



Appeal Decision

Site visit made on 11 October 2023

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2024

Appeal Ref: APP/Z3635/W/22/3312221

280, 282 and 284 Staines Road East, Sunbury-on-Thames TW16 5AX

- 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 Deansgate M3 against the decision of Spelthorne Borough Council.
 - The application Ref 22/00210/FUL, dated 14 February 2022, was refused by notice dated 31 May 2022.
 - The development proposed is Demolition of existing buildings and development of a 47-bedroom care home with associated parking, facilities and landscaping as shown on drawings numbered H21.31 (00)2, 3 and 4 all Rev B, (005), (9)3, 4 and 5, (21)1 and 2, 1361-00 PRLP, EX SS, 2021-5917-001 (P1), 002 (P2) and 003 (P1) and 484.3 Rev 2 received on 14 February 2022.
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Decision

1. The appeal is dismissed.

Applications for costs

2. The appellant has made an application for an award of costs against the Council. This application is the subject of a separate decision.

Preliminary Matter and Main Issues

3. The Council withdrew the third reason for refusal, relating to bats, following the provision of further information.
4. Therefore, the main issues are:
 - I. The effect of the proposed development on the character and appearance of the area;
 - II. The effect of the proposed development on highway safety, with particular regards to the access from the appeal site to Staines Road East;

Reasons

Character and appearance

5. The appeal site consists of three detached residential properties, one of which is vacant and that plot is in a dilapidated state. The three plots would be amalgamated into a single plot to accommodate the proposed building.
6. The surrounding area is mainly residential, at the site visit I saw a varied pattern of development in which buildings differed in style, age, size and

position within their plots with some closer to the road and adjacent properties than others.

7. Nonetheless the immediate area around the appeal site is suburban in appearance with a characteristic pattern of spaces between houses that are of a typical domestic scale. I also saw that trees are a positive feature in the area and that directly opposite the appeal site is Kepton Park Racecourse.
8. Submissions by the appellant show how the proposed care home has evolved through various applications to the current scheme, which has been designed to better assimilate into the local area. In particular I note the inevitable scale and bulk of the proposed Care Home building, is broken into two distinct blocks, with a lower link building. The elevations of the building includes gables facing on to the road, hipped roofs and chimneys, features that are common in the local area.
9. Nonetheless, the plans also show that the proposed building would fill almost the full width of the appeal site, with limited gaps to the neighbouring residential properties. The building is also shown as having considerable depth, such that while the front elevations of the building are shown as being approximately level with the neighbouring dwellings, the rear of the building extends far beyond the rear elevations of the neighbouring properties, albeit in one instance with a greater gap to the boundary.
10. The Council has identified that the proposed development would, as a result of the rear projection of the building close to the boundary, break a 45-degree line drawn from the rear of the adjacent dwelling, identified by the Council as being no. 274. This is contrary to the guidance set out in the Supplementary Planning Document (SPD) on Design. I note that this matter usually relates to the living conditions of the occupiers of the adjacent properties and that this particular issue is not referred to in the reasons for refusal. It is nonetheless illustrative of the issues of design, scale and massing raised by the Council.
11. The proposed building and car parking is shown as covering much of the enlarged plot, with limited opportunities for soft landscaping to soften the development, though I note the plans show the retention of three trees to the front of the site.
12. Fundamentally, the appeal scheme is a more intensive form of development than the existing dwellings, effectively filling the full width of the appeal site with a deep projection along boundary and greater mass of development particularly when viewed from properties to the rear and side.
13. The appellant identifies what are described as precedents elsewhere in the local area. These properties do incorporate design features that the appellant has sought to include in the appeal scheme, and some appear to be of some scale, including the examples referenced as Bowater Gardens and French Street. However, these schemes do not appear to be in a similar situation and are not therefore directly comparable and do not convince me as to the acceptability of the appeal scheme.
14. As such, as a result of the significant width, scale and massing of the proposed building in the context of typical residential dwellings, I find that the appeal scheme would harm the character and appearance of the area contrary to Policy EN1 of the Core Strategy and Policies DPD 2009 that, amongst other

matters, requires that new development makes a positive contribution to the street scene and the character of the area and the guidance set out in the SPD.

