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# 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**

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**Appeal Ref: APP/Z3635/W/21/3284714**  
**241 Woodthorpe Road, Ashford TW15 3NJ**

- 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 Mrs Charlotte Sanders (Clove Architects) against the decision of Spelthorne Borough Council.
  - The application Ref 21/00874/FUL, dated 20 May 2021, was refused by notice dated 23 July 2021.
  - The development proposed is the conversion of existing house to form 2 flats - one on the ground floor and one on the first floor and loft.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are
  - the effect of the proposal on the character and appearance of the surrounding area;
  - whether the proposal provides adequate living conditions for future occupiers, with respect to the provision of internal and outdoor space; and
  - highway safety with particular regard to off-street car parking provision.

## Reasons

### *Character and Appearance*

3. Woodthorpe Road is a lengthy mostly residential street. South of the A308 near to the appeal property, it is characterised by two storey semi-detached dwellings in single occupancy, set back from the highway, with front garden areas mostly providing off street parking. There is consistency with regards to separation distances and plot sizes.
4. Policy HO5 of the Core Strategy and Policies Development Plan Document (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 88 dwellings per hectare. This is a substantial increase.

5. The range in the Policy is a guideline however, and the 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.
6. The submitted plans show that the existing property has 5 bedrooms. The proposed two flats would have a cumulative total of 4. Whilst there would be unrelated and independent households occupying the site, there would not therefore be a clear intensification of use. Nor would there be noticeably more comings and goings to the property, increased parking demand at the property (as discussed further below), or increased refuse storage.
7. The plans show that the refuse storage would remain at the front of the property, as existing, and the addition of cycle storage spaces at the front would not have a substantial visual impact. There would be little change to the frontage of the property. The Council has not raised any concern with the visual impact of the proposed side and rear extensions. From everything I have seen on the site visit and in submissions, I have no reason to disagree. Moreover, the existing garden would not be split and would remain the same size.
8. As such, given the addition of only 1 unit, I conclude that there would not be a material harm to the character and appearance of the surrounding area. As such I find no conflict with the requirements of DPD Policies EN1 and HO5, 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. There is also no conflict with the advice given in the Supplementary Planning Document 'Design of Residential Extensions and New Residential Development' (2011) (Design SPD) which provides that, amongst other things, schemes should fit in with the character of a locality. Finally, there is also no conflict with 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 for Future Occupiers*

9. The nationally described Technical Housing Standards (THS) (2015) contain minimum internal floor space requirements, as does the Council's Design SPD. These both require a minimum of 70m<sup>2</sup> for 2 double bed units.
10. Unit 1 on the ground floor has a floor space of 70m<sup>2</sup> in compliance with this requirement. The THS however also sets out minimum floor space for bedrooms. It states that a double bedroom should have a floor area of at least 11.5m<sup>2</sup>. Bedroom 1 of the ground floor unit is measured at 10.3m<sup>2</sup> by the appellant. A size for bedroom 2 is not provided, which the Council put at 7.4m<sup>2</sup>. These fall short of the minimum size required and the provision of en-suite bathrooms would not contribute to the size of these rooms nor mitigate for their shortfall. Similarly, the acceptability of the remainder of the unit in terms of its scale and aspect would not compensate for substandard bedrooms.
11. Unit 2, on the first and second floors, is measured by the appellant at 62m<sup>2</sup>. This unit is described by the appellant as a 2 bed, 3 person unit, and therefore it would comply with the minimum required 61m<sup>2</sup>. Whilst this is not annotated on plan, even if this was accepted, the Council state that neither bedroom

meets the required 11.5m<sup>2</sup>. The appellant does not dispute this, and as such, again, the accommodation would not meet minimum standards. The size of the bathrooms and lounge/dining room area would not compensate for this.

12. The Design SPD set out that flats should provide sufficient size, shape and position of garden space and that the minimum garden area per unit for such development should be greater than 35 square metres per unit. The existing garden space would be utilised solely for the use of the Unit 1. Whilst the space is sufficiently large to meet the requirements of the Unit 1, Unit 2 would not have any dedicated outdoor amenity space.
13. Whilst this is guidance and adopted in 2011, it provides detail for the requirement within DPD Policy EN1 for high standard design and layout and remains consistent with the Framework in respect of sustainable development and creating places which promote health and well-being, with a high standard of amenity for existing and future users.
14. The proposal would not meet this requirement in relation to unit 2, and whilst the appellant points to nearby parks, this does not represent private open space that could be used for drying clothes for example and does not justify under-provision on site.
15. I therefore find that the proposal would not provide adequate living conditions for the intended future occupiers of the scheme, with particular reference to the provision of internal and outdoor space. In this respect, it would conflict with Policy EN1 of the DPD and the Framework.

#### *Highway Safety and Parking*

16. The existing 5 bed property is not served by any off-street parking. None would be provided for the proposed 2 units. The lack of off-street car parking provision would conflict with DPD Policy CC3, which, along with the Supplementary Planning Guidance 'Parking Standards' (2011), sets out that 1.5 off-street parking spaces are to be provided for two bed units. The Policy sets out that in considering the level of provision the Council will have regard to, amongst other matters, the impact on highway safety from potential on-street parking.
17. A majority of dwellings along this part of Woodthorpe Road have off street parking to the front, however there are a number of properties that do not. They park on the street within designated parking areas, which run in front of properties on both sides of the road. Parking in these areas does not prevent vehicles passing them safely. At the time of my visit, I observed that the vast majority of these parking areas were not taken, possibly given the number of dwellings with off street parking. I acknowledge that Woodthorpe Road is likely to be busy at certain times of the day with vehicles and pedestrians travelling from the housing in the area to local schools and shops and back, and it is not located within a designated town centre. However, no evidence has been provided to demonstrate that on-street car parking within the designated parking areas causes congestion within the road or has resulted in safety issues to users of the highway.
18. It is also noteworthy that the Council's Highway department did not object to the proposal, subject to a condition securing cycle parking spaces. Accordingly, and in the absence of evidence to demonstrate otherwise, it is unlikely that on-

street car parking in the area has reached saturation, or that which does exist has resulted in highway safety issues. Paragraph 111 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This has not been demonstrated in this case.

19. Given my findings, I conclude that the parking demands that would be likely to be generated by the additional unit would not have an unacceptable impact on highway safety or the flow of traffic in the locality. Accordingly, whilst there would be conflict with the parking requirements of DPD Policy CC3, there would be no conflict with the highway safety aims this Policy and the Framework, nor the general high standard of design and layout aims of DPD Policy EN1.

### **Planning Balance and Conclusions**

20. 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.
21. The new unit 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.
22. 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.
23. 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 poor standard of living accommodation 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 comprise sustainable development.
24. Whilst I have found the proposal to be acceptable in terms of both character and appearance and in terms of highway safety and parking provision, this does not overcome the conflict with the development plan in relation to matters of living conditions. 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