



Appeal Decisions

Site visit made on 13 February 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2024

Appeal A Ref: APP/Z3635/W/23/3325176

56 Kingston Road, Staines-upon-Thames, Surrey TW18 4NL

- 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 P Karadiguddi against the decision of Spelthorne Borough Council.
 - The application Ref 23/00423/FUL, dated 28 March 2023, was refused by notice dated 8 June 2023.
 - The development proposed is the construction of three-storey building above car park to form two HMO's.
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Appeal B Ref: APP/Z3635/W/23/3326553

56 Kingston Road, Staines-upon-Thames, Surrey TW18 4NL

- 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 P Karadiguddi against the decision of Spelthorne Borough Council.
 - The application Ref 23/00192/FUL, dated 31 January 2023, was refused by notice dated 10 July 2023.
 - The development proposed is the construction of mansard roof to form 7 dwellings.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Application for Costs

3. An application for costs was made by Mr P Karadiguddi against Spelthorne Borough Council in relation to Appeal B. This application is the subject of a separate Decision.

Preliminary Matters

4. There are two appeals relating to this site as set out above. Although I have considered each on its individual merits, to avoid duplication, I have dealt with the two schemes together except where otherwise indicated.
5. The revised National Planning Policy Framework (December 2023) (the Framework) was published after the appeals were lodged. Both main parties have been given the opportunity to comment on any implications of this during the appeals process. Any comments received have therefore been taken into account in this decision.

6. Permission has recently been granted to convert the existing building into flats. The decision of the court in *Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314*, sets out that there should be a “real prospect” of a fallback development being implemented and that the decision-maker should exercise their planning judgment as to whether that would be the case depending on the particular circumstances.
7. In relation to Appeal B, the plans before me show residential flats across the building. Indeed, the size of the proposed bin and bike storage facilities before me is commensurate with 21no. residential units. On this basis, there is a real prospect that the previous permission will be implemented and so I have proceeded with my assessment on this basis.

Main Issues

8. The main issues are:
 - the effect of the proposed development on the character and appearance of the area (Appeals A and B);
 - whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to outlook, sunlight and communal space (Appeal A only); and
 - whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to outlook and entrance arrangements (Appeal B only).

Reasons

Character and appearance (Appeals A and B)

9. The appeal site is a prominent corner plot located near the junction of Kingston Road with Station Approach which acts as the entrance to the train station. The site accommodates a substantial two storey building with parking at the rear. The landscaping and planting adjoining the building have a pleasant appearance and positively contribute to softening the built environment. Where existing, the site’s boundary treatments are low height, so the site is exposed to public views, including from the entrance to the station and footbridge over the railway.
10. Kingston Road contains buildings in various uses, so they display a range of designs, scales and materials. In terms of layout, back-land development is established in the vicinity, including in Station Approach, and it comprises a car park as well as two-storey and three-storey buildings in a variety of uses, including residential. The rear area of the appeal site, together with the adjacent car park, make an important contribution to the spaciousness of the station forecourt area.

Appeal A

11. The proposed development would retain a limited gap to the existing building and would be located close to the side and rear boundaries of the site, thereby resulting in a prominent and cramped form of development that would erode the open aspect of the site’s rear area. As a result, the proposal would unduly reduce the positive contribution that the site makes to the spaciousness of the area in front of the station and harm the character of the area.

12. Additionally, there would be limited space available within the plot to provide suitable soft landscaping. Therefore, the proposal would result in a hard, unattractive environment with limited planting to assist softening the built form, thereby failing to create an attractive place and make a positive contribution to the streetscene. Although green walls could be secured by planning condition were I minded to allow the appeal, given the scale of the development, it is unlikely that a landscaping scheme would successfully mitigate against the harm to the character of the area associated with the proposal.
13. Reference to the decision at St James Court is of note. In comparison with the appeal proposal, this neighbouring development comprises suitable soft landscaping, retains a wider gap between buildings, and the new building is not located so close to the site boundaries. Moreover, the Inspector in that case considered that the site contained a prominent advertising hoarding and did not provide any particular contribution to the character of the area. Not only did the Inspector not find harm to the character and appearance of the area, but also an enhancement, which are not my conclusions here. Therefore, that scheme is markedly different to that before me now.
14. For these reasons, I conclude that the proposal would have a harmful effect on the character and appearance of the area. The proposal would fail to comply with the requirements of Policy EN1 of the Core Strategy and Policies Development Plan Document 2009 (DPD), which requires a high standard in the design and layout of new development. Further, the proposal would fail to accord with the Framework, where it seeks to support development that is sympathetic to local character and consistent with the overall streetscene.

