact on No 59 are matters to which I attribute great importance. They would not be diminished on account of the lack of landscape or protective policy designations, as the Appellant suggests. My concerns about the lack of a dry means of escape in the event of a major flood also weighs against the scheme. Overall, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed

against Framework policy as a whole. This would not be a sustainable form of development and would be contrary to saved policy EN1 in the CS. I find no material considerations to indicate that the decision should be made otherwise than in accordance with the development plan.

16. I have considered all other matters raised in the representations but have found nothing to alter my conclusion that the appeal should not succeed.

Christina Downes

INSPECTOR