



Appeal Decision

Site visit made on 24 January 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2023

Appeal Ref: APP/Z3635/W/22/3304397

45 Metcalf Road, Ashford TW15 1HB

- 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 Amir Hamza against the decision of Spelthorne Borough Council.
 - The application Ref 22/00285/FUL, dated 24 February 2022, was refused by notice dated 21 April 2022.
 - The development proposed is described as the 'demolition of detached garage, development of a new end of terrace 2-bedroom dwelling on existing land.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's statement refers to the dwelling being arranged over 3 levels and a proposed second floor is shown on drawing METC1 CBLS 00 ZZ DR A 3001 Revision P01. However, this appears to be attic space and not designed to be habitable accommodation. I have therefore determined the appeal on that basis.

Main Issue

3. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of future occupants.

Reasons

Character and Appearance

4. The appeal site comprises part of the side/rear garden of No.45 Metcalf Road, a two-storey semi-detached dwelling. Houses in the area are generally two-storeys and are either semi-detached or terraced. There is some variation in the style and design of the houses and the pallet of materials. Some existing dwellings have been altered and extended but nevertheless, given that properties are set back from their site frontages and there are noticeable gaps between buildings, the area has a spacious suburban character.
5. Whilst the variety of plots and dwellings is evident, the appeal scheme would be particularly noteworthy due to the narrowness of both the plot and the dwelling. As such, the typical proportions of the existing dwellings and plots in the locality would not be suitably reflected. Furthermore, although a gap of just over 0.8m would be retained with the boundary to No.43 Metcalf Road, this

would not reflect the prevailing pattern of buildings being set further away from shared boundaries.

6. Thus, despite the proposal reflecting the styling and materials of the host dwelling, it would visually disrupt the balanced appearance of the existing semi-detached dwellings onto which it would be attached. That there are terraced properties next to the site and in the vicinity does not compensate for the incongruity of the proposal.
7. The absence of landscaping or a boundary wall to the front of the property are not in themselves reasons to reject the scheme. However, their absence appears to be due to the site being 4.878m wide and the two parking spaces being 4.8m wide. This, together with the need to accommodate a bin store to the front of the dwelling, are an indication of the restricted nature of the plot and layout.
8. In the context of the area, taking all of the above into account, I find that the appeal scheme would result in a cramped and incongruous form of development. This would detract from and harm the existing qualities, character and appearance of the area.
9. Accordingly, the proposal would be contrary to Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document 2009 (CSPDPD) which, amongst other things, seeks to ensure new developments respect and make a positive contribution to the street scene and character of the area.

Living conditions

10. The Technical housing standards – nationally described space standard (NDSS) provide that for a 2-bedroom, 2-storey dwelling, with bed space for 4 persons, a minimum gross internal floor area of 79m² must be provided. I am not aware that the Council has adopted the NDSS in its development plan. However, the Council's 'Design of Residential Extensions and New Residential Development' Supplementary Planning Document 2011 (SPD), which must broadly accord with development plan policy, sets out minimum floorspace for new dwellings, which the Council advise for the proposal would be 83m². Accordingly, the NDSS and SPD provide helpful and pertinent guidance on this issue.
11. There is no dispute between the main parties that the proposed dwelling would have an internal area of 77m². Therefore, the proposal would fall short of the minimum requirements of both the NDSS and SPD. While the shortfall below the NDSS would be relatively small, the standard is, nonetheless, a minimum requirement and significantly less than that sought through the SPD.
12. I am satisfied that by failing to meet the minimum standard of the NDSS, the unit would feel cramped to future occupiers. In contrast, the dwelling's garden area would be large. However, what it would offer to future occupiers is different from the internal accommodation and so does not, in my opinion, compensate for the lack of internal space. Accordingly, it does not represent a sufficiently strong reason to justify a substandard sized unit in this instance.
13. The southern outlook from the kitchen/dining area would undoubtedly be compromised by any means of enclosure along the boundary with the host dwelling. However, on the eastern elevation a 3-panel bifold door is also proposed to serve the kitchen/dining area. The outlook from this eastern aperture would provide unrestricted views across the side garden and towards

the rear part of the plot. Whilst on its own the outlook from the southern opening would be unacceptable, the provision of this second opening would ensure that the overall outlook from the kitchen/dining area would not be unacceptable.

14. Notwithstanding my findings in regard to outlook, overall, I find that the living conditions of future occupants would be harmed by the failure to provide a satisfactory standard of internal accommodation. As such, the scheme would not accord with Policy EN1 of the CSPDPD which, amongst other things, requires a high standard in the design and layout of new development. Furthermore, the proposal would be contrary to the SPD which, amongst other things, seeks to provide satisfactory standards of accommodation.

Other Matters

15. I acknowledge that this is a revised scheme following a previous refusal and that habitable accommodation in the roof space has been omitted. However, the changes are not sufficient to overcome the harm caused to the character and appearance of the area by the discordant incursion that would occur within the street scene from this proposal.
16. A certificate of lawfulness and a planning permission have been granted to extend the existing dwelling and I have no reason to conclude that the works would not be implemented. However, this does not alter my conclusions in regard to the main issues of this appeal.
17. It is said that the proposed dwelling would not cause harm to neighbours and would be acceptable on highway safety and parking grounds. Furthermore, the scheme would exceed the provision of garden space required by the Council. However, these matters would all represent a lack of harm. Additionally, compliance with highway and parking standards and respecting the living conditions of neighbours would be the minimum expected for any scheme. As such, these cannot be weighed positively in favour of the proposal. Furthermore, the quality of the materials to be used would not overcome the harms I have identified.
18. The appellant has referred to the date the CSPDPD was adopted, and notes that it pre-dates the Framework. The appellant claims it is therefore out-of-date, with reduced weight applying to it. Paragraph 219 of the National Planning Policy Framework (the Framework) clarifies that development plan policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. I have not been made aware of any aspects of Policy EN1 of the CSPDPD that are inconsistent with the Framework.

Planning Balance and Conclusion

19. It is agreed that the Council cannot demonstrate a five-year supply of housing land. On that basis, Paragraph 11 d) ii) of the Framework would apply.
20. The Government's objective is to significantly boost the supply of housing and the proposal would provide an additional dwelling in a location with adequate access to services. The proposal would also accord with the Framework's support for windfall sites and make efficient use of land. The provision of a single dwelling would make only a limited numerical contribution towards housing supply. Nevertheless, given the Council's under delivery of housing

sites, the provision of even one additional house would make a helpful contribution to addressing the shortfall and to the Government's overall objectives of boosting the supply of homes. I therefore give this matter considerable weight.

21. The scheme would also lead to some, albeit time-limited, economic benefit during the construction phase, which may give rise to extra local employment. In the longer-term, future residents may make a more general economic contribution towards supporting services in the surrounding and wider area. There may also be some social benefits arising from the proposal. However, given the scale of the development I attribute only limited weight to these economic and social benefits in support of the scheme.
22. Conversely, I have found harm in relation to the effect of the proposed development on the character and appearance of the area and the living conditions of future residents. The need to protect these matters is perennial and in direct compliance with the Framework. When taken together, these harms would be considerable and long lasting, and so as a consequence worthy of substantial weight.
23. Therefore, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. The proposal would not therefore be sustainable development.
24. Whilst there would be some beneficial aspects of the scheme, the proposal would conflict with the development plan when taken as a whole. There are no other material considerations, including the Framework, which lead me to determine the appeal other than in accordance with the development plan.
25. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR