

Appeal Decision

Site visit made on 11 May 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023.

Appeal Ref: APP/Z3635/W/22/3307008

484 London Road, Ashford TW15 3AD

- 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 Carl Jaffer against the decision of Spelthorne Borough Council.
 - The application, Ref. 21/00633/FUL, dated 21 April 2021 was refused by notice dated 28 July 2022.
 - The development proposed is the replacement of the existing bungalow with an apartment building comprising 8 dwellings (3 x 2 bed; 4 x1 bed; 1 x studio).
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of the existing bungalow with an apartment building comprising 8 dwellings (3 x 2 bed; 4 x1 bed; 1 x studio) at 484 London Road, Ashford in accordance with the terms of the application, Ref. 21/00633/FUL, dated 21 April 2021 and subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the effect of the development on the character and appearance of this part of London Road.

Reasons

3. At my visit to the appeal site and its surroundings I observed that the appeal site is part of a long and continuous row of dwellings between the junction with Avondale Road to the east and Kenilworth Road to the west. The row is on the south side of the A30 with an open aspect across London Road to the grassed bank of Staines Reservoirs. This openness in part weighs against any clear identification of a specific townscape character for this part of London Road as a potential constraint on the design and scale of new buildings.
 4. Nevertheless, the development still needs to be in keeping with the dwellings on the south side of London Road, in particular its nearest neighbours. And in terms of views along the road in sufficient proximity to the appeal site to assess the impact of the proposed development on the street scene, the relevant context is from Avondale Road westward to the driveway for Irwin Court, a block of flats located just two pairs of semi-detached houses beyond No. 484.
 5. To the east of No. 484 there are three pairs of semi-detached houses including Nos. 496 & 494, the pair closest to Avondale Road and comprising a particularly large building. The aforementioned Irwin Court at the far end is also of a
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significant scale, albeit more because of the substantial depth of the 'tandem' footprint rather than its width. As a rectilinear purpose-built block of flats, the building is out of keeping with the more traditional domestic appearance of the other dwellings. However, such inconsistency is by no means uncommon in the residential areas of Greater London.

6. In my view, No. 484 also appears somewhat incongruous as the only single storey building between Avondale Road and Irwin Court, although I have noted that in paragraph 5.7 of its appeal statement the Council's case is the exact opposite with the comment that '*..... this dwelling is considered to be in-keeping with the scale of surroundings*'.
7. My contrary finding on this point is material to the decision in the appeal because quite apart from the development needing to meet local and national policies as regards design, it should also seek to improve rather than harm the existing street scene. There is the potential for that improvement in this case, not least because if the appeal site was a vacant plot and an application was made for a bungalow with the appearance of No. 484, it would in all likelihood be refused permission as being harmfully out of character with the context of the semi-detached pairs on each side.
8. The submitted application drawing no. FLU.1177.10 Rev. E: 'Street Scenes' is particularly helpful in assessing whether the appeal scheme would be acceptable, albeit it should be read with all the other submitted drawings, in particular drawing no. FLU.1177.01 Rev. M: 'Proposed & Existing Site Layouts & Location Plan. In appraising the plans it has to be borne in mind that infill development is almost always at a higher density than the existing development pattern and that it is Government policy in Section 11 of the National Planning Policy Framework 2021 ('the Framework') to make an efficient use of land whilst at the same time maintaining an area's prevailing character and setting. A number of the Council's housing policies have their similar objectives.
9. Turning firstly to the layout plan, this illustrates how the new building would occupy the full width of the plot and rely on the substantial extent of crown roof to provide the room for the required floorspace of the eight dwellings. Whilst this clearly shows the intensification of built form to in my view the reasonable maximum on the site, the footprint is not dissimilar in size to that of the building comprising the pair of Nos. 480 & 482. It is also clear that the front building line to London Road would be maintained and to the rear there would be a building depth of a mean average to that of the neighbours to each side. In this context it is not without significance that the Council's appraisal of the application did not include any findings of an adverse effect as regards outlook and light in respect of the immediately adjoining Nos. 482 and 486 respectively.
10. In respect of the elevations depicted in the 'Street Scenes' drawing, the details show that the maximum ridge height would be above that of the neighbours, but not significantly, whilst the lower roof adjacent to No. 482 would line in with that dwelling. The roof pitch would be steeper than that of the adjoining houses and as stated in the Council's appeal statement slightly exceed the recommended 45 degrees in its Residential Design Guidance. And although this feature and the greater size may be noticeable with careful observation, in my assessment it would not be so different as to be considered clearly at odds with the prevailing roofscape and a disruptive element in the street scene.

11. The upper floor and the roof would have a minimal effect on the substantial gap to No. 486 to the east and whilst there would be a noticeably greater impact in respect of the relationship with No. 482 to the west, the eaves height would be essentially the same. And on both flanks the slope of the roof is away from the adjoining houses which increases the actual and perceived space about the building, thereby avoiding a cramped relationship with the neighbours.
12. In respect of the design detail to the front elevation, the appeal scheme would provide a two storey gable in keeping with all four houses in the two pairs and the dormers would be of a modest size and respectfully proportionate to the size of the roof plane. The Council's case for refusal places considerable weight on the presence of the crown roofs but as the appellant's evidence points out, they would be lower than the ridge and hidden behind pitched roofs to each elevation. When combined with the screening effect of Nos. 482 and 486 I conclude that this design would ensure that the proposed building would sit comfortably in the street scene.
13. I have given careful consideration to the views of local residents who supported the Council in objecting to the appeal application because of the size and appearance of the proposed development. However nothing I have read, or indeed seen on my visit to the area, alters my finding that the development would not look out of place or be in unacceptably harmful conflict with the requirements of the relevant policies and guidance.
14. These comprise Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document 2009; the Council's Design of Residential Extensions and New Residential Development Supplementary Planning Document 2011, and Government policy in Section 12: 'Achieving Well-Designed Places' of the above-mentioned Framework.
15. For these reasons I am minded to allow the appeal but I return to this finding under the heading 'Planning Balance and Conclusion' below, where I also have regard to the housing supply situation in the Borough and current Government housing supply policy in the Framework.

Other Matters

16. Local residents have objected to the scheme for a number of different reasons additional to the main issue in this appeal and for the most part these have been addressed in the officer's report on the application. I have also noted from the report that on a number of issues relating to the details of the development the Council had some reservations, but considered these would not justify a reason for refusal. I agree with those balanced planning judgements.
17. In respect of some of the other representations, the concerns raised will in full or part be addressed or mitigated by the comprehensive schedule of conditions recommended by the Council and other agencies in the event of an allowed appeal. A case in point is residents' objections on highway matters but National Highways have not objected to the scheme provided its three suggested conditions are imposed. On some of the other matters raised I have noted the objections made but have come to a different view on the planning merits of the issue referred to.

18. In a couple of instances consultees have raised detailed technical points, including arguing that the submitted drawings have a number of inaccuracies. However, as a matter of practicality the appeal process does not enable me to adjudicate on such matters. I have made my decision on the basis of the submitted scaled drawings on the assumption that they are correct insofar as they are material to my planning judgement on the main issue. It is the developer's responsibility to construct the development in accordance with these plans whilst at the same time complying with the attached planning conditions, the Building Regulations and all other relevant legislation.

Planning Balance and Conclusion

19. The Council has acknowledged in its appeal evidence that it is unable to demonstrate a 5-year housing land supply and accordingly the presumption in favour of sustainable development in paragraph 11d) of the Framework applies on the basis that the policies for the provision of housing should be regarded as being out-of-date.
20. Paragraph 11d)ii says that in these circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
21. In my appraisal of the appeal scheme I have acknowledged that the flatted development proposed would in some respects be noticeably different from the adjoining properties. However, I differ from the Council in concluding that whilst a comparative increase in scale with the built context would be evident, the proposed flats would not draw the eye as a development harmfully out of keeping with a street scene that already includes pairs of large semi-detached dwellings and the block of flats at Irwin Court. Nor in my view can it reasonably be argued that the detailed design of the front elevation fails to have due regard to the appearance of neighbouring buildings.
22. As such judgements are inherently subjective, I accept that in the opinion of the Council and some residents, the development would have an adverse effect (and in the case of residents not only because of its appearance). However, I am nonetheless satisfied that such perceptions of harm would not 'significantly and demonstrably' outweigh the benefit of an additional seven homes in a sustainable location and at a time of housing shortfall. I therefore conclude that the planning balance clearly weighs in favour of the appeal being allowed and that planning permission should be granted, subject to appropriate conditions.

Conditions

23. In accordance with the standard procedures for planning appeals the Council has suggested conditions if the appeal is allowed. The appellant has indicated that there is no objection to these and I have concluded that they are reasonable and necessary as set out in the attached Schedule, albeit with some minor editing and re-drafting. In accordance with standard practice for an appeal decision I have not included the suggested informatives. It is for the appellant to liaise as necessary with the Council and the other relevant authorities to become acquainted with these and implement such measures and procedures as required.

