



Appeal Decision

Site Visit made on 10 May 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2021

Appeal Ref: APP/Z3635/W/20/3265624

Brookside, Acacia Road, Staines-upon-Thames TW18 1BY

- 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 S Gardner against the decision of Spelthorne Borough Council.
- The application Ref 20/00872/FUL, dated 30 July 2020, was refused by notice dated 25 September 2020.
- The development proposed is described as, "The demolition of a detached chalet bungalow together with a garage, shed and greenhouse to make way for 4 no. two bed flats with associated parking and amenity space".

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Two amended plans were submitted at the appeal stage¹, and the appellant has referred to the potential for a condition to be imposed to ensure that the development would be implemented in accordance with them. I have considered whether the amended plans should be accepted. However, as the revised proposals would materially alter the nature of the scheme, the interests of interested parties would be prejudiced if the amended plans were taken into account in this appeal. Accordingly, I have determined this appeal on the basis of the same plans used by the Council at the time of their decision.

Main Issue

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

Reasons

4. The appeal site comprises a detached bungalow situated in a mainly residential area. The site is positioned directly in front of the intersection between Acacia Road and Glebe Road and hence is in a particularly prominent position in views along Glebe Road. The appeal property is located amongst a cluster of bungalows, which are present on both sides of the road to the east of the site.
5. The property immediately adjacent to the site to its west (known as Broad View) is also a bungalow. Beyond Broad View on the same side of the street are a collection of 2-storey and 3-storey properties which are of a similar style to each other, such that they form a cohesive unit and contrast with the set of

¹ Proposed Street Scene & Elevations (2606-RDJWL-ZZ-ZZ-DR-A-0055), Proposed Site & Floor Plans (2606-RDJWL-ZZ-ZZ-DR-A-0050)

bungalows near the appeal site. Two of those 2-storey properties are adjacent to Broad View, meaning that the appeal property presents as being part of a set of predominately single-storey buildings. Access to Petersfield Road is blocked from Acacia Road, and therefore the appearance of the properties there provides only a minimal influence on the context of the appeal site. Glebe Road and Rookery Road are more mixed in terms of the types of properties present, although many 2-storey properties exist.

6. The proposed 2-storey property would respect the dominant building line, but it would tower over its immediate, single-storey neighbours, and it would extend close to its side boundaries. Its overly-large scale in its wider context would be emphasised by its wide and high crown roof with rooflights, and its protruding gable features. As such, it would appear as a distinct anomaly amongst the set of modestly-sized bungalows in this location. I observed the new property at No 18 Glebe Road but due to it being situated amongst a more mixed group of properties its presence does not change my view as to the harmful effect of the proposal on the appearance of the area.
7. Although some nearby properties have generous hardstanding areas that are exposed to view from the street, several nearby properties have fair-sized front gardens with parking suitable for single family households. In contrast, the proposal would incorporate 6 parking spaces to the front of the site. This would result in an excessive amount of hardstanding in its context, although it is recognised that its impact would be reduced somewhat by the soft landscaping proposed, which would comply with the advice given in paragraph 4.34 of the Design SPD², and a condition could be imposed to secure this.
8. The proposed property would provide accommodation for up to 4 separate households, with 2 bedrooms per household. The plot can currently accommodate 4 cars, and potentially the current household could comprise up to 6 persons. However, due to the independent nature of each household, and the greater numbers of persons likely to be present on site, the proposal would result in a far greater number of comings and goings than is currently the case even taking the appellant's circumstances into account. This would include the new occupiers parking vehicles in the new hardstanding area, and from the coming and going of delivery vehicles. Overall, in my view the nature of the use of the site would be much more intensive than at present.
9. The appellant has referred to the development of flats along Rookery Road, but based on the evidence before me, and what I saw, flatted development appears not to be common in the locality. Consequently the degree of the intensity of use created by the proposal would be significantly at odds with the mainly single family-type intensity of use at nearby properties. There are commercial uses nearby, but as the proposal relates to a residential use in a chiefly residential area, those examples do not change my findings. It is clear, then, that the proposal would both harm the appearance and the character of the area to a material degree.
10. I note that an extant planning permission is in place³, which I consider is a realistic 'fall-back' position. The appellant has provided analysis comparing the schemes, and has highlighted the various similarities and differences between

