



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: 17 June 2021

Appeal Ref: APP/Z3635/W/20/3263544

Land to rear of 39-51 High Street, Stanwell, Staines-upon-Thames 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 Messrs Suraj and Surbeer Singh against the decision of Spelthorne Borough Council.
 - The application Ref 19/01651/FUL, dated 3 December 2019, was refused by notice dated 20 May 2020.
 - The development proposed is described as, "Erection of a pair of semi-detached dwellings".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address, given above, has been taken from the Council's decision notice, as this is the most accurate version provided.
3. The description of development shown above is taken from the planning application form. It differs from that shown on the appeal form and decision notice. The latter identifies the proposed development as the 'Erection of a pair of two no. semi-detached dwellings with associated amenity space and parking'. I have used this description in my consideration of the appeal since it best describes the proposed development in precise and concise terms. It does not fundamentally alter the development which is the subject of this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal on the living conditions of the intended future occupiers of the scheme, with respect to the provision of internal space, bedroom widths, the provision of private amenity space, and parking;
 - the effect of the proposal on highway safety, including the safety of other road users;
 - whether the proposal makes adequate provision for waste and recycling facilities and collection; and
 - the effect of the proposal on the living conditions of nearby occupiers, with respect to privacy.

Reasons

Living conditions of future occupiers

5. The appeal site comprises an area of land situated to the rear of Stanwell High Street. It is part of a larger yard which contains garages, storage buildings, hardstanding, and parking areas. A pair of semi-detached 2-storey dwellings is present on a plot adjoining the appeal site. Access to the yard is achieved via a narrow access road which is bounded by buildings on either side for some of its length.
6. The appellants have asserted that the proposal should be assessed on the basis that each new dwelling would be a one-bedroom / studio unit, because of the internal width of each unit. However, I must assess the proposal on the basis of the plans before me, which show 2 bedrooms per dwelling.
7. The Technical housing standards – nationally described space standard (March 2015 (amended 19 May 2016)) provide that for a 2-bedroom, 2-storey dwelling, with bed space for 4 persons, such as each unit proposed, a minimum gross internal floor area of 79 square metres must be provided. The appellants have not disputed the claims of the Council that each unit would have a gross internal floor area of 63 square metres (at most). Although the appellants have mentioned that the form of development would be the same as for the existing adjoining dwellings, in my view this significant shortfall of gross internal floor area would be materially harmful to the living conditions of the intended future occupiers of the proposal. Furthermore, the appellants have not disputed the analysis of the Council that the proposed bedroom widths would be below standard, which would add to the harm already identified.
8. The Design of Residential Extensions and New Residential Development Supplementary Planning Document (adopted 2011) (Design SPD) provides that 2 bedroom semi-detached dwellings must have a minimum garden area of 60 square metres per unit. The Council have stated that each unit would provide 19.5 square metres, and this figure has not been disputed by the appellants. As such, each unit would provide well under half of the amount of private amenity space required by the Design SPD. Although the existing adjoining development appears to have a similar level of private amenity space as proposed in this appeal, due to the very substantial shortfall involved, in my view the proposal is unacceptable on this matter.
9. Whilst the appellants have stated that the parking arrangements proposed would be similar to those provided at the existing adjoining development they have not disputed the claims of the Council that some of the proposed parking spaces would not meet the required dimensions. As such, I can only conclude that the proposal would be deficient in this respect.
10. I therefore find that the proposal would have an unacceptable and harmful effect on the living conditions of the intended future occupiers of the scheme, with respect to the provision of internal space, bedroom widths, the provision of private amenity space, and parking. It would conflict with Policy EN1 of the Core Strategy and Policies Development Plan Document (adopted 2009) (DPD) which provides that, amongst other things, proposals should demonstrate a high standard in the design and layout of new development.

Highway safety

11. The access way to the yard in which the appeal site is located does not have a footway. However, the access is not exceptionally long, and I concur with the previous Inspector¹ who found that, whilst the access 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 of the access. Therefore, whilst the access is not ideal, in my view even when considering the cumulative effect of the proposal combined with the adjoining development and the other plots that may be brought forward in the future, the proposal would have an acceptable effect on highway safety, including the safety of other road users.
12. The proposal would comply with Policies EN1 and CC2 of the DPD which collectively provide that, amongst other things, traffic generating development will only be permitted where it is or can be made compatible with the transport infrastructure in the area taking into account highway safety. It would also comply with the advice given in the Design SPD which provides that, amongst other things, new vehicular accesses to public and private roads must be designed in such a way that there is no adverse impact on highway safety.

Waste and recycling provision

13. The future residents of the proposal would be required to take their recycling bins to the kerbside on the High Street for collection. However, this arrangement would be the same as for the existing dwellings on site and for the flats above the commercial units on the High Street. The difference in distance between the proposal and the existing development in the yard, in terms of where the waste and recycling bins would be stored relative to the kerbside, would be minimal, and as only 2 dwellings are proposed, the number of extra bins present on the footway would be insignificant, even also taking account of the development approved on appeal².
14. I therefore find that the proposal would make adequate provision for waste and recycling facilities and collection. It would comply with Policy EN1 of the DPD which provides that, amongst other things, proposals for new development should incorporate provision for the storage of waste and recyclable materials.

Living conditions of nearby occupiers

15. The proposed dwellings would be located near to the gardens of properties to the rear of the site, meaning that there would be the potential for the overlooking of those gardens and some of the windows of the respective properties, from the first floor windows of new proposed new dwellings. However, those gardens are already overlooked from the development adjoining the appeal site, and from other properties in the vicinity.
16. In this context, and considering the proposed distance of the new dwellings relative to the rear boundary, I therefore find that the proposal would have an acceptable effect on the living conditions of nearby occupiers, with respect to privacy. It would comply with Policy EN1 of the DPD which provides that, amongst other things, proposals for new development should achieve a satisfactory relationship to adjoining properties by avoiding a significant harmful impact in terms of loss of privacy.

¹ Appeal reference: APP/Z3635/W/20/3255055

² Appeal reference: APP/Z3635/W/20/3255055

Other Matters

17. It is noted that the pair of semi-detached 2-storey dwellings present in the yard demonstrates that the precedent for residential development in this location has been established, and this has been reinforced by the appeal decision relating to another 2 semi-detached houses in the yard³.
18. It is common ground that the Council can only demonstrate 4.4 years supply of housing (taking account of the 20% buffer referred to in the Framework⁴). However, this is a modest shortfall with respect to five year requirement referred to in the Framework. The proposal would result in 2 units of accommodation in an accessible location, which would make a minimal contribution to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes.
19. The 2 new units of accommodation would contribute to the mix of housing in the local area, specifically with respect to the provision of smaller units, but due to the amount involved, this contribution would be limited. 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 land which previously contained outbuildings and now is currently used for car parking, in an accessible location, but again the benefit in this regard would not be significant.
20. The proposal would replace the currently untidy parking area, and the unkempt vegetation present there, with new residential dwellings, which would provide an improvement to the appearance of the local area. The new dwellings would also complement the existing dwellings on the adjoining plot, in terms of appearance.
21. 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 substantial planning harm identified on the first main issue, nor the conflict with the development plan when considered as a whole.
22. 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 first main issue, would be 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

23. Whilst I have found the proposal to be acceptable in terms of highway safety, waste and recycling facilities and collection, and the living conditions of nearby

³ Appeal reference: APP/Z3635/W/20/3255055

⁴ National Planning Policy Framework 2019

occupiers, this does not overcome the conflict with the development plan in relation to the living conditions of the intended future occupiers of the scheme. Thus, 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