



Appeal Decision

Site visit made on 7 September 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 NOVEMBER 2022

Appeal Ref: APP/Z3635/W/21/3285042

Osmanstead, Condor Road, Laleham TW18 1UG

- 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 Gareth Jones of Jones Granville against the decision of Spelthorne Borough Council.
 - The application Ref 20/00237/FUL, dated 20 February 2020, was refused by notice dated 20 April 2021.
 - The development proposed is demolition of existing house to be replaced by 6 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant, as part of the appeal, has provided additional plans and documents. These do not amend the proposal considered by the Council rather they provide further explanation of it and support. It may be that the Council has chosen not to provide comment on these, however they, and third parties to the appeal, have been provided the opportunity. For these reasons, no party would be prejudiced by my consideration of these as part of the appeal.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and whether it would preserve or enhance the Laleham Conservation Area.

Reasons

4. The appeal site is within the Laleham Conservation Area (LCA). I have therefore approached this appeal in the context of section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 as amended.
5. The appeal site is located at the corner of Thames Side and Condor Road. I saw on my visit that the character of Thames Side and Condor Road are quite different and their contribution towards the significance of the LCA also varies.
6. Thames Side consists of large houses on generous plots that front the river Thames. They are separated from the river by a single lane carriageway. Positioned slightly above the carriageway, they are all set back a similar distance from it with relatively large front gardens that include parking. Together the river, set back and elevated position of the houses create a very open character. I understand the houses are predominantly early 20th century,

reflecting the evolution of Laleham. While they vary slightly in their form and features, they are all 1-2-storeys in scale, some including rooms within their roofs. Gable ends, some hipped, facing the river are also a strong feature which reduce the massing of the properties. The consistency in scale and set back create a strong degree of uniformity along this straight section of the river. The significance of the LCA along Thames Side, in so far as it relates to this appeal, appears to derive from the evolution of the area, and also the open character and the relationship between the houses and the river.

7. Condor Road in contrast feels more enclosed. It is lined with tall, mature street trees that create rhythm along the road. The road is wider than Thames Side and unmade with grass verges either side. This gives it a semi-rural and informal feel. It also signals it to be older and thus of some historic importance in relation to the evolution of the area. The houses on Condor Road appear to have been built more recently than the carriageway and the older properties on Thames Side. All are detached and set back on generous plots. Most of the houses have relatively large front gardens, which include parking. Boundary treatments consist largely of hedges and brick walls. Given the street trees, soft boundary treatments, and set back of the properties, which are important, the diversity of the houses in terms of their scale, forms, and features, although showing evolution of the area, is not a key feature of the streets character. Its verdant character derives from the tree cover, which is of significance to the LCA. The older highway also being of some significance.
8. The appeal site is a prominent corner plot with a relatively large 2-storey house on it, known as Osmanstead. Within the large rear garden there is also a swimming pool and two outbuildings. Osmanstead fronts Condor Road, albeit a large and active elevation also faces Thames Side. It is set slightly further back than the other properties on Thames Side, which adds to the openness of the area and allows for extended views from the north along Thames Side. The boundaries of the site fronting Thames Side and Condor Road include a variety of planting and trees which limit views of the property to a degree. On Condor Road there is a simple and humble entrance and driveway fronted by wooden gates. I understand that Osmanstead dates from c.1930, although has been extended since. It is of a consistent scale with and uses similar materials to the other properties fronting the river. It also has some attractive features, particularly its chimneys. For the above reasons the site and existing house contribute positively to the street-scene and the significance of the LCA.
9. There is a dispute between the parties as to whether Osmanstead should be considered a non-designated heritage asset, and I recognise that it is referred to as a heritage asset in the Council's reason for refusal. I also acknowledge that Policy EN6 seeks to preserve and enhance the character of conservation areas by, amongst other things, requiring the retention of buildings, which are important to the character of the area. However, the comments of the Council's Heritage Advisor focus on the contribution that Osmanstead makes to the LCA rather than its own historic significance, and there is no substantive evidence before me setting this out. Although Osmanstead makes a positive contribution to the significance of the LCA, that's not to say that a high-quality redevelopment could not make a similar contribution. Based on my observations, demolishing the house would not in itself harm the significance of the LCA provided it was replaced with a high-quality development that preserves or enhances the character and appearance of the area. This could be

a more modern development using contemporary materials if suitably designed.