Highway

15. The submitted plans show that the appeal scheme would be accessed at a single point from Staines Road East (the A308). I saw at the site visit that this road is a busy thoroughfare consisting of a single lane in each direction and a 40 mph speed limit.
16. At dispute between the parties is whether or not the standards detailed in the Manual for Streets (MfS) or The Design Manual for Roads and Bridges (DMRB) should be applied to the appeal scheme and therefore whether or not the visibility splays and other measures proposed by the appellant are sufficient to ensure that highway safety is achieved.
17. The appellant states¹ that "As illustrated in drawing 2021/5917/002, Revision P5, a visibility splay of 72.5 metres extends to the carriageway centreline in excess of the requirements of 'one-step below' DMRB and 'one-step above' MfS at 65.35m wet weather Design Speed". The Council are seeking visibility splays extending 120 metres based on DMRB and refer to a higher percentage of heavy vehicles, traffic volumes and speeds as justification.
18. Manual for Streets 2 (MfS 2) sets out examples of how to apply the principles of MfS to existing streets, particularly those that are mixed use and busier than residential streets but are not part of the Strategic Road Network and as such is relevant to the consideration of the appeal scheme. Furthermore, I am aware that DMRB sets out higher and more stringent standards which generally apply to the design, assessment and operation of motorways and all-purpose trunk roads in the UK. In any event, MfS 2 states when referring to DMRB for guidance, it should be applied in a way that respects local context.
19. I note that the scope of MfS 2 is generally limited to 85th percentile speeds of 37mph and in respect of the appeal site that 85th percentile speeds of 38.4 and 37.1mph have been recorded. I have little quantitative evidence of traffic type and volume on the road in proximity to the appeal site, I observed at the site visit that the road appear busy and included buses and heavy goods vehicles.
20. The appellant's evidence indicates that the visibility splays suggested could be achieved to the left of the proposed access if measured at the centreline of the carriageway rather than the nearside edge of the carriageway. While overtaking of vehicles in this particular location would appear to be unlikely and ill-advised, nonetheless, such an approach to measuring visibility splays is somewhat unconventional.
21. The submitted plans show that the car park, situated to the front of the appeal site will provide a total of 22 car parking spaces including 2 disabled bays and parking for an ambulance and deliveries and refuse collection. The appellant details that, in operation, the appeal scheme will create 47 full-time jobs, with some part-time jobs and that workers shifts will be spread over morning, evening and night-time. This is a greater level of movements onto and off the site than is currently the case.

¹ Paragraph of 4.1.7 RGP Consulting Engineers Appeal Statement – dated 18/11/2022

22. With consideration to the speed of traffic passing the site and with to the type and volume of the traffic and the nature of the road, linking significant urban areas, I am satisfied that in this instance the proposal falls outside the scope of MfS 2 and the standards within the Design Manual for Roads and Bridges should be applied. As a result, the proposal's visibility splay would be deficient and vehicles leaving the site would represent a clear hazard.
23. The mitigation measures proposed by the appellant such as anti-skid treatment, advanced signage and double white lines do not reassure me as to the inherent safety of the proposed access and do not persuade me as to the proposals acceptability.
24. Overall, I consider the development would lead to a material increase in traffic movements on to and off the site and the access would provide insufficient visibility. Consequently, I find that the development would have a harmful impact upon highway safety. It would therefore be contrary to CC2 of the Core Strategy and Policies DPD 2009 which aims to ensure development does not harm highway safety.

Other Matters

25. Set against the harm identified there would be some limited social and economic benefits associated with the proposal. In particular through the creation of jobs during construction and operation, I also note that the appeal scheme would result in the redevelopment of the currently unsightly property, no.280. I saw at the site visit that the site is considerably overgrown and the building vacant and deteriorating. I also saw evidence of what I took to be antisocial behaviour around the property.
26. I note that it is not at dispute between the parties that there is a need for homes for elderly people in the borough. The appeal scheme would result in the provision of a 47-bedroom care home on an urban site that is accessible to local services, cycle routes and public transport and would result in a more efficient use of urban land. The scheme would make a little difference to the overall supply of housing in the borough both through the creation of additional accommodation in itself and in allowing elderly residents to vacate their current housing for accommodation that would presumably better meet their current needs.
27. These are material considerations that weigh in favour of the appeal scheme, and I afford them some weight.

Planning Balance

28. The Council acknowledges that it cannot at present demonstrate a five-year supply of deliverable housing sites. As a result, I am satisfied that paragraph 11 d) of the National Planning Policy Framework is engaged. This means, amongst other things, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
29. The appeal scheme would also provide a much-needed care facility that would contribute to the choice of accommodation available to prospective occupiers, delivering housing to meet the needs of an aging population.

30. As such, the proposed 47 units, for the loss of three dwellings, would contribute to addressing the recognised shortfall. I accept, although it has not been quantified or qualified in evidence before me, that there would also likely be a consequential freeing-up of existing, potentially under-occupied, housing to the general market as older people move into the redeveloped site. These considerations weigh in favour of the scheme and I afford them significant weight.
31. The evidence provided by the appellant indicates that the proposal would make a contribution to the local economy during construction, but there is little substantive evidence in this regard and the benefits would be primarily short-term. The operation of the care home would result in approximately 47 full-time jobs, with some part-time jobs. These matters are afforded some weight and weigh in favour of the scheme.
32. Nonetheless, I am satisfied that the appeal scheme would harm the character and appearance of the area and harm highway safety contrary to the development plan and that this harm 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 in this instance.

Conclusion

33. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

Mr M Brooker

INSPECTOR