
Appeal Decision

Site visit made on 17 April 2024

by H Butcher BSc (Hons) MSc PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 APRIL 2024

Appeal Ref: APP/Z3635/W/23/3322916

The Corner House, 2 Staines Road, Haleham, Surrey TW18 2TE

- 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 Leighton Gray against the decision of Spelthorne Borough Council.
 - The application Ref 22/01474/FUL, dated 17 October 2022, was refused by notice dated 22 December 2022.
 - The development proposed is extension of existing garages and conversion of pool building to create 2no. apartments including hard and soft landscaping, car parking and new vehicular access onto Staines Road, with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Based on new flood data the Council no longer wishes to defend the third reason for refusal which relates to flood risk. Therefore, there is no need for me to take this matter further.
3. The revised National Planning Policy Framework (December 2023) (the Framework) was published during the course of the appeal. The revisions to the Framework do not change the key areas of policy, material in this case, therefore, the parties have not been consulted.

Main Issues

4. The main issues are:
 - The effect of the development on the living conditions of future occupiers having particular regard to matters of outlook, privacy, and amenity space; and,
 - The effect of the development on the character and appearance of the surrounding area.

Reasons

Living conditions

5. Proposed "Flat A", which would essentially be a two-bedroom, self-contained, single storey dwelling, formed from the conversion of a pool house, would have

a single aspect. The views from the main living spaces would therefore all be on to a proposed 2m high hedge in close proximity. Some sort of boundary treatment here would be necessary to prevent overlooking between The Corner House and "Flat A". The two bedrooms' views would be further impeded by the presence of the two-storey built form of The Corner House, which would also be within relatively close proximity of these windows. Overall, therefore, outlook to "Flat A" would be restricted for future occupiers to an unacceptable degree.

6. The Corner House also has various windows and openings in the part of the elevation which would face onto "Flat A". This would result in certainly a strong perception of overlooking given the proximity between the two which would be particularly felt in ground floor bedrooms.
7. The amenity space to "Flat A" would essentially be a narrow access path/area across the frontage of the property. It would not meaningfully function as a garden or amenity space given its restricted size and would afford little privacy for the same reasons as those set out above. I note the advice set out in the Design of Residential Extensions and New Residential Development Supplementary Planning Document which states that small areas adjoining access ways will not be appropriate as garden space. It also advises on minimum garden areas which for two-bedroom properties is 60m². The amenity space for "Flat A" at 36m² would fall far short of this. I accept the closeness of Laleham Recreation Ground, but this would not be a substitute for private amenity space.
8. With these points in mind, I find harm to the future living conditions of occupiers of "Flat A" in terms of outlook, privacy, and amenity space. The proposal would therefore conflict with Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (CS) which requires a high standard in the design and layout of new development having regard to harmful impacts such as loss of privacy or outlook.

Character and appearance

9. The appeal site comprises an early mid C19 villa (Grade II Listed) along with relatively modern ancillary buildings, and garden. The site is largely enclosed from the public highway by a brick wall which at least partially appears to be of a similar age and construction to that of the main dwelling.
10. The proposal involves the conversion of the ancillary buildings, a pool house and garage respectively, into self-contained residential units ("Flats A and B"). Due to their single storey, flat roofed forms, set back away from the public highway, and behind brick walls and the much larger two storey villa, the proposed dwellings would have a minimal impact on the character and appearance of the surrounding area.
11. Whilst the east side of Staines Road contains larger plots, the appeal site, albeit currently a relatively large plot, sits on the corner of Staines Road and The Broadway where there are also smaller plots. The sub-division of the site would therefore not appear out of character, particularly given that The Corner House would nevertheless retain a relatively generous plot.
12. For these reasons I find no harm to the character and appearance of the surrounding area. It follows, therefore, that I find no conflict with Policy EN1 of

the CS which requires new development to respect and make a positive contribution to the street scene.

Other matters

13. The appeal site comprises the grounds of The Corner House which is listed Grade II. The appeal site is also located in the Laleham Conservation Area. I have had regard to the statutory duties placed on me under Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to listed buildings and conservation areas. Given my findings above I have no reason to conclude that the proposal would not preserve the Corner House or its setting, or any feature of special architectural or historic interest which it possesses, or that it would not preserve the character or appearance of the Laleham Conservation Area. The Council similarly raises no objection on these grounds.

Planning balance

14. The Council advise in their statement that they are only able to demonstrate a supply of 3.52 years of housing. Consequently paragraph 11 d) ii) of the Framework applies, which sets out that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
15. I have found harm to the living conditions of future occupiers of proposed "Flat A" by virtue of a restricted outlook and insufficient privacy for the main living areas, and insufficient and poor-quality amenity space. I give this harm significant weight.
16. In terms of benefits the proposal would create two new dwellings which would contribute to local housing supply. At this scale of development, the benefit would, however, be modest. I therefore find that the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.

Conclusion

17. The appeal is dismissed.

H Butcher

INSPECTOR