



Appeal Decision

Site visit made on 21 February 2022

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2022

Appeal Ref: APP/Z3635/D/21/3288823

28B High Street, Stanwell, Staines-upon-Thames TW19 7JS

- 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 Gokhan Kussan against the decision of Spelthorne Borough Council.
 - The application Ref 21/01365/HOU, dated 19 August 2021, was refused by notice dated 8 October 2021.
 - The development proposed is construction of a dropped kerb following demolition of front boundary wall and installation of an electric car charging point to front of house.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of a dropped kerb following demolition of front boundary wall and installation of an electric car charging point to front of house at 28B High Street, Stanwell, Staines-upon-Thames TW19 7JS in accordance with the terms of the application, Ref 21/01365/HOU, dated 19 August 2021, subject to the conditions in the Schedule to this decision.

Main Issue

2. The main issue is the effect on the Stanwell Conservation Area.

Reasons

3. The appeal property is a mid-terraced property on the west side of an island of green space including a war memorial surrounded by roads. The appeal property is set back from that to the north. The front garden is mostly laid to grass apart from a path to the front door. Apart from the gate, an approximately 0.85 metre high brick wall with slightly taller brick piers marks the front boundary.
4. The Conservation Area lies on either side of the High Street. The appeal site lies in the middle of the Conservation Area with St Mary's Church to the south. Opposite the appeal site the large, imposing properties are bounded to the street with high brick walls, but the western and southern portions are more open with low walls.
5. I have not been provided with a Conservation Area Appraisal or similar document to describe the special architectural or historic interest of the area and thus its significance. From my visit to the Conservation Area, it seems to me that it has a mixed character of large and smaller properties and is made up of residential and commercial uses. There did not appear to me to be any particular building style or character although buildings were generally two or

three storeys in height and faced in brick and tiles. The war memorial green provides a focal point, but this was adversely affected by the car parking that was taking place around its perimeter. Therefore, for the purposes of this appeal, these mark the special qualities and thus significance of the Conservation Area.

6. The National Planning Policy Framework (the Framework) defines the significance of a heritage asset as the value of a heritage asset to this and future generations because of its heritage interest. The national Planning Practice Guidance also notes (Reference ID: 18a-006-20190723) that 'significance' derives not only from a heritage asset's physical presence, but also from its setting.
7. Paragraph 199 of the Framework indicates that great weight should be given to the conservation of a heritage asset and this is irrespective of the level of harm that may occur. It is also emphasised that the more important the asset, the greater the weight should be. Paragraph 200 of the Framework indicates that any harm to the significance of a heritage asset, or from development within its setting, should require clear and convincing justification.
8. Paragraph 219 of the Framework indicates that existing policies in development plans should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. But due weight should be given according to their degree of consistency with the Framework; the closer the policies in the plan the greater the weight that can be given.
9. The proposal is to demolish the majority of the boundary brick wall across the width of the property to provide a vehicular access way, the grassed area would be hard surfaced to allow parking and an electric vehicle charging point installed on the front of the dwelling.
10. Policy EN6 of the Core Strategy and Policies Development Plan Document (2009) indicates that the Council will seek to preserve and enhance the character of conservation areas. This policy pre-dates the publication of the Framework and does not include any balancing considerations as set out in paragraphs 201 and 202 of the Framework. Therefore, it seems to me that Policy EN6 is not totally consistent with the policies of the Framework. As it has been agreed that the policies of the Framework provide an appropriate response to judging the effect on heritage assets, I give more weight to the policies of the Framework.
11. The loss of the existing boundary wall and provision of hardsurfacing of the front garden to facilitate parking would have a harmful detrimental effect on the character and appearance of the Conservation Area as it would increase the urban character. The relocation of the vehicle parking from on the street to on the front garden would have a neutral effect. Consequently, there would be some limited harm to the character and appearance, and thus significance, of the Conservation Area. In the terms of the Framework this harm, which should be judged against its effect on the whole of the Conservation Area, would represent less than substantial harm and would be at the lower end of such harm.
12. As such, in line with paragraph 202 of the Framework, this harm should be weighed against the public benefits of the proposal. In this case, the proposal would facilitate the provision of an electric vehicle charging point.

13. Both the Council and local residents have indicated that the property has a double garage to the rear. This is not shown as being within the 'red line' of the application site, and in any event, this is located some way from the property making its use less convenient for any occupier.
14. The Council has described the provision of charging of electric vehicles in such locations as the appeal site as "a future problem"; I disagree. The Government has made it clear that it wishes to encourage the use of electric vehicles and the provision of charging points for electric vehicles at dwellings is part of that. While the benefit of the proposal would primarily be private to the occupiers of the appeal property, it seems to me that there is also a public benefit from facilitating easy charging which would assist in the overall reduction in the number of vehicles using fossil fuels and would assist in improving air quality and reducing emissions, which are public policy aims.
15. In this case, given the very limited nature of the harm, even giving it special attention and great weight, the public benefits identified outweigh that harm.
16. Consequently, while the proposal would be contrary to Policy EN6 of the Core Strategy, and thus the development plan as a whole, there are material considerations that indicate a different decision to determining the appeal in accordance with the development plan.

Conditions

17. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
18. I have also imposed a condition requiring the provision of the electric charging vehicle point before the first use of the parking space because it is only with the public benefits of this that the development is acceptable.
19. In the interests of highway safety, I have also imposed two conditions relating to the provision of visibility splays and ensuring that the parking space is used for such purposes. I have also imposed a condition to require the materials to be agreed both to ensure harm to the character and appearance of the Conservation Area is minimised and to ensure that there is no increased risk of flooding as a result of an impermeable surface. This last condition is required as a pre-commencement condition as these matters need to be agreed before development commences. The appellant was given the opportunity to comment on this last condition but did not do so within the timeframe given.
20. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

21. For the reasons given above I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 202106.01 – Site Location Plan; 202106.02 - Existing & Proposed Plans and Front Elevation Drawings.
- 3) No development shall take place on site until details of the materials to be used have been submitted to and approved in writing by the local planning authority. The hard surface shall be made of porous materials or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. The development shall take place in accordance with the approved details.
- 4) The development hereby permitted shall not be used for the parking of vehicles until a fast charge socket with a minimum requirement of 7kW mode 3 with Type 2 connector (230v AC 32 Amp single phase dedicated supply) has been installed in accordance with the approved plans and commissioned and shall thereafter be retained.
- 5) The development hereby permitted shall not be used for the parking of vehicles until 2.0 metre by 2.0 metre visibility splays have been provided and these visibility splays shall be permanently kept clear of any obstruction over 0.6 metre high.
- 6) The development hereby permitted shall not be used for the parking of vehicles until the space has been laid out in accordance with the approved plans. Thereafter the area shall be used for the parking of vehicles and retained as such.

End of Schedule