



Appeal Decision

Site visit made on 23 May 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 JUNE 2024

Appeal Ref: APP/Z3635/W/23/3327918

33 Ashford Crescent, Ashford, Surrey TW15 3EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Whitaker against the decision of Spelthorne Borough Council.
 - The application Ref is 23/00541/OUT.
 - The development proposed is demolition of the existing bungalow and erection of new dwellinghouses.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing bungalow and erection of new dwellinghouses at 33 Ashford Crescent, Ashford, Surrey TW15 3EF in accordance with the terms of the application, Ref 23/00541/OUT, subject to the conditions in the schedule below.

Preliminary Matters

2. The proposal seeks outline permission, with details of access, layout and scale submitted for consideration. I have considered the appeal on this basis and have treated any plans in relation to matters of appearance and landscaping as illustrative.
3. The Council refer to the Pre-Submission Spelthorne Local Plan 2022- 2037. There is little evidence as to how far away those policies are from adoption or what form they may take post-examination. In any event the Council accept those policies carry limited weight and have not identified conflict with those policies as part of this appeal. As such they are not considered in further detail.

Main Issues

4. The main issues are the effects of the proposal on: (i) the character and appearance of the area, and (ii) the living conditions of the occupiers of No.35 Ashford Crescent.

Reasons

Character and Appearance

5. The area surrounding the appeal site is characterised predominantly by long streets of residential properties. The design and appearance of the properties themselves varies, but there is a strong consistency in the front building lines, giving a sense of uniformity to the area. The appeal site forms one of a number of properties which are an exception to this pattern, and which instead have staggered front building lines which respond to the curve of Ashford Crescent. This group of properties, being set between Portland Road and Salcombe Road,

similarly vary in their individual design and the extent of their set backs from the edge of the road. These attributes contribute positively to the character of this part of the road. While there are gaps between the properties these vary in their extent and are not widely perceivable from the street due to the staggered building lines.

6. There would be differences between the appeal scheme and the other properties in this group, including that they would be terraced properties and have narrower plot widths. However, given the variation in property widths and design on this side of the road this would not cause visual harm. The proposal would reiterate the staggered building line which is an important contributor to the character of this part of the road. Gaps would be maintained between the site boundaries and the proposed flank walls, which adequately respect the surrounding character. While the properties would be closer to the edge of the road and may be slightly higher than other properties nearby, given the variation in the appearance and scale of other properties, including their roof designs, this difference would not cause harm to the character of the area.
7. Concerns have been raised in respect of the detailed design of the proposal including facing materials and proposed dormers, as well as the treatment of the front garden areas. However, matters of appearance and landscaping would be considered at reserved matters stage and a suitable solution could reasonably be achieved.
8. For the reasons given the proposal would not cause harm to the character or appearance of the area. The proposal would comply with Policy EN1 of the CS¹ and the objectives of the National Planning Policy Framework (the Framework) insofar as they require development to respect and make a positive contribution to the street scene and the character of the area and be sympathetic to local character. Neither would there be conflict with the Residential Extensions and New Residential Development Supplementary Planning Document (SPD) 2022.

Living Conditions

9. No.35 Ashford Crescent adjoins the site to the south and has a front building line much further back on its plot than the existing bungalow on the appeal site. As above, this staggered building line is characteristic of this group of properties and this results in the flank elevations in many cases being set close to the boundary and front windows of the neighbouring properties. The front windows of no.35, which are likely to include habitable room windows, currently have outlook towards the flank end of the bungalow of no.35, which includes a half-gable roof form.
10. The south-eastern side elevation of the proposed development would be positioned closer to the boundary with no.35 and would be taller than the existing. In addition, the proposed development would be positioned further forward on its plot, making more of the elevation visible from the front windows of no.35. Despite this, there would continue to be some separation between the properties. While there is little evidence from either main party on this matter, I observed that the closest opening in no.35 and most likely to be affected by the proposal is the ground level door as opposed to a window, from where the occupants are less likely to enjoy outlook. For these reasons in

¹ Spelthorne Borough Council Core Strategy and Policies Development Plan Document 2009

combination, and having regard to the existing relationship, the proposal would not have a harmful overbearing impact or a significant harmful impact on the outlook from no.35, nor on its living conditions as a whole. As above, the appearance of the dormer would be a matter for consideration at a later date.