² Design of Residential Extensions and New Residential Development Supplementary Planning Document (adopted 2011)

³ Local Planning Authority reference: 19/01065/FUL

them, including with respect to their design, scale, bulk, height, massing, and the amounts of hardstanding involved. I have also had regard to the table of data comparing the relevant schemes, provided by IQ Planning Consultants, and the appellant's representations on that data.

11. Nevertheless, the extant permission relates to 2 semi-detached houses, rather than a block of flats as in the proposal before me. Whilst the parking areas provided for each scheme would be similar in size to each other, in my view it is likely that 4 separate independent households on a plot of this size would result in a materially greater level of activity than 2 family-sized households on the same plot. Accordingly, when compared to that permission, the proposal would result in a materially greater level of intensification of the use of the site. Therefore, that permission is not comparable with the proposal before me, and it does not change my findings on this main issue.
12. I therefore find that the proposal would have an unacceptable and harmful effect on the character and appearance of the surrounding area. It would conflict with Policies SP6 and EN1 of the Core Strategy and Policies Development Plan Document (adopted 2009) which collectively provide that, amongst other things, proposals for new development should respect and make a positive contribution to the street scene and the character of the area in which they are situated. It would also conflict with the advice given in the Design SPD which provides that proposals should be in keeping with and make a positive contribution to the character of an area, and with the advice given in the National Design Guide 2021 that development should respond positively to the surrounding context beyond the site boundary.

Other Matters / Planning Balance

13. It is common ground that the Council can currently only demonstrate 4.4 years supply of housing (taking account of the 20% buffer referred to in the National Planning Policy Framework (the Framework)). However, this is a modest shortfall with respect to five year requirement referred to in the Framework. The proposal would result in 4 units of accommodation in an accessible location in an existing urban area, which would make a minimal contribution to addressing this shortfall and to the Government's strategic objective of significantly boosting the supply of homes.
14. The 4 new units of accommodation would contribute to the mix of housing in the local area, specifically with respect to the provision of smaller (2-bedroom) households, but due to the quantum involved, this contribution would be limited. Similarly, although definitive evidence has not been provided to show that the proposal would meet the definition of previously developed land as given in the Framework, the proposal would result in a more efficient use of urban land, but again the benefit in this regard would not be significant. The evidence provided does not clearly demonstrate that the proposal would bring forward development which would optimise the potential of the site, in terms of paragraph 127 e) of the Framework.
15. The proposal would provide an adequate number of car parking spaces, for the number of units proposed, and one of these spaces would be designated for disabled use. There would be no conflict with paragraph 109 of the Framework, which provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety,

or the residual cumulative impacts on the road network would be severe, neither of which apply in this case.

16. Taken together, all the benefits mentioned above offer modest support for the proposal, and collectively I have given them moderate weight. Taking all these other considerations into account, I find that the identified benefits of the proposal, do not, either individually or collectively, outweigh the very substantial planning harm identified on the main issue, nor the conflict with the development plan when considered as a whole.
17. As referred to above, the Council cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). As such, the most important policies relating to this appeal are out-of-date and paragraph 11 d) ii of the Framework is engaged. I have taken full account of all the matters advanced in support of the proposal. Nevertheless, the harm arising via the proposal, as identified on the main issue, would be very substantial, and therefore I consider that 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. Hence, the presumption in favour of sustainable development, detailed in the Framework, does not apply.

Conclusion

18. For the reasons given above I find that the proposal would conflict with the development plan when considered as a whole. None of the other considerations, which include the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

Alexander O'Doherty

INSPECTOR