24. A condition to require the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. The amenity of residents and the quality of the environment will be safeguarded by conditions to carry out remediation works for any contamination and regulate the demolition works.
25. Conditions stipulating the provision of a Construction Environmental Management Plan will safeguard the integrity of the nearby SSSI and ensure the uninterrupted use of the A30 during the construction period. London Road will also be safeguarded by a condition to provide full details of drainage and a further condition is needed to ensure that works to improve the site access will make it safe to use by future residents and visitors.
26. Other conditions are needed to require bird and bat boxes in the interests of wildlife and biodiversity; to secure the Council's prior approval of external materials to maintain visual amenity, and to submit details of boundary treatment that will both safeguard the interests of residents / neighbours and the appearance of the site.
27. Finally, conditions can facilitate the maximum use of renewable energy; ensure that residential and visual amenities are protected by adequate refuse storage and recycling, and secure fast electric charging facilities for the residents' cars. The Council has suggested one space but this is insufficiently forward-looking and I have drafted the condition to enable the number of fast charging points to be negotiated with the Local Planning Authority.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Access & Parking Plan SK04 Rev. B; Drawing Series No. FLU.1177: Plans 07 Rev L; 08 Rev J; 09 Rev F; 10 Rev E; 01 Rev M; 02; 03; 04; 05 Rev G; 06 Rev H;
- 3) No development shall take place until: (i) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority; ii) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. (The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority); (iii) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology. The site shall be remediated in accordance with the approved method statement, with no deviation from the statement without the express written agreement of the Local Planning Authority;
- 4) Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority;
- 5) No demolition work shall take place until a Demolition Method Statement, incorporating a Dust Management Plan and pre-demolition asbestos survey, has been submitted to and approved in writing by the Local Planning Authority. The agreed methodology and mitigation measures shall be implemented in accordance with the approved details;
- 6) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The proposal shall then be constructed in accordance with the approved details. The CEMP shall include, but not be limited to, the following: a Construction Traffic Management Plan (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction so as to avoid undue interference with the operation of the public highway, particularly during the Monday/Friday AM Peak (0800-0900) and PM Peak (1630-1800) periods); an estimate of the daily movement of the construction traffic; the hours of construction work and deliveries; area(s) for the parking of vehicles of site operatives and visitors; area(s) for the loading and unloading of plant and materials; area(s) for the storage of plant and materials used in constructing the

development; details of waste management arrangements; consideration of emissions to air, water and land, including noise & vibration, dust, general discharges and appropriate mitigation strategies; the storage of materials and construction waste, including waste recycling where possible; Risk Assessments and Method Statements for the works and contact details of personnel responsible for the construction works; any additional measures needed to ensure construction impacts do not adversely affect the integrity of the Staines Reservoir SSSI and the London Water Bodies SPA;

- 7) Prior to the commencement of development, full details of drainage and its location shall be submitted to and approved in writing by the local planning authority (in consultation with National Highways). The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification. No surface water shall be permitted to run off from the development hereby permitted on to the Strategic Road Network or into any drainage system connected to it. No drainage connections from any part of development hereby permitted may be made to any Strategic Road Network drainage systems;
- 8) Prior to first occupation of the development hereby permitted, the scheme of works to improve the highways access shall be implemented in full to the written satisfaction of the Local Planning Authority (in consultation with National Highways). These works shall be generally in accordance with the proposed site access preliminary design Drawing ref: SK04 Rev. B, subject to any necessary changes identified during the detailed design and Road Safety Audit process;
- 9) A scheme to provide bird boxes and bat boxes/tubes on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before any part of the building is occupied and thereafter maintained;
- 10) No development above damp course level shall take place until details of the materials to be used for the external surfaces of the building and surface material for parking areas are submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials and detailing;
- 11) Prior to the occupation of any part of the building, details of a scheme of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any part of the building is occupied. Development shall be carried out in accordance with the approved details and maintained as approved;
- 12) The development shall be carried out in accordance with the renewable energy measures detailed in the report entitled "Blue Sky Unlimited Energy Statement, 484 London Road". The measures shall be implemented prior to occupation of any part of the building and retained thereafter;
- 13) Prior to the occupation of any part of the building the first floor windows on the eastern flank elevation shall be obscure glazed and be non-opening to a

minimum height of 1.7 metres above internal floor level in accordance with details/samples of the type of glazing pattern to be first submitted to and approved in writing by the Local Planning Authority. These windows shall thereafter be permanently retained as installed;

- 14) Facilities within the curtilage of the site for the storage of refuse and recycling materials shall be submitted to and approved by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the development hereby approved and retained thereafter;
- 15) The development hereby approved shall not be occupied unless and until the parking spaces are provided with fast charge sockets (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.