11. The proposal would have an acceptable effect on the living conditions of the occupants of no.35. It would comply with Policy EN1 of the CS and the Framework insofar as they require development to achieve a satisfactory relationship to adjoining properties and create a high standard of amenity. Neither is there evidence of conflict with the Residential Extensions and New Residential Development SPD 2011 in respect of this issue.

Other Matters

12. I note the concerns raised by interested parties. The distance between the proposal and no.2 Portland Road is less than the distance recommended by the SPD to preserve privacy. I note the Council's comments that there would not be an adverse loss of amenity to the occupants of that property and given the nature of the relationship between the sites and existing degree of intervisibility between gardens and properties in the area, I have no reason to reach a different view.
13. There would be additional vehicles and traffic arising from the proposal, however there is not substantive evidence that the affects would be significant or harmful, nor that the proposal would obstruct visibility surrounding the junction. The Council have found the quantum of parking proposed to meet their standards and I note the absence of objection from the Highways Authority.
14. There is not substantive evidence that noise generated by occupants of the new houses would be significant, nor that local security would be compromised. Demolition and construction may cause some disturbance, however this would be temporary and legislation exists outside the planning system to assist with these issues should they occur. Any damage to property would also be dealt with under separate legal rights. I see no reason why the proposal would not be able to achieve the required levels of accessibility and biodiversity improvement subject to their final detailed design and landscaping.
15. The Council accept that it is unable to demonstrate a five-year land supply for housing. As such, the provisions of paragraph 11d) of the Framework apply to the appeal. For the reasons given, the policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development, nor have any adverse impacts of granting planning permission been found. Consequently, the proposal benefits from the presumption in favour of sustainable development and this is a material consideration which weighs in favour of the development.

Conditions

16. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
17. A condition is necessary to secure matters of appearance and landscaping, with the standard conditions specifying when the reserved matters applications

must be submitted and when the development must be commenced by. A condition listing the approved drawings in relation to access, scale and layout is also necessary to provide clarity.

18. For visual, amenity and highway safety reasons, details of boundary treatments are secured. The parking areas shown should be secured for reasons of highway safety. For the safety of future occupants, and the lack of evidence on this matter, measures for identification and treatment of contamination are also necessary, and this needs to be satisfied before commencement to ensure it is addressed at an early stage. To meet the policy requirement and for environmental reasons, details of renewable energy usage are necessary.
19. As details of appearance and landscaping would follow, it is not necessary to condition details of facing or hard surfacing materials. It is also not apparent why the removal of permitted development rights is necessary or why the new properties should be subject to tighter restrictions than others. Given they are linked to the approved access and parking areas, it is not necessary to condition each access for delivery, nor removal of the existing access. The reference to visibility zones lacks clarity and details of front boundaries are nonetheless conditioned for reasons including highway safety.

Conclusion

20. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is allowed.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans only insofar as matters of access, scale and layout are concerned: 'Existing Block Plan', 1001, 101101, 101102, 101103, 101201, 101202, 101301, 2001, 201101, 201102, 201103, 201104, 201201, 201202, 201301.
- 5) Prior to the commencement of development, the following shall occur:
 - i) A desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site shall be submitted to, and approved in writing by the local planning authority;
 - ii) Where any such potential sources and impacts have been identified, a site investigation shall be carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The extent and methodology of the site investigation shall first be agreed in writing by the local planning authority;
 - iii) If required, a written method statement for the remediation of land and/ or groundwater contamination affecting the site shall be agreed in writing by the local planning authority prior to commencement of any remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

The development shall be carried out in accordance with the approved method statement, if it is required.

- 6) If deemed necessary by the above measures, prior to the first occupation of any part of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to, and agreed in writing by, the local planning authority.
- 7) Prior to the commencement of development above the damp proof course of any new house, details shall be submitted to and approved in writing by the local planning authority, detailing how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods. The development shall be carried out in accordance with the approved details and maintained thereafter.

- 8) Prior to the first occupation of any part of the development, details of boundary treatments shall be submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the relevant boundary treatments shall be installed in full prior to the first occupation of the house to which they relate.
- 9) Prior to the first occupation of any new dwelling, its parking spaces shall be laid out in accordance with the approved plans and shall remain available for this purpose at all times.

End of Schedule