



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: 18 June 2021

Appeal Ref: APP/Z3635/W/20/3263055

97 Village Way, Ashford TW15 2JY

- 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 & Mrs Price against the decision of Spelthorne Borough Council.
 - The application Ref 20/00753/FUL, dated 9 July 2020, was refused by notice dated 3 September 2020.
 - The development proposed is described as, "Extension and alterations to existing detached house to provide four self-contained flats".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 part two storey part single storey side and rear extensions and roof extension including increase in ridge height and installation of rear and side facing dormers. Land lowering to allow recessed single storey extension. New boundary fence along northern boundary and cycle store. Conversion of property into 4 no flats'. 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.
3. The appellants submitted a street elevations drawing¹. This drawing does not substantially alter the nature of the proposal, and I am satisfied that the parties' interests would not be prejudiced by the drawing being considered in this appeal. Therefore, I have considered the drawing as part of this appeal.

Main Issues

4. The main issues are the effect of the appeal proposal on:
 - the character and appearance of the surrounding area;
 - the living conditions of the intended future occupiers of the scheme, with particular reference to the provision of private amenity space; and
 - the living conditions of the occupiers of neighbouring properties, with particular reference to privacy and noise and disturbance.

¹ Existing and Proposed Street Elevations Facing North (P5.07B)

Reasons

Character and appearance

5. The appeal site comprises a detached 2-storey property situated on a corner plot in an attractive residential area. Properties on this street exhibit pleasing mock-Tudor design features. They generally have modest front gardens with space for one or 2 cars. The area is quite verdant, with street trees, grass verges and hedges bordering properties contributing to the character of the area.
6. Policy HO5 of the Core Strategy and Policies Development Plan Document (adopted 2009) (DPD) provides that, amongst other things, within existing residential areas that are characterised by predominantly family housing rather than flats, new development should generally be in the range of 35 to 55 dwellings per hectare. As the proposal involves extensions to the host property, this density guideline applies, and it is common ground that the proposal would breach it by providing a density of approximately 79 dwellings per hectare.
7. In my view, this would be a significant increase in density over-and-above that which Policy HO5 advocates. Nevertheless, the range given in Policy HO5 is a guideline and that Policy also provides that higher density development may be acceptable where it is demonstrated that the development complies with Policy EN1 of the DPD, particularly in terms of its compatibility with the character of the area.
8. In this regard, the significant uplift in density proposed would manifest in the potential for up to 4 independent and unrelated households occupying the site, up to a maximum of 14 people. This would cause a very significant intensification of the use of the site, which would be materially at odds with the single family housing-type level of occupancy which is prevalent in the local area. It would cause a far greater level of comings and goings, including from individuals and their vehicles, and from delivery vehicles to the site. All this would harm the character of the surrounding area.
9. The design and materials of the proposal would echo the local architectural vernacular, the proposed parking area would be similar in size to that which exists, and the recycling bins and cycle store would be largely screened from view by boundary treatments. Hedging is present either side of the vehicular access way to the front of the site, which is in-keeping with many nearby properties and is important in its contribution to the appearance of the street scene. However, a noticeable proportion of the hedge to the front of the site would be removed via the proposal, which would harm the appearance of the area. In my view, due to the prominent location of the site, the addition of an increased level of grassed verge and the incorporation of border planting to the front of the site would not adequately mitigate this harm.
10. The appellants have provided details of an extant planning permission², and have also referenced an earlier, similar, permission³ (including in the Design and Access Statement submitted). Analysis has been provided, comparing those permissions with the appeal proposal. However, the appellants' intentions with respect to the likelihood of either permission being implemented have not been put before me. In any event, whilst the similarities in terms of external

² Local Planning Authority reference: 20/00747/HOU

³ Local Planning Authority reference: 18/00982/HOU

appearance with the later permission are noted, the proposal differs markedly from that permission in that it would comprise a block of flats.

