



Appeal Decision

Site visit made on 20 December 2022

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 FEBRUARY 2023

Appeal Ref: APP/Z3635/W/22/3303412

82 Village Way, Ashford, Surrey TW15 2JU

- 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 Leon Oram against the decision of Spelthorne Borough Council.
 - The application Ref 22/00451/FUL, dated 24 March 2022, was refused by notice dated 29 June 2022.
 - The development proposed is new bungalow at the rear garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the future occupiers of the proposed development would have acceptable living conditions.

Reasons

Character and appearance

3. The appeal site comprises a two storey detached dwelling located on the corner of Village Way and Parkland Grove. At the end of the property's rear garden is a garage with a pitched roof. The proposed bungalow would front Parkland Grove which is characterised by a mixture of two storey detached houses and bungalows. Properties are generally set back from the highway with off-street parking areas to their fronts, and generously proportioned linear gardens located to the rear.
4. When viewed in isolation, the scale and bulk of the proposed bungalow would be comparable to the other bungalows on Parkland Grove which are located further to the east. Its set back from the street, hipped roof form and proposed facing materials would not appear at odds to the neighbouring properties on this side of the street.
5. However, in contrast to the prevailing pattern of development on the street, the bungalow would not have a rear garden. Instead, it would have a small garden area to its front and side. This would create a shallow, wide plot which

- would not reflect the more regular and linear spatial quality of plots within the local area.
6. The bungalow's rear elevation would be very close to the site's rear boundary. Whilst this would not have an unacceptable impact on the living conditions of any neighbouring occupiers, buildings positioned in such proximity to their rear boundaries is not a characteristic of the area. The bungalow would be constructed in a similar location to the existing garage. However, the submitted drawings show that the bungalow's footprint would be noticeably larger. The footprint would also cover a significantly greater proportion of its plot than the footprints of other dwellings on Parkland Grove. As a consequence, I find that the bungalow would be 'squeezed' onto the site in a manner that would appear cramped.
 7. The proposed bungalow would be wider and more bulky than the existing garage. By virtue of its front door and the partitioning of the garden of the host property to create a separate curtilage, the proposal would very clearly be read within the street scene as a separate dwelling. Overall, it would have a greater impact on the character and appearance of the area than the existing garage.
 8. The Council has no objection to the principle of some built form within the garden, whilst the design of the dwelling would include measures to provide renewable energy generation and waste and recycling storage. However, as a result of the site layout and the size of the building's footprint, I conclude that the overall effect would be a somewhat contrived development that would be at odds with the established local pattern of development.
 9. I therefore find that the proposal would harm the character and appearance of the area, and so would be contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document 2009 (CSPDPD). This policy seeks, amongst other things, to ensure new development offers a design and layout that respects the character of the area.
 10. The proposal would also be contrary to the Council's 'Design of Residential Extensions and New Residential Development' Supplementary Planning Document (2011) (SPD), which for new residential units seeks to ensure, amongst other things, that sites are laid out and dwellings proposed which reflect the existing pattern of development and prevailing street scene.

Living conditions

11. The submitted drawings show that the bedroom's rear window would be in very close proximity to the site's rear boundary, which is currently marked by a tall wood panel fence and hedging. Consequently, it would provide limited outlook. The bedroom would have a second window facing the site's driveway. Whilst future occupiers would be likely to park a vehicle on the driveway, the submitted drawings demonstrate that there would be sufficient space for a small planted area which would prevent vehicles being parked directly in front of the window. As a result, the window would ensure a reasonable level of outlook for future occupiers within the bedroom.
12. The open plan living/kitchen/dining room would also have a window looking directly onto the rear boundary, providing compromised outlook. In addition, it would also have glazed French doors opening onto the side garden, and large windows looking onto the front garden which would provide unrestricted views

from two separate aspects. As a result, it would be a light and spacious room, providing good levels of outlook. Overall, I am not persuaded that a person living here would feel that the living environment was oppressive.

13. Whilst gardens to the side and front of the property are not common within the immediate area, the external amenity space would not be overly enclosed and would receive good levels of natural light. Its size would not be unreasonably small or impractical for use by future occupiers, particularly as a bungalow of this size is unlikely to be occupied by a family.
14. I therefore find the proposed living conditions for future occupiers to be acceptable. As such, the proposal complies with Policy EN1 of the CSPDPD which, amongst other things, seeks to ensure the living conditions of future residents are protected. The proposal would comply with the SPD which, amongst other things, seeks to provide satisfactory standards of accommodation.

Other Matters

15. My attention has been drawn to an infill bungalow known as Holly Lodge, which is located on Parkland Road close to the junction with Clockhouse Lane. However, unlike the proposed development, this bungalow appears to have a rear garden which more closely fits the established local pattern of development. As such, it has a different effect on the character and appearance of the area to the proposal and it does not justify the harm I have identified.
16. The appellant states that the development would not impinge on the living conditions of others and would be acceptable on highway safety and parking grounds. However, these neutral considerations are outweighed by the harm identified above.

Planning Balance and Conclusion

17. The Council has confirmed that it is unable to demonstrate a 5 year housing land supply. Therefore paragraph 11(d) of the National Planning Policy Framework (2021) (Framework) applies. As the site is not within a protected area or asset of particular importance paragraph 11(d)(i) is not relevant to the appeal. However, the test in paragraph 11(d)(ii) should be applied. This requires an assessment of the proposal against the policies in the Framework taken as a whole.
18. The Framework expects development to be visually attractive as a result of a good layout whilst maintaining a strong sense of place using the arrangement of streets to create attractive, welcoming and distinctive places to live. Policy EN1 of the CSPDPD is therefore consistent with the Framework. Even taking into account the Council's failure to deliver sufficient housing, the conflict between the proposal and the development plan should be afforded great weight or substantial weight.
19. Set against the harm identified there would be limited benefits associated with the proposal, such as its accessible location. Also, an additional one bed residential unit, whilst beneficial, would make a modest contribution to the overall delivery of housing. Therefore, the adverse impacts on the character and appearance of the area that I have identified would significantly and demonstrably outweigh the benefits when assessed against the policies in the

Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

20. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR

