



Appeal Decision

Site visit made on 31 October 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/Z3635/W/23/3321949

48 Reedsfield Road, Ashford TW15 2HE

- 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 Frankie Dowling against the decision of Spelthorne Borough Council.
 - The application Ref 22/01620/FUL, dated 22 November 2022, was refused by notice dated 10 February 2023.
 - The development proposed is described as the use of a shipping container as a dwelling to include hardstanding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a discrepancy between the site address provided in the application form and in the appeal form. For the avoidance of doubt, I have used the site address provided in the application form in the banner heading above.
3. Section E of the appeal form provides a different description of development to that in the application form, albeit it indicates that the description has not changed. For the avoidance of doubt, I have used the description of development provided in the application form in the banner heading above.
4. At my site visit I observed that the container is in situ and is being used as a dwelling, with the office being used as a bedroom. The appellant's statement of case sets out that the office could be used as an additional bedroom, so I have determined the appeal on this basis.

Main Issue

5. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - whether the development creates acceptable living conditions for its occupiers with particular regard to internal living space, external space, and outlook; and
 - the effect of the development on the living conditions of the adjoining neighbours in respect of noise and disturbance.

Reasons

Character and appearance

6. The appeal site is a modest parcel of land located to the rear of 46a Reedsfield Road which abuts open land and smallholdings to the rear. Pedestrian access to the site is gained via a footpath off Reedsfield Road.
7. Reedsfield Road contains detached, semi-detached and terraced dwellings as well as a block of flats, of different architectural designs but with a traditional appearance. The surrounding plots have good sizes and accommodate the dwellings facing the road with gardens to the rear. Parking is generally provided within the property's frontage, however there are examples of garages located to the rear of the dwellings.
8. The plot is smaller than those surrounding and it has a modest front garden. It is located behind the residential properties facing Reedsfield Road, markedly at odds with the prevailing pattern of development in the area which consists of street frontage development with rear gardens. Although some surrounding properties contain outbuildings in their rear gardens, these are ancillary to their host dwellings and, as a result, do not justify the introduction of a residential plot in this location.
9. The access path to the site is long and narrow and it runs alongside the adjacent residential plots. This access arrangement differs from the surrounding plots which front the road. Although the dwelling and plot are not visible within the street scene, the existing access is noticeable and it appears incongruous, causing visual harm to the street scene.
10. The dwelling has a utilitarian appearance, which reflects its original use as a shipping container. It has a flat roof design and is externally finished in steel and cladding with limited detailing, thereby failing to create a visually attractive development as a result of good architecture and design. In addition, its scale and massing are considerably more modest than the surrounding dwellings. As such, the development fails to relate well with its receiving environment, to the detriment of the character of the area.
11. Paying regard to the desirability of maintaining the area's prevailing character the development fails to constitute an efficient use of land. The appellant contends that the development optimises the potential of the site by developing under-utilised brownfield land in a settlement. However, the definition of brownfield land as set out in the National Planning Policy Framework (the Framework) excludes land in built-up areas such as residential gardens. The site has been segregated from the property fronting Reedsfield Road, and I have no specific evidence before me to conclude that the development constitutes brownfield land. Still, even if it were considered brownfield land, this would not alter my conclusion in relation to this scheme.
12. In conclusion, the development is harmful to the character and appearance of the area. It fails to accord with Policy EN1 of the Core Strategy and Policies Development Plan Document (DPD), where it requires a high standard in the design and layout of new development. Further, the development fails to comply with the Design of Residential Extensions and New Residential Development Supplementary Planning Document 2011 (SPD), which seeks to achieve developments that fit in with the character of a locality.

Living conditions of future occupiers

13. The Council has referred to the Technical Housing Standards¹ in its Officer report. However, as there is no specific policy requiring adherence to these standards, this is not decisive. Nevertheless, the internal space is also below the indicative standards set out in the Council's SPD. Irrespective of the standards, it is clear that the container feels cramped and enclosed due to its modest floor area and limited floor to ceiling height. Further, it provides restricted circulation space and limited storage. The shortfall in internal space would be further exacerbated should the office be used as a bedroom. As such, the development fails to provide an adequate amount of living space for its occupants.
14. The size of the external space complies with the minimum garden area recommended by the SPD for a 1-bedroom dwelling. However, it would fall below the space standard in the event of the office being used as an additional bedroom. Nevertheless, the outdoor space is laid to hardstanding, is surrounded by tall boundary fencing and by the container itself, which results in a contrived space of poor quality with limited functionality. Details of a soft-landscaping scheme could be secured by planning condition, were I minded allowing the appeal. Albeit this would improve the space, it would not overcome the harm arising from its confined nature. As such, the outdoor space fails to adequately meet the needs of its future occupiers.
15. Whilst I recognise that there is open space close by which could be utilised by the dwelling's occupiers for some recreational purposes, that is not a reason not to provide adequate private amenity space as part of the development.
16. The outlook from the front windows is directly to the boundary fence. The height and proximity to the fencing results in an enclosed outlook, dominated by built form. The office has a second window, however this is located very close to the rear boundary fence. Although there is no issue in terms of outlook with the toilet window as a non-habitable room, overall the development provides a poor outlook for its occupiers.
17. The dual aspect layout maximises cross ventilation and light. However, this does not overcome the harm in terms of outlook that I have identified above.
18. In conclusion, the development fails to create acceptable living conditions for its occupiers with particular regard to internal living space, external space, and outlook. As such, the development is contrary to Policy EN1 of the DPD, where it seeks to avoid harmful impacts in terms of outlook. Further, the development is contrary to the SPD, where it aims to protect residential amenity. The development would not accord with the National Planning Policy Framework (the Framework), where it seeks to create places with a high standard of amenity for existing and future users.

Living conditions of adjacent neighbours

19. The development adjoins residential plots, however it is located next to the back end of the neighbouring gardens. Further the dwelling is small in size, so the number of occupants will likely be limited. As such, the development is unlikely to give rise to additional noise and disturbance levels over and above what is expected in this residential area.

¹ Technical Housing Standards – Nationally Described Space Standards (2015)

20. In conclusion, the development is not harmful to the living conditions of the adjoining neighbours in respect of noise and disturbance, in accordance with Policy EN1 of the DPD, where it requires new development to achieve a satisfactory relationship to adjoining properties. In addition, the development accords with the SPD, where it supports development that avoids nuisance to adjoining occupiers by noise and disturbance.

Other Matters

21. The appeal site does not contain any space for parking. However, during my site visit I observed that there is unrestricted on-street parking available in the vicinity. Further, details of cycle parking could be secured by planning condition, were I minded allowing the appeal. As such, the development is acceptable in this regard, albeit the lack of harm is neutral and weighs neither for nor against the development.

Planning balance

22. The Council cannot demonstrate a 5-year supply of deliverable housing sites and the housing delivery appears to be stalled. Therefore, the provisions of paragraph 11d) of the Framework should be applied.
23. The development contributes to meeting the Council's identified housing need and meets the Framework's objectives of boosting the supply of housing. Further, it increases the range and choice within the housing market in the Borough. However, the benefits associated with a single dwelling are small.
24. The adverse impacts associated with the development therefore attract substantial weight and 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.

Conclusion

25. Overall, I conclude that the development conflicts with the development plan as a whole. There are no material considerations that outweigh this conflict. Therefore, the appeal is dismissed.

P Terceiro

INSPECTOR