
Appeal Decision

Site visit made on 3 May 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Appeal Ref: APP/Z3635/W/21/3288997

74 Stanley Road, Ashford TW15 2LQ

- 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 Nathan Ghouri against the decision of Spelthorne Borough Council.
 - The application Ref 21/00678/FUL, dated 26 April 2021, was refused by notice dated 2 July 2021.
 - The development proposed is the creation of a new dwelling following demolition of existing outbuildings.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Nathan Ghouri against the decision of Spelthorne Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - the effect of the proposal on the living conditions of the occupants of 74 Stanley Road, having particular regard to privacy.

Reasons

Character and Appearance

4. The appeal property is a traditional two storey semi-detached dwelling located within a wider residential area. The property is located on a bend of Stanley Road with a small turning head. Whilst there is more variety in terms of dwelling forms further along the road, the dwellings surrounding this turning head, like the appeal property, are part of a visibly similar group, with a distinct consistency of design, form and scale, which is evident despite some visible alterations and extensions.
 5. I acknowledge that the proposed pattern of fenestration, height, materials etc of the proposed dwelling would be consistent with the surrounding properties, and that appropriate separation distances to adjacent properties would remain.
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6. However, the proposed detached dwelling would appear distinct from the pattern of semi-detached dwellings immediately around the site. Moreover, whilst the appellant describes a minimal difference in width between the proposed dwelling and No 74, the submitted street scene plan shows that the dwelling would have a noticeably narrow appearance compared to the neighbouring units, with a visibly steeper roof pitch. As a result, the proposed dwelling would have a cramped, incongruous appearance which is not commonplace within the surrounding area and would not reflect the established built form nor prevailing pattern of development within the locality.
7. The appellant references many similar developments being granted in surrounding roads but does not identify nor detail these. As such, direct comparison is not possible, particularly given the distinct and uniform character surrounding the appeal site.
8. The appellant also refers to a two-storey side extension approved at No 74¹. Whilst the plans show that the extension would be substantial in width, I note that it would be set back from the front of the property in order to retain the original form of the semi-detached unit. In any case, a side extension found to comply with design requirements, even at two storey scale, would not have a comparable impact upon a street scene as a separate detached dwelling.
9. I conclude that the development would harm the character and appearance of the surrounding area. Accordingly, the development conflicts with the requirements of Policy EN1 of the Core Strategy and Policies Development Plan Document (2009) (DPD) which requires developments to respect and make a positive contribution to the street scene and character of the area. This is consistent with the good design requirements of the National Planning Policy Framework (the Framework). There is also conflict with the design advice set out in the Supplementary Planning Document 'Design of Residential Extensions and New Residential Development' (2011) (SPD), which sets out that, amongst other things, schemes should fit in with the character of a locality.

Living Conditions

10. I acknowledge that the separation distance between the garden area of No 74 and the rear elevation of the proposed dwelling falls short of the 10.5m suggested by the SPD.
11. However, the plans show that the first-floor rear elevation windows would serve a bathroom and a utility room. Therefore, a condition to obscure glaze both, in addition to the side elevation window serving a hallway, would be appropriate and would address any issues of overlooking regarding the garden area of No 74. With regards to the ground floor fenestration, privacy could be provided by suitable boundary treatment.
12. Therefore, I conclude that the development would not harm the living conditions of occupants of 74 Stanley Road, in respect to privacy. Accordingly, there is no conflict in this respect with DPD Policy EN1, which, amongst other matters, seek to ensure that development achieve a satisfactory relationship to adjoining properties.

¹ Application number 21/00193/HOU

Other Matters

13. The appellant references inaccuracies within the Officer report. Whilst references to wide plots and front door location for example, are not entirely clear, I have determined the appeal based on the submitted plans and on my own observations during my site visit.
14. Furthermore, whilst it is acknowledged that a site visit was not undertaken by the Council officers, and that the appellant sets out that there was a lack of opportunity to amend or discuss the proposal, this does not alter the conclusions I have reached regarding conflict with the development plan.

Planning Balance and Conclusions

15. It is common ground that the Council is unable to demonstrate a 5-year supply of deliverable housing sites taking into account the 20% buffer to which the Framework refers. As a result, paragraph 11 d) of the Framework is engaged. The proposal would result in 1 additional unit of accommodation which would make a minimal contribution to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes.
16. The new unit of accommodation would contribute to the mix of housing in the local area, however, due to the quantum involved, this contribution would be limited.
17. There would also be some limited benefit to employment during construction and the new occupiers would contribute to the local economy through their support of local shops and services. They could also take advantage of the accessible location to meet many of their daily needs.
18. I have taken full account of all the matters advanced in support of the proposal and collectively I have given them moderate weight. Nevertheless, the harm to character and appearance is a matter to which I attribute great importance. I therefore 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 proposal would not compromise sustainable development, as detailed in paragraph 11 of the Framework.
19. Whilst I have found the proposal to be acceptable in terms of effect on living conditions, this does not overcome the conflict with the development plan in relation to matters of character and appearance. 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.

B Phillips

INSPECTOR