



Appeal Decision

Site Visit made on 7 June 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2021

Appeal Ref: APP/Z3635/W/20/3265106

Ruxbury Court, Cumberland Road, Ashford TW15 3DL

- 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 Monopoly Property Company against the decision of Spelthorne Borough Council.
 - The application Ref 20/00565/FUL, dated 19 May 2020, was refused by notice dated 18 September 2020.
 - The development proposed is described as, "To allow for the addition of four flats in the newly created roof space of blocks B and C of Ruxbury Court together with associated amenity and parking space".
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Decision

1. The appeal is dismissed.

Preliminary Matter

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, "Alterations and extensions to Blocks B and C of Ruxbury Court, including alterations and extensions to the roof, to enable the creation of 3 x 1 bedroom units and 1 x 2 bedroom unit with associated parking and amenity space". 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 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 3, 2-storey blocks of flats of a similar design, known as Blocks A, B, and C, situated in a residential area. Blocks A and B are linked at first-floor level by a connecting structure, and Block C is detached. Cumberland Road contains a mix of dwelling types, including detached and semi-detached properties, bungalows, and terraced properties. Despite this, these properties are predominantly one and 2-stories in height. A number of bungalows are present opposite the site.
5. It is noted that generally-speaking the character of this urban area is changing and evolving over time, with changes to individual properties and infill developments occurring, and that in the wider area the Council has previously

granted planning permission for buildings of a greater scale and height to those existing, including on Kenilworth Road.

6. In this regard, several nearby properties have created additional accommodation at roof level, often achieved via rear dormers and roof lights. Consequently, those properties mostly continue to present as being 2-storey. Similarly, although there is a wide variety of housing forms and designs in the wider area (including blocks of flats, terraced properties, semi-detached properties, and detached properties), and larger-scale flatted developments have augmented the original housing developments in the wider area, 2-storey properties predominate, as do modestly-sized properties. Likewise, there are not many 3 or 4-storey buildings in the immediate vicinity or in the wider area.
7. In contrast to the prevailing pattern of development in both the immediate environs and the wider area, the proposal would extend Blocks B and C up to 3 levels. In this regard, I observed Nos 1 to 4 Ashcombe Close and Oak House on Kenilworth Road, and I note the appellant's point that it is a fallacy to merely compare single-storey buildings with 3-storey buildings. I have taken account of both the Design SPD¹ and the National Design Guide's approaches with respect to the assessment of scale and height. Additionally, I have carefully considered the appellant's commentary on the context in which the development plan was prepared and how it was formulated.
8. Taking all this into account, although the new roofs would match the existing in architectural design terms, with matching materials proposed, the roofs would be extended across the full width and depth of both blocks, with a materially significant and very noticeable increase in height. Accordingly, whilst the new accommodation would be contained within the roof space, the greatly increased bulk and massing of the blocks would be particularly evident in the street scene and from wider views, including from parts of Ashford Crescent.
9. In my view, considering the clear preponderance of 2-storey properties and the predominantly modestly-sized scale of buildings in the local and wider area, the conspicuously larger scale of the blocks that would be created via the proposal would result in the blocks appearing visually overbearing and unduly dominant in both the immediate and the wider context. Furthermore, as Block A would not be extended, the 3 blocks would lack cohesiveness when viewed as a group.
10. I saw that the habitable 3rd stories at Nos 32 and 34 Ashford Crescent are not easily noticeable in the street scene. Additionally, whilst recently-enacted permitted development rights for upward extensions could potentially result in a degree of visual change in the wider area, my assessment must be based on the existing local and wider context. As such, neither of these matters changes my findings.
11. I therefore find that the proposal would have an unacceptable and considerably harmful effect on the character and appearance of the surrounding area. It would conflict with Policy EN1 of the Core Strategy and Policies Development Plan Document (adopted 2009) (Core Strategy), which provides 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

¹ Design of Residential Extensions and New Residential Development Supplementary Planning Document (adopted 2011)

they are situated. 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 and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Other Matters

12. It is common ground that the Council cannot demonstrate a 5-year housing land supply. The proposal would create 4 additional units of residential accommodation in an accessible urban area, outside of both the Green Belt and the flood plain, in accordance with Strategic Policy SP1 of the Core Strategy, which provides that, amongst other things, the extent of the existing urban area will be maintained and provision for all new development will be made within it. This would make a fairly limited contribution to addressing the Council's shortfall and to the Government's broader objective of significantly boosting the supply of homes, which has recently been emphasised via the introduction of permitted development rights for upward extensions.
13. The 4 new units would contribute to the mix of housing in the local area, specifically with respect to the provision of smaller-sized accommodation. In this respect, the proposal would comply with Policy HO4 of the Core Strategy, which provides that, amongst other things, developments that propose 4 or more dwellings should include at least 80% of their total as one or 2 bedroom units. Similarly, I note that paragraph 68 of the Framework provides that, amongst other things, small and medium sized sites can make an important contribution to meeting the housing requirement of an area. However, due to the amount of accommodation involved, this contribution would not be significant in this case.
14. The proposal would make an effective use of brownfield land, and it would avoid homes being built at low densities, in compliance with paragraphs 118 c) and 123 of the Framework, although it has not been demonstrated that the proposal would make optimal use of the potential of the site. The proposal would incorporate amenity and parking space, and a larger bin storage area. Measures would be taken to minimise energy use and to ensure that at least 10% of the development's energy demand would be from on-site renewable energy sources.
15. Taken together, all the benefits mentioned above offer strong support for the proposal, and collectively I have given them substantial weight. Nevertheless, I am mindful of paragraph 124 of the Framework which provides that, amongst other things, the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Therefore, taking all these other considerations into account, I find that the identified benefits of the proposal, do not, either individually or collectively, outweigh the considerable planning harm identified on the main issue which as it relates to the fundamental aim of achieving well-designed places I have accorded great weight, nor the conflict with the development plan when considered as a whole.
16. As referred to above, the Council cannot demonstrate a 5-year supply of deliverable housing sites. Also, the latest Housing Delivery Test results place the Council in the 'presumption' category. 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, relating to the fundamental aim of achieving well-designed places, as identified on the main issue, would be clearly tangible and considerable. 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

17. 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