



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: 10 November 2022

Appeal Ref: APP/Z3635/W/22/3290169

19 Sidney Road, Staines-Upon-Thames TW18 4LP

- 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 Mullen against the decision of Spelthorne Borough Council.
 - The application Ref 21/01487/FUL, dated 20 September 2021, was refused by notice dated 17 November 2021.
 - The development proposed is described as 'erection of a new 2 bedroom-3 persons single dwelling house at the rear of 19 Sidney Road, Staines-Upon-Thames, TW18 4LP (Proposed No.21 New Street), including 1 parking space for a car, cycle storage and waste storage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application plans show a single parking space to the front of the proposed dwelling. To address an objection from the highway's authority, as part of the appeal, the appellant has submitted revised plans showing the car parking space removed. It may be that the Council understands the amendment being proposed by the appellant. However, to ensure no parties are prejudiced, including the occupants of neighbouring properties, the appeal process should not be used to evolve a scheme. Any amendments that are considered to overcome the Council's reasons for refusal should be made as part of a fresh planning application. I shall therefore determine the appeal and application for planning permission on the basis of the plans which were before the Council when it made its decision and are referred to on the decision notice.
3. There appear to be some inconsistencies between the submitted floor plans and elevations. The former showing the proposed dwelling would be built on the boundary line and the latter showing the proposed dwelling would be set in from it. While this may affect whether the proposal would meet standards relating to the minimum internal floor area, it has not prevented me from forming a view on the main issues.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of occupants of neighbouring properties with particular regard to outlook, privacy, and light;

- Whether the proposal would provide satisfactory living conditions for future occupants with particular regard to the amount of internal and garden space provided; and
- The effect of the proposal on highway safety, with particular regard to the design of the proposal.

Reasons

Character and Appearance

5. The proposed dwelling would be located at the end of the rear garden of the appeal property, 19 Sidney Road. However, it would front and be accessed from New Street and views of it from Sidney Road would be very limited, consisting only of the occasional glimpse between the houses. Therefore, New Street would provide its setting, and it would largely contribute to this context and character rather than that of Sidney Road. Furthermore, there are no two-storey dwellings situated at the end of the rear gardens of the properties on the north side of Sidney Road. Therefore, the back-to-back arrangement proposed would not reflect the established pattern of development.
6. New Street is a narrow no-through street accessed from London Road, a main road that leads to the centre of Staines-Upon-Thames. The section of London Road adjacent to New Street consists of commercial and residential, low to mid-rise buildings. The entrance to New Street is flanked by two of these buildings, which, together with their rear parking and servicing areas, take up just over half the street. There is no formal turning arrangement at the closed end of New Street. It finishes abruptly at the rear boundaries of the appeal property and No. 17 Sidney Road, which currently benefit from rear access.
7. At this end of New Street there is a small group of 2-storey detached houses. They are modest in scale and set on moderate sized plots. Some are positioned fairly close to one another. Their consistent scale and similar forms create a degree of uniformity. However, there are differences in their features and materials. They are set back varying distances from the carriageway, but not far. Some abut the edge of the pavement while others have just enough space for frontage parking. This localised relatively fine urban grain, together with little to no landscaping at the front of the houses, creates a sense of enclosure and gives this part of the street a compact urban feel. Although, the openness of the rear gardens located at the end of the street moderates this to a degree.
8. The proposed dwelling would be located within the existing gap at the closed end of New Street. While locating a dwelling here may result in a relatively conventional cul-de-sac type arrangement, the proximity of the proposed dwelling to No. 19 New Street and its position in relation to the carriageway would be at odds with the existing pattern of development. This would, despite the proposal being of a similar scale, form, and density, and on a similar sized plot to the houses on New Street, result in an uncharacteristic and cramped form of development.
9. For the reasons above, the proposal would harm the character and appearance of the area and conflict with policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (2009) (Core Strategy) and the Supplementary Planning Document on the Design of Residential Extensions and New Residential development (2011) (SPD). These seek to deliver a high

standard in the design and layout of new development by, amongst other things, ensuring new development respects and makes a positive contribution to the street scene and character of the area.

