



Appeal Decision

Site visit made on 28 June 2022

by A Hickey MA MTRPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2022

Appeal Ref: APP/Z3635/W/21/3284411

115 Feltham Hill Road & land at the rear of 113-127 Feltham Hill Road, Ashford TW15 1HE

- 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 the Kamac Group against the decision of Spelthorne Borough Council.
 - The application Ref 21/00134/FUL, dated 22 January 2021, was refused by notice dated 27 May 2021.
 - The development is the proposed redevelopment of site for the erection of 5 no residential units.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed redevelopment of site for the erection of 5 no residential units, following demolition of existing buildings at 115 Feltham Hill Road & land at the rear of 113-127 Feltham Hill Road, Ashford TW15 1HE in accordance with the terms of the application, Ref 21/00134/FUL, dated 22 January 2021, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. The site address used in the banner heading has been taken from the Council's decision notice as this includes land to the rear of 113-127 Feltham Hill Road reflecting the proposed site area.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises 115 Feltham Hill Road, an adjacent long narrow access track and a parcel of land at the rear. Together they form an irregular t-shape, which is accessed from Feltham Hill Road and runs along the rear of dwellings on Dingle Road.
5. Building types, along Feltham Hill Road, vary in form, age and detail, as well as the pallet of materials. Buildings on this section of the road are set back from the footway and this results in the area having a generally open feel which makes a positive contribution to the overall character of the area.

6. Dingle Road is characterised by terrace and semi-detached properties largely traditional in terms of their style, being set back from the road and well-spaced out, in a cul-de-sac arrangement wrapping around the rear of the site. This results in the area having a generally open feel which makes a positive contribution to the overall character of the area. Additionally, there are instances of housing located off nearby roads which appear as a form of backland development accessed by short roads. The wider area is largely residential in character but also contains some shops and other commercial and non-residential uses.
7. With the exception of the entrance off Feltham Hill Road, the appeal site is bound by residential curtilages to all sides. Boundaries surrounding the site are a mix of walls, fences, hedges and trees. The substantially enclosed nature of the site means that it does not make a significant contribution to the character and appearance of the streetscene or wider area from public views.
8. The proposal would replace the existing dwelling with two semi-detached dwellings that would sit slightly forward but broadly on the existing footprint of No 115 with parking at the rear. Given, that the dwellings, for these plots, would still follow the existing building line of properties on this section of the street and the varying mix of housing styles it would not result in an incongruous form of development at odds with the prevailing layout of dwellings in the area.
9. The proposed dwellings located in the rear of the site would be largely screened from Feltham Hill Road and Dingle Road. There would be some limited views through the gaps between existing properties. However, these would be restricted given the location of the new dwellings in proximity to existing dwellings which would serve to obstruct, at least partially, views of the new dwellings from many points.
10. Given, the relationship and distance from the site, public views from Metcalf Road would be restricted from most vantage points. At this distance, it would be difficult to distinguish the proposed dwellings from those already existing on Feltham Hill Road and Dingle Road.
11. Unlike many other nearby properties, the rear plots would not face an existing road and would include courtyard parking. To a limited degree, that layout, with this small-scale development reached via a short track, would give the scheme an ad hoc appearance, which would be slightly divorced from its immediate surroundings on this side of the road.
12. However, the appeal site, when taken in the context of a similar development in evidence directly opposite the site on Worcester Drive and other examples nearby would reinforce that there is no overall prevailing layout to the immediate area. The existing development opposite the site and the proposal would reflect the backland character and appearance of each other. For this reason, the introduction of housing in this location would not result in an incongruous form of development at odds with the prevailing layout of the street or surrounding area.
13. The proposed dwellings would be marginally narrower than their immediate neighbours. However, the design of the dwellings has been informed by the neighbouring properties, with regards to height, fenestration, and materials. As a result, the proposed development would integrate well into its surroundings.

Additionally, the design of the dwellings has not drawn objection from the Council and is not referenced within the reason for refusal. I have no reason to disagree, and I find the proposal acceptable in this regard.

14. In conclusion, the proposed development would not be harmful to the character or appearance of the area. Consequently, it would not conflict with Policy EN1(a) of the Core Strategy and Policies Development Plan Document 2009. Which seeks, amongst other things, that developments have their own identity and respect the character of the area. I also find the proposal would accord with the aims of the Design of Residential Extensions and New Residential Development Supplementary Planning Document 2011 which seeks, amongst other things, new development to reflect the existing pattern of development.

