



Appeal Decision

Site visit made on 20 September 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2022

Appeal Ref: APP/Z3635/W/21/3288513

36 Minsterley Avenue, Shepperton TW17 8QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Goodall and Mr & Mrs Painter against the decision of Spelthorne Borough Council.
 - The application Ref 21/00614/OUT, dated 15 April 2021, was refused by notice dated 11 November 2021.
 - The development proposed is the erection of 5 detached dwellings, four 4-bedroom, one 5-bedroom, associated parking and amenity space, following the demolition of 36 Minsterley Avenue.
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Decision

1. The appeal is dismissed

Preliminary Matters

2. The appeal scheme is for outline planning permission with detailed approval sought for access, layout and scale. Matters relating to appearance and landscaping are reserved for future approval. Whilst not formally part of the appeal scheme, I have treated any details submitted with the appeal application relating to matters reserved for future approval as indicative.

Main Issues

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

Reasons

4. The appeal site is located in a low-density, predominately residential area, typically comprising two storey detached dwellings, with the occasional semi-detached pair. Plots are generally spacious and, combined with the varying set back of dwellings from Minsterley Avenue (the Avenue) and nearby Chestnut Walk behind driveways, contribute to an openness to the streetscene. Dwellings, whilst often incorporating stepped features to their frontages, largely face the Avenue, follow a broadly consistent front building line and create a spacious yet somewhat formal residential character and appearance.
5. Although some existing dwellings in the area have been altered and extended, given the generous plot widths in the area, the openness to the streetscene is maintained. Whilst a variety of plot and dwelling sizes are evident in the surrounding area, the appeal scheme would be characterised by narrow plot and dwelling widths. Thus, despite the achievement of guidance-compliant garden sizes and separation distances, the typical proportions of the existing

dwelling and plots in the locality would not be suitably reflected. Moreover, in the context of the wider area, the appeal scheme would result in a cramped form of development.

6. The existing dwellings on the site (36 and 38 Minsterley Avenue) are currently accessed via a driveway shared with 40 Minsterley Avenue and occupy slightly stepped back positions relative to the dwellings they sit alongside. Although this arrangement is not typical of the surrounding area, the dwellings face the Avenue and continue the staggered setbacks from neighbouring dwellings. In contrast, the proposed development would include an access road serving a new row of dwellings positioned away from the Avenue and formal frontage parking arrangements. As a result, the proposed development would fail to suitably reflect the broadly consistent dwelling frontage lines immediately adjacent to the site.
7. Whilst views of the proposed development from the Avenue would be restricted due to the siting of the existing dwellings, the appeal scheme would still be visible from some publicly accessible vantage points. Moreover, the proposed development would be read and experienced as a discordant and unsympathetic extension to the Avenue.
8. For the above reasons, the proposed development would cause significant and unacceptable harm to the character and appearance of the area, contrary to Policy EN1 of the Spelthorne Borough Council Core Strategy and Policies Development Plan Document (February 2009) (the Core Strategy). This policy, amongst other provisions, seeks to ensure new development respects and makes "a positive contribution to the streetscene and the character of the area" including by having regard to proportions and building lines.
9. Similarly, I find conflict with Chapter 12 of the Framework plus the guidance and principles set out in the Spelthorne Borough Council's Design of Residential Extensions and New Residential Development Supplementary Planning Document (April 2011) insofar as these seek to ensure development maintains, and is sympathetic to, local character.
10. Whilst I accept that the proposed development would be compliant with Policy H05 (Density of Housing Development) of the Core Strategy, this does not prejudice my finding that the scheme would cause significant harm to the character and appearance of the area.

Other Matters

11. Even if I were to consider that the proposed development would not harm the living conditions of existing and future occupiers or not prejudice highway safety, these would be neutral matters that weighed neither for nor against the proposed development. It is therefore not necessary for me to explore such matters any further within this appeal.
12. Whilst I recognise that the planning officer's report to Committee included a recommendation for approval, the Council is not bound to accept the recommendations of officers.

Planning Balance

13. There is no disagreement between the main parties that the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance

with paragraph 74 of the Framework. The latest position, as confirmed by the Council, is a 4.43 year supply. Further, the Housing Delivery Test results for the Borough indicate that recent levels of housing delivery have been substantially below the corresponding number of homes required.

14. As such, paragraph 11d of the Framework indicates that the most important policies for determining the appeal are deemed to be out of date and the presumption in favour of sustainable development is engaged. This means, following paragraph 11dii, that “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
15. Being out of date does not mean that policies, even if not recently adopted, carry no weight in decision making. I have identified conflict with Policy EN1 of the Core Strategy and this policy is consistent with the Framework in respect of ensuring development is sympathetic to local character. I therefore apportion significant weight to the conflict I have identified with Policy EN1 and to the associated harm that would be caused to the character and appearance of the area.
16. In terms of the scheme’s benefits, a net gain of four additional dwellings of sustainable design would have social and economic benefits and the Framework reaffirms the Government’s objective of significantly boosting the supply of homes. Nevertheless, even acknowledging the Council’s housing land supply shortfall and recent levels of delivery across the Borough, four additional units would make a limited contribution. As such, I attach moderate weight to the benefits that would be brought about by additional housing. Any net gain in biodiversity ultimately achievable would be modest given the site’s size and such benefit would attract limited weight.
17. My attention has been drawn to an appeal decision relating to a different site within the District¹, where the Inspector attached significant weight to the benefit of delivering new homes. However, as that decision related to a development comprising 31 dwellings, the circumstances and scale of benefits are not directly comparable to the appeal scheme.
18. Having considered the benefits and adverse impacts of the proposed development, I find that, in the context of paragraph 11d of the Framework, the adverse impacts of the development significantly and demonstrably outweigh the benefits. Therefore, the presumption in favour of sustainable development, as set out in the Framework, does not apply. The proposed development conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

19. For the above reasons, the appeal is dismissed.

Juliet Rogers

INSPECTOR

¹ APP/Z3635/W/20/3252420