11. As such, the level of intensification of the use of the site would be much greater for the proposal. Thus, that permission is not comparable with the scheme before me. Based on the few details provided of the earlier permission the same conclusion can be drawn. Thus, neither of those previous permissions changes 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. In this respect, it would conflict with Policies EN1 and HO5 of the DPD 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.
13. It would conflict with the advice given in the Design of Residential Extensions and New Residential Development Supplementary Planning Document (adopted 2011) (Design SPD) which provides that, amongst other things, schemes should fit in with the character of a locality. It would also conflict with paragraph 127 of the National Planning Policy Framework (the Framework), which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character.

Living conditions of future occupiers

14. It is common ground that the proposal would not conflict with the minimum garden area requirement given in the Design SPD. Nevertheless, the proposed amenity space would be L-shaped and accordingly it would vary in depth. Furthermore, it would be located adjacent to a proposed parking area. However, the parking area would be screened by a fence and the variation in depth would not be so excessive as to make the space unusable. Overall, in my view, considering its size and its likely use by up to 4 households, the provision of amenity space proposed would be acceptable.
15. I therefore find that the proposal would have an acceptable effect on the living conditions of the intended future occupiers of the scheme, with particular reference to the provision of private amenity space. In this respect, it would comply with Policy EN1 of the DPD which provides that, amongst other things, proposals for new development should demonstrate a high standard in the design and layout of new development.

Living conditions of occupiers of neighbouring properties

16. The proposal would incorporate rear windows at second-floor level. The window nearest to No 99 Village Way (No 99) would be set-in somewhat from the common boundary between No 99 and the appeal property. Considering this, and the likely sightlines from that window, and the present level of overlooking into the rear garden at No 99 from the windows of nearby properties, the proposal would not be materially harmful with respect to the potential for overlooking towards the amenity areas at No 99. The use of the second-floor lounge would be unlikely to cause noise and disturbance to the occupiers of No 99, as it would be a 2 person unit which would be set-in sufficiently from the common boundary.

17. I therefore find that the proposal would have an acceptable effect on the living conditions of the occupiers of neighbouring properties, with particular reference to privacy and noise and disturbance. In this respect, 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. It would comply with the Design SPD which provides that, amongst other things, rooms should be positioned to avoid overlooking and to avoid noise impacts on adjoining properties.

Other Matters / Planning Balance

18. The Council initially stated that it could only demonstrate 4.4 years supply of housing (taking account of the 20% buffer referred to in the Framework), and subsequently a figure of 4.8 years has been provided. However, whichever figure is used, 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 non-Green Belt 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 4 new units of accommodation would contribute to the mix of housing in the local area, specifically with respect to the provision of smaller households. However, due to the quantum involved, this contribution would be limited. The mix of units proposed would not accord with Policy HO4 of the DPD, which provides that, amongst other things, developments that propose four or more dwellings should include at least 80% of their total as one or two bedroom units, albeit the shortfall in this respect would be minimal.
20. As the proposal would harm the character and appearance of the area, it would not comply with paragraph 122 d) of the Framework, in terms of development making an efficient use of land. Although reference has been made to paragraph 123 of the Framework, with the proposal avoiding low density development, the evidence does not clearly show that the proposal would make optimal use of the potential of the site.
21. The proposal incorporates a cycle store, which would assist in promoting sustainable transport, and it would be energy efficient and designed to reduce water consumption. It would incorporate inclusive design features, and would create a safe and secure environment for its intended future occupiers. It would include provision for the storage of waste and recyclable materials and would include sustainable drainage systems. The proposal would comply with the Council's Parking Standards and Policy CC3 of the DPD, with respect to the number of car parking spaces proposed to be provided.
22. 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.
23. 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

24. Whilst I have found the proposal to be acceptable in terms of both the living conditions of the intended future occupiers of the scheme and the living conditions of the occupiers of neighbouring properties, this does not overcome the conflict with the development plan in relation to matters of character and appearance. 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