Other Matters

15. The privacy of surrounding residential occupants in nearby properties would not be unacceptably compromised given separation distances and the location of existing and proposed windows. Separation distances, the massing of the dwellings on the site and the 2-storey height would mean there was no undue sense of enclosure or loss of daylight or sunlight for occupants of nearby properties.
16. Representations were made to the effect that the rights of neighbouring properties under the Human Rights Act 1998, Article 8, would be violated if the appeal were allowed. I do not consider this argument to be well-founded, because I have found that the proposed development would not cause unacceptable harm to the living conditions of neighbouring properties. The degree of interference that would be caused would be insufficient to give rise to a violation of rights under Article 8.
17. Objections have also been raised in respect of highway safety and parking. I note the Council's Highway Officer reviewed the application and raised no objections. I have also not been furnished with evidence that convinces me that the proposed development would not comply with policy or pose a significant safety risk given the small scale of the development. Additionally, I have no evidence before me that bin collections cannot be undertaken safely when not being stored at the properties.
18. Any noise and disturbance associated with development would be for a temporary period only. There is no evidence that there would be any long-term unacceptable impact through pollution or on biodiversity in surrounding gardens or on the appeal site itself that has not been addressed by the conditions imposed.
19. The proposal would provide a greater level of surveillance to the surrounding area than the existing enclosed site. Furthermore, the Crime Prevention Officer has offered no objection. For these reasons, I find the proposal would not increase the potential for crime to occur.
20. In respect to property values, the courts have taken the view that planning is concerned with land use in the public interest so that the protection of purely private interests such as the impact of development on the value of neighbouring property could not be a material consideration. Therefore, the impact on property values has no bearing on my decision.

21. It is understood that some site clearance has taken place. I have not been provided with any evidence that this required consent and as such, it is not a matter before me to consider in this appeal.

Conditions

22. I have considered the conditions suggested by the Council having regard to the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance, as well as the appellant's comments in response. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
23. The Council, as part of their suggested conditions, has set a 2-year implementation period. However, in the absence of any compelling evidence to justify a shorter period I have concluded the standard time limit is sufficient and would not result in any adverse impacts. I have also imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
24. A condition in respect of details of materials is necessary to ensure that the development is of a high standard and the character and appearance of the area is protected.
25. To protect the living conditions of existing residents a condition has been imposed for obscure and non-opening windows which flank the first floor elevations of the dwellings
26. Conditions are imposed to evaluate and, if required, remediate the land in respect of contamination. Elements of these conditions must be undertaken prior to commencement to ensure that the proposed development protects future occupiers and the environment. To ensure appropriate energy efficiency requirements are met a condition requiring the agreement of renewable measures is imposed.
27. I note the Council has requested details of hard and soft landscaping and boundary treatments. I'm satisfied that sufficient details have been provided with accompanying drawings and a condition has been imposed for the development to be carried out in accordance with these details in the interest of the final appearance of the scheme.
28. For highway safety reasons and to ensure adequate parking is provided conditions are required to ensure the provision of parking for each dwelling. The provision of electric vehicle charging points is also required by condition in order to improve local air quality and public health.
29. In the interests of nature conservation and ecology conditions have been imposed to safeguard existing wildlife and biodiversity and enhance measure incorporated in the scheme.

Conclusion

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

A Hickey

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: LP Revision B; 100 Revision D; 105 revision A; 110 Revision B; 111 Revision B; 112 Revision B and drawing No 3.
3. No development above damp-proof course level shall take place until details of the materials and detailing to be used for the external surfaces of the buildings and surface material for parking areas are submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials.
4. No development shall take place until:- (i) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority. (ii) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority. (iii) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology. The site shall be remediated in accordance with the approved method statement, with no deviation from the statement without the express written agreement of the Local Planning Authority.
5. Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority.
6. No construction of the development above damp-proof course level shall take place until a report is submitted to and agreed in writing by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented prior to the first occupation of the hereby approved dwellings and thereafter retained.
7. The approved hard and soft landscaping scheme as shown on drawing No 3 shall be carried out prior to first occupation of the buildings. The planting so provided shall be maintained as approved for a period of 5 years, such

maintenance to include the replacement in the current or next planting season whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

8. The approved boundary treatments as shown on drawing No 3 shall be carried out prior to first occupation of the buildings.
9. Prior to occupation of the units the proposed first floor windows in the flank elevations of all the hereby approved dwellings, shall be obscure glazed and nonopening to a minimum of 1.7m above internal floor level. Details of glazing to be installed shall be submitted to and approved in writing by the Local Planning Authority. These windows will thereafter be permanently retained as installed.
10. Development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
11. The hereby approved dwellings shall not be first occupied unless and until 5 parking spaces, (one per dwelling) are fitted with a fast charge socket (7kw Mode 3 with Type 2 connector), and a further 2 spaces are provided with power supply (through feeder pillar or equivalent) to provide additional fast charge sockets.
12. The precautionary measures to safeguard wildlife at the site including bats, shall be carried out strictly in accordance with the recommended mitigation measures in the submitted Aspect Ecological Appraisal January 2021.
13. Prior to the construction of the buildings, a biodiversity enhancement scheme including the installation of bird and bat boxes, shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented before the first occupation of the hereby approved dwellings in accordance with the approved scheme and thereafter maintained.

End of Schedule of Conditions