
Appeal Decision

Site visit made on 25 May 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2022

Appeal Ref: APP/Z3635/W/21/3287111

Land at Station Road, Shepperton TW17 8AU

- 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 D McGrath of Castle Residential Investments Ltd against the decision of Spelthorne Borough Council.
 - The application Ref 21/00887/FUL, dated 24 May 2021, was refused by notice dated 20 July 2021.
 - The development proposed is described on the application form as the erection of 2 no. semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the street scene and surrounding area, including the effect on protected trees and open space; and
 - whether the proposed development would provide a satisfactory standard of accommodation for future occupants, with particular regard to outlook, daylight, sunlight and private outdoor space.

Reasons

Character and Appearance

3. The appeal site comprises a narrow parcel of open land fronting Station Road. The southern boundary of the site is bounded by a railway embankment. A series of mature trees, some of which are subject to a Tree Preservation Order, exist on and adjacent to the site. Although close to the centre of Shepperton, in a relatively urban location, these trees, together with the green nature of the site more generally, contribute to street's strong verdant character. The site, by reason of its position and open nature, is highly visible from along Station Road. It is also highly visible from the properties along Station Road which face directly onto the site.
4. The surrounding area is predominantly residential in character, with some commercial uses further along Station Road. The style and period of housing within the immediately surrounding area is varied, however the scale of the properties is generally modest and the design simple.

5. The proposed development would be positioned to the north east part of the site and would comprise a pair of semi-detached dwellings. The design of the properties would be relatively simple, finished in yellow London stock brick with grey slate effect tiles. This design simplicity would reflect, to some degree, the surrounding properties, particularly in the articulation of the gable elevations. A parking area formed of hard landscaping would be provided to the front of the properties, opposite 1a and 1b Station Road. Private amenity space would be positioned to the rear. One existing tree, a Monkey Puzzle, would be removed as part of the proposed development.
6. The proposed development would change the character of this part of Station Road, introducing built form to a currently green and open piece of land that is of importance to character. The scheme would be prominent within the street scene, particularly in respect of its overall bulk and design, comprising a large expanse of brickwork along Station Road. I acknowledge that the development has taken some of its design cues from nearby properties in respect of its gabled ends. However, the overall scale of the proposed development would appear out of proportion with these neighbouring properties. This, combined with the amount of proposed hardstanding to the front, would substantially reduce the green open space within the street scene.
7. I acknowledge the appellant's reference to two previous, extant, planning permissions on the site¹. The first permission relates to the erection of a single detached house with associated works. The second permission relates to amendments to that scheme. Neither scheme appears to have been implemented. The appellant has set out that the extant scheme is their fallback position. The appellant could, time allowing, still realistically implement that extant permission.
8. The appellant has submitted drawings to illustrate the difference between the previously approved scheme and the proposed development, in terms of their footprint, scale and bulk. There are notable differences. The eaves height of the proposed development would be significantly higher than that previous scheme, with a shallower and longer roof profile. This, coupled with the limited articulation of the side elevations proposed, would increase considerably the perceived bulk and presence of the property within the street, whereas the extant scheme would appear more modest within the site.
9. Whilst the footprint of the two schemes is similar, the extent of hardstanding would now increase, which would be to the detriment of the verdant nature of the site. As the proposal before me would have a greater effect in terms of character and appearance than that previous scheme, I accord the fallback position only limited weight in favour of allowing the appeal.
10. In respect of existing trees, there is a group Tree Preservation Order (TPO) over the site, and land adjacent. Trees labelled T2 and T3² within the submitted plans are located within the site. These are large sycamore trees which are highly visible along Station Road and from private vantage points. They contribute significantly to the verdancy of the site and street scene and are of high amenity value. The trees would be retained as part of the proposed works and would be positioned within the garden areas of the new dwellings, near to

¹ Ref 19/01663/FUL and 21/00089/RVC

² As per the Arboricultural Report, prepared by DPA, May 2021

their rear elevations. Within the appellant's arboricultural assessment³, it is set out that it is possible to retain and protect the existing trees as part of the proposed development. I am satisfied that this is the case as the dwellings proposed would be set some distance from them, with no building footprint inside root protection areas (RPA) and adequate precautions and methods proposed to protect the RPAs. Appropriate protections could be secured via condition were the scheme otherwise acceptable.

11. I accept that retained trees may limit the extent of natural light available on site, and also outlook. I also acknowledge that falling leaves and branches may result in maintenance implications. However, the area is characterised by spacious plots with established landscaping punctuated by mature trees, which contribute to a baseline 'sylvan' character. Whilst I accept that, in theory, trees close to dwellings may impede living conditions, in this instance individuals electing to reside here would be aware of that surrounding context and, in all likelihood, place some considerable value upon it. Thus, and given the protections in the TPO, there is highly limited potential for indirect pressure to prune/fell trees to arise in the future.
12. One Monkey Puzzle tree, labelled T5 and which is categorised C with reference to BS5837:2012 Tree Quality Assessment (Cat Grade), would be removed. Given its limited scale and prominence, that is an assessment with which I agree. In my view, its contribution to the area could be suitably compensated for by a replacement secured via condition.
13. The fact that the proposed development would go some way to obscure the view of the modern brick and tile buildings on the opposite side of the railway does not change my position. Those buildings, whilst visible, are set well away from Station Road and have a limited impact on the street scene, particularly when trees are in leaf. The existence of those structures is not reason to accept an otherwise unacceptable development here. Similarly, the poor quality existing boundary treatment, as referred to by the appellant, could be replaced or enhanced irrespective of the wider development of the site.
14. For the above reasons, whilst I have found no harm in respect of the protected trees, I conclude that the proposed development would have a harmful effect on the character and appearance of the site's open space, the street scene and surrounding area, appearing overly dominant and visually obtrusive. The fallback position does not outweigh the conflict I have found with the development plan in this regard. The proposed development is contrary to the relevant provisions of Policies EN1, EN4 and EN7 of the Core Strategy and Policies Development Plan Document (2009) (CS) and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development (2011) (SPD). These policies, in summary, seek to achieve high standard in the design of development that respect and make a positive contribution to the street scene and character of an area.

Standard of Accommodation

15. The main living room areas of the proposed dwellings would be dual aspect, with the main direction of outlook towards the parking area of the development and towards existing properties within Station Road. Secondary windows would exist in the side elevation of both dwellings, which would provide further

³ Arboricultural Evidence, prepared by DPA, November 2021

outlook to the street, in the case of Unit 02, and the landscaped bank and boundary treatment, in the case of Unit 01. Whilst the outlook from these main living rooms would be, in part, over hard landscaped areas, this is not unusual for a relatively urban setting and the separation distance between neighbouring properties is reasonable. Moreover, further ground floor windows would exist to the side and rear elevations of the proposed dwellings, in addition to those proposed at first floor level, where outlook would also be reasonable. I consider the standard of accommodation for future occupants, with regard to outlook, would be acceptable.

16. As reasoned above, the retained mature trees to the rear of the proposed dwellings would be prominent and highly visible to future occupants of the proposed dwellings. This would provide an attractive, verdant outlook for much of the year. The new dwellings would be served by multiple and reasonably sized windows, with reasonable degrees of separation to site boundaries. There is no substantive evidence before me to indicate daylight or sunlight levels would be insufficient. Therefore, the trees would not, in my view, result in an unacceptable sense of enclosure or unacceptably limit access to daylight or sunlight. Similarly, the proposed private amenity space to the rear of both properties would be reasonable, exceeding the minimum requirements for dwellings of the size proposed. The existing mature trees would not prevent use or enjoyment of these spaces.
17. Consequently, I conclude that the standard of accommodation for future occupiers would be acceptable, with particular regard to outlook, daylight, sunlight and private outdoor space, in accordance with the relevant provisions of CS Policy EN1 and the SPD which, in summary, seek to protect the amenities of neighbouring properties.

Other Matters and Planning Balance

18. The Council cannot presently demonstrate a five year housing land supply, setting out that it has a 4.79 year supply. This figure is limited but it is not insignificant, noting the Government's objective of significantly boosting the supply of homes. Irrespective of the precise shortfall, in these circumstances the provisions of paragraph 11(d) of the National Planning Policy Framework (the Framework) apply. In the absence of protective policies within the terms of Framework paragraph 11(d)(i) here, paragraph 11(d)(ii) applies.
19. The proposed development would represent a contribution to housing supply in an area with an acknowledged lack of future provision. There would, too, be some social and economic benefits of the proposed development, including in supporting employment during construction and as future occupants would bring trade to nearby services and facilities. However, the benefits arising from two new homes (the addition of one, relative to the extant permission) would inevitably be modest. The harm arising from the proposal would significantly and demonstrably outweigh these modest benefits. I acknowledge the appellant's reference to appeal Ref APP/K3605/W/20/3261529 in respect of paragraph 11(d). However, that appeal is subject a different planning and site context, including its position within another borough and its proposed provision of 51 apartments. As such, the two schemes are not directly comparable.
20. I note the appellant's reference to the fact that the scheme would not unduly affect privacy, outlook or sunlight to neighbouring properties. I have no reason

to disagree with this, and these matters are not in dispute between the main parties. However, these benefits do not outweigh the harm identified.

21. The appellant makes reference to Para 145(c) of 2019⁴ version of the National Planning Policy Framework. This paragraph is not relevant to the site by reason of its location within a defined urban settlement. Moreover, there is no existing property on the site. I have reasoned above the harm identified in respect of the proposed development.
22. My attention is drawn to the planning history on the site, including planning permission Ref 17/00328/FUL and appeal Ref APP/Z3635/W/15/3130694. I acknowledge that in both of these cases there are some similar elements to the proposal currently before me. However, in respect of the planning application reference, this was refused by the Council and was therefore not implemented. In respect of the appeal reference, I acknowledge the appellant's reading of the appeal to suggest that the scheme at that time was unacceptable but that another scheme may not be. Be that as it may, I have reasoned above the reasons why I have identified harm on this occasion based on the proposals before me. Ultimately, there is nothing in either of these cases that has led me to change my conclusion.

Conclusion

23. For the above reasons, and having taken all other relevant matters into account, the proposal conflicts with the development plan taken as a whole and in the absence of material considerations to indicate otherwise, the appeal should be dismissed.

A Price

INSPECTOR

⁴ Now Paragraph 149 of the Framework (2021)