



Appeal Decision

Site visit made on 24 January 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2024

Appeal Ref: APP/Z3635/D/23/3330837

95 Feltham Road, Ashford, Surrey, TW15 1BS

- 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 & Mrs Gurpreet & Baldev Bhathal against the decision of the Spelthorne Borough Council.
 - The application Ref. 23/00881/HOU, dated 14 July 2023, was refused by notice dated 7 September 2023.
 - The development proposed is for first floor rear extension and creation of new loft.
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Decision

1. The appeal is allowed and planning permission is granted for first floor rear extension and creation of new loft at 95 Feltham Road, Ashford, Surrey, TW15 1BS in accordance with the terms of the application Ref. 23/00881/HOU dated 14 July 2023, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 2626/PL/05 (Streetscene as Existing & Proposed); 2626/PL/04; 2626/PL/03; 2626/PL/05 (Block Plans as Existing & Proposed).
 - 4) The first floor bathroom windows on the eastern side elevation and the bedroom window on the western side elevation of the development hereby permitted, as shown on drawings No. 2626/PL/04 and 2626/PL/03 respectively, shall be obscure glazed and no part of the windows that are less than 1.7 metres above the finished floor of the room in which they are installed shall be capable of being opened. The windows shall be retained as such thereafter.
 - 5) No window or other openings of any kind, other than those shown on the approved plans, shall be formed within the first floor side elevations of the development hereby permitted without the written consent of the Local Planning Authority.

Preliminary Matters

2. Whilst the Council revised the description of development, I have adopted the description used in the original application.
3. A revised version of the National Planning Policy Framework (Framework) was published in December 2023, after the appeal was lodged. Even so, the relevant design and amenity policies of the Framework remain unchanged, albeit some of the paragraph numbering is different.

Main Issues

4. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and surrounding area, and (b) the living conditions of the neighbouring occupiers.

Reasons

Character and appearance

5. The Council have referred to policy EN1 of the Spelthorne Core Strategy & Policies Development Plan Document (February 2009) (SCS). This policy seeks, amongst other requirements, to ensure that new development is of a high standard of design and demonstrates that it will respect and make a positive contribution to the streetscene and character of the area through paying regard to scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings.
6. More up to date policies are to be found in the Framework. Whilst paragraph 135 (previously paragraph 130) of the Framework refers to new development being sympathetic to local character, it also states that this should not prevent or discourage appropriate innovation or change. The National Design Guide (NDG) (January 2021) reinforces the Framework, for example, at paragraph 44 by emphasising that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today.
7. The Council have also referred to its Design of Residential Extensions & New Residential Development Supplementary Planning Document (April 2011) (SPD). This SPD again predates the policies in the Framework and NDG. Even so, paragraph 3.5 of the SPD states that where existing buildings have a strong and regular pattern in terms of their layout, spacing and design, this should be maintained where a new extension is proposed. It continues by stating that a good extension will be one that fits in sympathetically with the host building and the locality. As I observed on site, whilst the properties on the northern side of Feltham Road, which includes the appeal site, are largely two storeys, there is no uniform design, style or layout. As well as a mixture of houses and flats, there are commercial uses and a variety of roof forms and ridge heights, as well as examples of new dormers and other extensions at roof level.
8. The appeal proposal involves replacing the existing gabled butterfly roof with a hipped roof. In my view, this would represent an improvement on existing, which has an untraditional form that stands out amongst the mostly hipped roofs on adjoining properties. The new hipped roof would include a modest increase in ridge height that would not be out of keeping with the ridge heights on adjoining properties. I accept that there would be a material change to the