Appeal B

15. The existing bin storage facilities located on the side of the building retain a significant distance to Kingston Road and are modest in size, so they do not appear visually obtrusive in this street scene. By contrast, the proposed facilities would be substantial in size and be sited close to Kingston Road, thereby resulting in a cramped and prominent form of development within this street scene.
16. The proposed facilities would not be characteristic of the pattern of development in Kingston Road, where waste storage facilities do not appear readily visible. As such, the storage facilities would appear conspicuous and at odds with the street scene. Further, part of the existing planting within the site would be lost to accommodate the bin storage, so the proposal would fail to enhance the setting of the building and would be harmful to the character of the area.
17. The appellant asserts that bin storage details could be secured by planning condition, were I minded allowing the appeal. However, the appeal site is heavily constrained in terms of available space, since most of it is occupied by the building with the remaining space being used as a car park, footpaths, and vegetation strip.
18. On the evidence, I am not persuaded that there would be adequate space within the site to provide the required bin storage facilities without causing harm to the character of the area, even more so when considering the practicalities of refuse collection. Further, limited evidence has been put

forward to demonstrate that waste storage could successfully be provided elsewhere on site. Therefore, in this instance, I am unable to conclude that the proposal would be made acceptable through the use of such a condition.

19. I therefore conclude that the proposal under Appeal B would be harmful to the character and appearance of the area. It would be contrary to Policy EN1 of the DPD, which requires a high standard in the design and layout of new development. Further, the proposal would fail to accord with the Framework, where it seeks to support development that is sympathetic to local character.

Living Conditions

Appeal A

20. Each block would accommodate seven en-suite bedrooms and a shared kitchen. It is reasonable to expect that future occupants of each House in Multiple Occupation (HMO) should have access to good standard of communal accommodation in which to prepare food, dine and mix with fellow residents. Social interaction is important for mental health and well-being.
21. The kitchen would be the sole communal space provided. However, both kitchens would be limited in size and appear to provide limited space for eating. As such, these facilities would fail to provide a functional space for the HMOs' future occupants, even more so when considering that there would be no internal communal lounge or external communal space. In this regard, notwithstanding that the Council does not appear to have any standard for outdoor space for HMO's, the Framework offers support to spaces that promote health and well-being, with a high standard of amenity for future users. The quality of the communal space provided within the development would be deficient, so the proposal would fail to provide an adequate living environment for its future residents.
22. The proposed building would be L-shaped, so bedrooms 2 and 5 in block A, as well as bedroom 7 in block B, would have their windows facing a wall at a short distance, which would appear visually intrusive. As such, future residents of these rooms would not be able to enjoy good quality outlook to the external environment.
23. In addition, the proximity between these flank walls is such that it is unlikely these rooms would receive appropriate sunlight. Similarly, the bedrooms with their windows on the northern elevations would receive limited sunlight due to their orientation. As such, future residents of these rooms would not be provided with good levels of sunlight.
24. The Council raises no concerns regarding the HMOs' bedroom sizes or with the privacy of future residents. On the evidence, I have no reason to take a different view. However, this would not justify the limited provision in terms of communal space nor the poor outlook and restricted sunlight to some of the bedrooms.
25. In conclusion, the proposal would fail to provide acceptable living conditions for future occupiers with particular regard to outlook, sunlight and communal space. There would therefore be conflict with the requirements of Policy EN1 of the DPD insofar as this policy requires a high standard of layout of new development. The proposal would also fail to accord with the Framework, which seeks to create spaces with a high standard of amenity for future users.

Appeal B

26. The proposed bin storage facilities would be sited directly in front of several windows which would serve habitable rooms, following conversion of the building. This would materially restrict the outlook of occupiers from these windows.
27. In addition, well designed buildings relate well to the space around them providing a safe and welcoming place for occupiers. The only entrance doors to the building would be located behind the bin storage facilities, which would result in an unpleasant access arrangement for residents. The quality of the access would be poor as it would be hidden and cause undue harm to future occupiers, to the detriment of their living conditions.
28. As such, whereas I appreciate that the storage area would have an appropriate size to serve the development as a whole, this would not justify the harm to the living conditions of the future residents as I have identified above.
29. For the above reasons, the proposal under Appeal B would be harmful to the living conditions for future occupiers with particular regard to outlook and the entrance arrangements. The proposal would be contrary to Policy EN1 of the DPD insofar as this policy requires a high standard of layout of new development. The proposal would also fail to accord with the Framework, which seeks to create spaces that are safe with a high standard of amenity for future users.

Planning Balance and Conclusion

30. The Council cannot currently demonstrate a 5 year housing land supply of deliverable housing sites. The Housing Delivery Test for 2022 indicates that the Council is found in presumption. Consequently, the provisions of paragraph 11d) of the National Planning Policy Framework (the Framework) should be applied.
31. The proposals would be acceptable in relation to other matters, including highways and living conditions of the nearest neighbours. However, these are neutral factors that neither weight for nor against the developments.
32. The proposed developments would contribute to meeting the Council's identified housing need and would meet the Framework's objectives of boosting the supply of housing. Further, they would increase the range and choice within the housing market in the Borough, would be located near local shops and services and would be served by public transport. Taken together, these benefits would carry moderate weight in favour of the proposals.
33. On the other hand, both proposals would be harmful to the character and appearance of the area and create poor living conditions for future occupiers. These matters attract substantial weight. Consequently, the adverse impact of the developments would significantly and demonstrably outweigh the moderate benefits of the schemes when assessed against the policies in the Framework taken as a whole.
34. I conclude that both proposals would conflict with the development plan as a whole and there are no material considerations of sufficient weight, including the provisions of the Framework, to indicate that a decision should be taken

otherwise than in accordance with it. Therefore, both appeals A and B are dismissed.

P Terceiro

INSPECTOR