10. The proposal would replace the existing house with 6 new dwellings, 2 fronting Thames Side and 4 fronting Condor Road. The resulting layout would be conventional and on plan would appear to loosely follow the pattern of existing development. The proposed frontage parking arrangements for the proposed dwellings on plots 1 and 2 would not be too dissimilar from neighbouring properties. Also, while Plot 1 would not meet the 1m separation distance to the side boundary required by 3.14 and Diagram 1 of the Council's Design of Residential Extensions and New Residential Design Supplementary Planning Document (2011) (SPD), there would still be a gap between it and its neighbour, No. 213, which would limit any harm to the appearance of the street-scene.
11. However, the proposed dwellings on plots 1 and 2 would be positioned further forward than the other properties fronting the river. Despite them being of a similar scale and density to other houses along Thames Side and using high quality materials, this would harm the open character of the area and erode the uniform positioning of houses along this section of Thames Side, which both contribute to the significance of the LCA. Plot 2 would also be closer to the boundary with Condor Road, which together with the forward projection, would mean the proposed houses would be prominent in the street scene, particularly in views along Thames Side from the north. Given their bulk, which is exacerbated by the large, half-hipped roofs, and the absence of any gable ends fronting the river, they would appear incongruous and not in keeping with the character of the immediate area.
12. The proposed houses on plots 3-6 would front Condor Road. They would draw design influences from the adjacent properties and be staggered in position to relate to the alignment of the road. They would also include frontage planting that would reflect and add to the verdant character and help integrate them, to a degree, into the street scene. Although Plot 4 would not meet the 10.5m back to rear boundary separation distance set out at paragraph 3.14 and Diagram 1 of the SPD, this guidance seeks to protect privacy and outlook. In this case, given the plot would back onto the side of a large garden, I am not of the view that any unacceptable effects would result in this regard.
13. Notwithstanding this, the shallow frontages, particularly those of plots 3 and 4, would increase the prominence of these houses. The limited amount of space to the front and side of the proposed dwellings would not be in keeping with other properties along the road. This is exacerbated by the proposed parking arrangements, particularly the tandem spaces proposed for plot 3, as well as the form of the proposed dwellings as semi-detached pairs in an area of detached houses, which would also be out of character. Therefore, despite the proposed dwellings being of a similar density to those in the surrounding area and using high quality materials, they would appear cramped within their plots and not in keeping with other properties along the road.
14. Opposite the appeal site to the South of Condor Road, is Riverholme, a locally listed building. I understand that it dates from c.1907 and I saw it was a well-kept example of the architecture of this age. The Council have not identified any specific harm to Riverholme or its setting that would result from the proposal and, having considered the appellant's Heritage Appeal Statement

(September 2021) and visited the site, I have no reason to disagree. It has been put to me by the appellant that the layout of the proposal may benefit Riverholme by relocating the principal frontages of the proposed dwellings to Thames Side. However, it appeared to me that Osmanstead, even with its principal frontage opposite, had a neutral effect on Riverholme. Furthermore, Plot 2 would be positioned closer to the boundary than Osmanstead and thus closer to Riverholme. Therefore, any benefit to the locally listed building's setting or wider LCA has not been demonstrated.

15. I acknowledge the Landscape and Visual Appraisal (29 September 2021) finds the proposal, in broad terms, to have a neutral effect on landscape. However, that does not indicate a lack of harm to the significance of the LCA and character and appearance of the area, which relate to more than landscape.
16. Accordingly, for the reasons above, the proposal would harm the character and appearance of the area and the significance of the LCA. It would, therefore, conflict with those aims of policies EN1 and EN6 of the Core Strategy, which require a high standard in the design and layout of new development, such that it contributes to the preservation and enhancement of conservation areas. It would also conflict with the aim of the National Planning Policy Framework (the Framework) to conserve heritage assets in a manner appropriate to their significance. Given the localised effect on the LCA.
17. I appreciate that the proposal has been through a formal pre-application process with the Council, yet following adjustment to reflect those comments, permission was still refused. Nevertheless, I must consider the appeal before me and have concluded that it would harm the significance of the LCA and the character and appearance of the area.
18. I find that the harm to the significance of the LCA would be less than substantial. As such, paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposal.
19. In terms of benefits, the proposal would contribute to the shortfall in housing delivery in the borough through the redevelopment of an infill site, which I understand is encouraged by Policy HO1 of the Local Plan. The Council does not dispute that it cannot demonstrate a five-year supply of deliverable housing sites. Its current five-year housing land supply figure is 4.79-years. Also, Housing Delivery Test data from 2020 returns a result of 50% and for 2021 69%. Therefore, while there is only a moderate shortfall in supply and there has been an improvement in delivery, there remains a considerable shortfall in delivery. Given this and that development in large parts of the Borough is constrained by the Green Belt, while a net gain of 5 dwellings would only make a moderate contribution towards the Borough's housing needs, it should be afforded significant weight.
20. I acknowledge there are also other benefits of the proposal. The layouts of the proposed dwellings have been designed to lower energy consumption, which would benefit future occupants and support the Framework's aim for new development to reduce greenhouse gas emissions. The views from the proposed dwellings, however, would be a largely private benefit of the future occupants only.
21. I recognise that there would be no harm to the living conditions of occupants of neighbouring properties and future occupants, and also in terms of the

proposed density, arboriculture, ecology, flooding, parking and highways. However, the absence of harm is a neutral consideration.

22. Paragraph 199 of the Framework gives great weight to the conservation of designated heritage assets including Conservation Areas, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. I must also pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. Therefore, while the contribution of 5 energy efficient dwellings to the Borough's housing supply weighs significantly in favour of the scheme, it does not outweigh the harm I have identified to the significance of the LCA.

Planning Balance and Conclusion

23. Given the shortfall in housing supply and delivery, paragraph 11d) of the Framework falls to be considered. As the appeal site is within the LCA, this means planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal.
24. I have found the proposal would cause less than substantial harm to the LCA, which would not be outweighed by its public benefits. Consequently, the application of policies in the Framework that protect heritage assets provide a clear reason for refusing the development proposed and the proposal would not benefit from the presumption in favour of sustainable development outlined at paragraph 11 of the Framework.
25. Accordingly, I have found that the proposal would conflict with the development plan, read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise in accordance with it. The appeal therefore should be dismissed.

Hannah Guest

INSPECTOR