Living Conditions of Neighbouring and Future Occupants

10. The ground and first floor windows in the front elevation of the proposed dwelling would overlook the frontage of No. 19 New Street. I acknowledge that this area is fully visible from the street. However, given the proximity of the proposed kitchen window, the potential for overlooking and associated perception of this would be so great that it would result in poor levels of privacy to both the occupants of No.19 and future occupants of the proposal, such that satisfactory living conditions would not be provided.
11. Notwithstanding this, No. 19 is positioned at an angle so that it would face slightly away from the proposed dwelling. As such the outlook from the front facing windows of this dwelling would not be reduced by the proposal thereby the living conditions of its occupants would be maintained in this regard.
12. There would be an adequate separation distance of 21m between the proposed dwelling and the appeal property. However, the rear garden proposed for the new dwelling would not meet the minimum garden length of 10.5m set out at paragraph 3.14 of the SPD. These minimum distances have been identified to avoid overlooking, preserve privacy and outlook and avoid an overbearing impact. It may be that paragraph 2.4 of the SPD recognises that occasionally there may be a good reason why a particular requirement can be relaxed. However, there is no clear justification before me as to why it should be in this case.
13. The frosted glass proposed in the rear upper floor windows of the new dwelling would protect the privacy of occupants of the appeal property. However, despite the proposed dwelling being relatively modest in scale, given the shallow rear garden, it would appear overly dominant and would be overbearing on the occupants of the appeal property, particularly from the rear garden space. The position of the flank walls on or adjacent to the boundary, would also make it dominant and overbearing on the neighbouring properties, Nos 17 and 21 Sidney Road. Again, this would be particularly significant from the rear garden spaces, and while the effect would be worse further into the garden space, from close to the rear doors of the properties the effect wouldn't be insignificant. For these reasons, the proposal would adversely affect the utility and enjoyment of the garden spaces of the appeal property and Nos 17 and 21 Sidney Road and would harm the living conditions of the occupants of these properties in terms of outlook. The presence of modestly sized outbuildings within the rear gardens of these properties would not serve to mitigate this harmful effect.
14. The proposed dwelling would be positioned to the south of New Street, close to Nos 18 and 19, so some overshadowing of these houses would be likely in the early morning and late evening during the winter months. However, taking account of the orientation of these houses in relation to the proposed dwelling, any overshadowing would be limited and would be unlikely to affect the principal windows or garden spaces. Therefore, it would not result in any significant shading effects which would harm the living conditions of these occupants.

15. Given the ambiguities between the floor plans and elevations mentioned above, the floor sizes are not absolutely clear and, therefore, I have not been able to consider fully whether or not the proposed dwelling would meet standards relating to the minimum internal floor area. However, given I am dismissing the appeal for other reasons relating to the main issues, it was not necessary for me to seek further clarification on this point.
16. I acknowledge that Table 2 the SPD sets out 70m² as the minimum garden area that should be provided for a detached dwelling. However, whether or not the proposed garden for the new dwelling would meet this, the proposed dwelling, although detached, is a modest 2-bedroom property and the garden would be large enough to provide suitable outdoor space for this type of small family dwelling, including a seating area, outdoor storage space such as a shed, and play equipment.
17. For the reasons above, the proposal would harm the living conditions of the occupants of No.19 New Street and fail to provide satisfactory living conditions to future occupants with regards to privacy. It would also harm the living conditions of the occupants of the appeal property and Nos 17 and 21 Sidney Road with regards to outlook. Thus, the proposal would conflict with policy EN1 of the Core Strategy and the SPD, which seek to deliver a high standard in the design and layout of new development by, amongst other things, ensuring new development achieves a satisfactory relationship to adjoining properties and that the amenity of future and adjoining occupiers are protected.

Highway Safety

18. As mentioned above, New Street is a narrow road with limited opportunities for turning. Parking to the front and side of nearby houses is characteristic of the area. The relationship of the new dwelling to the road and the position of the proposed parking space means that there are no turning facilities upon the site for vehicles to use. As a consequence, there would be a high probability that vehicles using the space would reverse along New Street to allow the space to be exited in a forward gear. Alternatively, vehicles would be likely to reverse out of the space along New Street until a suitable space was found to turn. Such manoeuvres would be likely to result in conflict with other highway users, including pedestrians, which could involve children or the elderly, as well as other vehicles.
19. The proposal would therefore result in harm to highway safety, including pedestrians, in conflict with policy CC2 of the Core Strategy, which, amongst other things, only permits traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account access and egress to the public highway and highway safety.

Planning Balance

20. The Council does not dispute that it cannot demonstrate a five-year supply of deliverable housing sites nor that its current Housing Delivery Test results indicate that the delivery of housing was less than 75% of the housing requirement over the previous three years. Therefore, Paragraph 11d) of the National Planning Policy Framework (the Framework) falls to be considered. This means planning permission should be granted unless the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.

21. I acknowledge that the proposed dwelling would contribute to the shortfall in housing delivery in the borough and contribute to the Government's objective of significantly boosting the supply of new homes. This factor weighs in favour of the scheme. However, the contribution of one dwelling would be modest.
22. Against these benefits is the identified harm that would be caused to the character and appearance of the area and the living conditions of existing and future occupants, in conflict with paragraph 130 of the Framework which seeks to ensure that development is sympathetic to local character and that a high standard of amenity for existing and future users is provided. Moreover, my findings in respect of highway safety conflict with Framework paragraph 110 which requires that safe and suitable access for all users is provided.
23. Given the above, when the proposal is assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits. The proposal does not, therefore, benefit from the presumption in favour of sustainable development.

Conclusion

24. For the reasons above, having regard to the development plan as a whole and all relevant material considerations, including the Framework, the appeal is dismissed.

Hannah Guest

INSPECTOR