- appearance of the front and side elevations to the main roof, but, even so, the new hipped roof would integrate well with the design of and be proportional to the host property, as well as to its neighbours either side.
9. In relation to paragraph 3.29 of the SPD the new roof would not over dominate the host property. In line with paragraph 3.57 of the SPD, the new roof would have regard to the scale and proportions of the extended host, it would be in keeping with its neighbours and it would not affect the 'symmetry' of existing windows. As I confirmed earlier, the proposed hipped design would also reflect the character of the host property with materials to match existing. Overall, I am satisfied that the impact of the proposal on the host and streetscene would be modest, that the proposed roof extension would sit comfortably on the appeal site and that it would not appear visually obtrusive.
 10. Whilst the proposed rear dormer would result in an increase in the bulk and massing of the rear element of the new roof, this increase would not, in my view, be harmful to the host or to the streetscene. The new dormer would be sympathetic and would integrate well with the proposed hipped design of the main roof, including its flat roofed element. It would also align with some of the guidance in the SPD, in that it would sit below the ridge (as extended), above the eaves and be set in from the sides of the new hipped roof. Materials and other detailing would match existing and it would be on the rear elevation, with only glimpsed views possible from public vantage points.
 11. I am also satisfied that any impact on the streetscene from the proposed first floor rear extension would not result in any harm. The proposal is for a full width extension with the new hipped roof extending over it. That approach would be consistent with the advice in paragraphs 3.45 and 3.50 of the SPD. The proposed extension would also be proportionate to the host. As the host property sits forward of 89 Feltham Road (No.89), to the west, I accept that the proposed extension would be visible to the streetscene. Even so, the visual impact would be modest and as the new extension would be constructed from materials to match existing and would be fully integrated with the new hipped roof, it would not appear out of keeping or visually obtrusive.
 12. I note that the Council's Delegated Report refers to a previous proposal to increase the ridge height and infill the butterfly roof to the host property (ref.12/01016/FUL) that was dismissed on appeal due to its bulk and scale. Even so, I have not been provided with any details or planning background to that proposal and I am unable, therefore, to reach any findings on whether it is in any way comparable to or relevant to the proposal before me.
 13. Accordingly, I find that the appeal proposal would not result in any harm to the character and appearance of the host property or the surrounding area. As such, it would broadly accord with the guidance in the SPD and be compliant with the aims and objectives of policy EN1 of the SCS, and also compliant with the more up to date policies of the Framework and NDG.

Living conditions - neighbours

14. Whilst paragraphs 3.6 – 3.27 (inclusive) of the SPD deal with the 'Impact on neighbours' from new development and extensions, my attention has not been drawn to any alleged conflict that arises between the proposal and any of the guidance or tests within these paragraphs.

15. There are no windows on the side elevation to No.89 and whilst part of the new extension/hipped roof would be visible from the windows on the front elevation to No.89, as the host property is sited further forward there would remain a reasonable gap between the two, any views would be at an oblique angle and the outlook over the front garden to No.89 would remain unaffected. I am also satisfied that the impact on the living conditions of the occupiers of 95a Feltham Road (No.95a), to the east, would be modest and not sufficient on its own to justify the refusal of planning permission.
16. Although the new first rear floor extension (with hipped roof) would be visible from the rear of No.95a, there would remain a reasonable gap between the two properties and as the main rear windows (of No.95a) would be broadly in line with the rear of the new first floor extension, there would not harm to their outlook or light, and the proposal would not appear overbearing.
17. The rear elevation to No.95a includes a recessed element, with what appear to be a bathroom window at first floor and a partly glazed door/small window on the ground floor. I accept that there would be an impact on the light and outlook from these windows, but this impact would not be significant given again the building relationships that arise, which are, in my view, acceptable and not uncommon within built up urban areas such as this. These findings are supported by the fact that the first floor window is obscure glazed and does not appear to serve a habitable room. Also, as the ground floor partly glazed door and small window appear to provide a secondary means of light to the room in question, with its main light/outlook obtained from a large window on the front elevation.
18. Accordingly, I find that the proposal would not have an overbearing impact on the outlook and light to neighbouring occupiers and that the appeal proposal would not result in any significant harm to neighbours living conditions. The proposal would thus comply with part b) of policy EN1 of the SCS, the guidance within the SPD and paragraph 135 f) of the Framework.

Conditions

19. I have considered the Council's suggested conditions against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions requiring materials to match existing and for compliance with the approved plans, are necessary and reasonable to secure a high-quality development. I also consider that conditions preventing any further windows or openings on the side elevations and for windows on the western and eastern elevations to be obscure glazed and fixed shut above a certain height, are also necessary and reasonable to protect the living conditions of neighbouring occupiers. As such, I am satisfied that the use of obscure glazing to the window serving the bedroom on the western elevation would provide an acceptable standard of accommodation for future occupiers.

Conclusion

20. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR