



Appeal Decision

Site visit made on 6 June 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2024

Appeal Ref: APP/Z3635/W/24/3336963

90 Staines Road East, Sunbury-on-Thames, Surrey TW16 5BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Andrew Monsalve against the decision of Spelthorne Borough Council.
 - The application Ref is 23/01094/PAP.
 - The development proposed is additional storey on top of existing detached block of flats comprising 4 x 2-bedroom units following removal of existing unit in the roof space, including alterations to the parking layout and the creation of new car parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form does not include a clear description of the proposed development. I have therefore used the description referred to on the Decision Notice in the banner heading above, as it more clearly sets out the development proposed.
3. As part of the appeal, the appellant has submitted an amended site plan¹, which removes the additional parking spaces and relocates the refuse storage area to the rear of the appeal property. These are reasonably modest amendments. The appellant has also provided some computer-generated images (CGIs) of the amended scheme. The Council and interested parties have had an opportunity to comment on the amended site plan and CGIs as part of the appeal proceedings and therefore no party would be prejudiced by my consideration of them as part of the appeal.
4. The principle of the development is established by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and the provisions of Schedule 2, Part 20, Class A do not require regard be had to the development plan or other material considerations. While I may have regard to planning policy, that would only be in so far as it relates to the matters set out in the conditions at paragraph A.2(1).

¹ Reference 22043, Revision R2, Sheet No. 203, dated 10/01/2024

Main Issues

5. The main issues in this appeal are:

- whether the proposed development would be permitted under Schedule 2, Part 20, Class A of the GPDO with specific regard to Paragraph A.2(1)(n)(ii) in relation to whether the development would be sited on land forward of a wall forming the principal elevation of the existing building; and
- if permitted, whether prior approval should be granted when assessed against Paragraph A.2(1)(e) of Schedule 2, Part 20, Class A of the GPDO in relation to the external appearance of the building.

Reasons

Paragraph A.1.(n)(ii): development sited on land forward of a wall forming the principal elevation of the existing building

6. Class A of Schedule 2, Part 20 of the GPDO permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all - (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses. This is subject to limitations and conditions.
7. The appeal proposal includes new car parking spaces and bin storage, which would fall under Paragraph A.(d) of Schedule 2, Part 20, Class A of the GPDO. Paragraph A.1.(n)(ii) states that development is not permitted by Class A if development under Class A.(d) would be situated on land forward of a wall forming the principal elevation of the existing building.
8. The site plans submitted as part of the application process show both the new car parking spaces and bin storage on land forward of the principal elevation of the appeal property. Nonetheless, the amended plans provided as part of the appeal process have removed the additional car parking spaces and relocated the bin storage to the rear of the appeal property. No concerns have been raised by the Council or interested parties regarding these amendments. Based on the amended plans the proposed development would comply with Paragraph A.1.(n)(ii) and would constitute permitted development under Class A of Schedule 2, Part 20 of the GPDO.

External appearance of the building

9. The appeal property is located on Staines Road East. The frequent movement of traffic along this principal road is one of the key characteristics of the area, which adds a degree of vibrancy. Staines Road East and Park Road, which is located opposite the appeal property, separate an area that is primarily residential from Kempton Park Racecourse.
10. The section of Staines Road East where the appeal property is located comprises a mixture of houses and purpose-built residential blocks. While they differ in their age, style, form, features and materials, they are predominantly two-storey, some with rooms in the roof, and are set back a similar distance from the road.

11. On the opposite side of Staines Road East is Kempton Park Racecourse, which in addition to the open racecourse includes some buildings. It is bounded by a hedge and row of tall trees, which largely screen it from the road. These trees and other planting within the frontages of the residential buildings, along with the wide road and set back of the buildings on both sides, creates an overall sense of verdancy and spaciousness.
12. I appreciate that some of the buildings located at the racecourse are much larger in scale than the two-storey residential buildings on the opposite side of the road and would be a prominent feature during winter months when the trees lose their leaves. Nonetheless, the notable differences in the scale, appearance and use of the racecourse buildings and residential buildings, together with the barriers created by the row of trees and the highway, make them feel quite separate from one another. This abrupt transition is also an important characteristic of the immediate area.
13. The proposal would significantly increase the scale of the appeal property and the resulting building would be far taller than its neighbours. I appreciate that the proposal would only add one storey to the building. However, while the proposed dormer windows and gable end roof form would be in keeping with features of residential buildings in the immediate area, these are not noticeable features of the current building from public viewpoints. These features would accentuate the accommodation within the roof space so that it would appear almost as an additional storey itself. The overall increase in the height and mass of the resulting building would not be in proportion with the surrounding residential buildings. Given this, the proposal would appear visually obtrusive within the street scene.
14. While the appeal proposal may be a more modest interpretation of what can be permitted under Class A of Schedule 2, Part 20 of the GPDO, it would be a significant addition to the appeal property and a substantial increase in its overall height and mass, which would harm the character and appearance of the area. Accordingly, it would conflict with Policy EN1 of the Spelthorne Borough Council Core Strategy Policies Development Plan Document (2009), which seeks to ensure a high standard in the design and layout of new development and that it makes a positive contribution to the street scene and the character of the area by paying due regard to, among other things, the scale and height of adjoining buildings and land. This policy relates to the external appearance of new development and is therefore material in this case.
15. Although there is some existing mature vegetation within the frontages of the neighbouring houses, I saw on my visit that most of this vegetation would be appreciably shorter than the proposal and would therefore not address the harm I have identified. Furthermore, the existing vegetation could be removed at any point, therefore, this type of landscape should not be used as a screen to mitigate otherwise unacceptable effects.
16. The appellant refers to several examples of development on Staines Road East, which are of a similar height and scale to the appeal proposal. Nevertheless, while the scale, mass, and height of properties along Staines Road East may vary, the road is reasonably long, and the examples are quite a distance away with intervening built form and no intervisibility between them and the appeal site. As such, although they add to the more diverse appearance of the wider

area, they have little effect on the visual context of the appeal property. I have therefore afforded them limited weight in my decision.

17. The appellant has brought to my attention a recent appeal decision regarding an application under Class ZA of Schedule 2, Part 20 of the GPDO. In this case, the Inspector found that despite an increase in the overall height, scale and mass when compared to the existing building, the proposed building would not be at odds with the others on the business park. However, while Class ZA also relates to upwards extensions, there appear to be substantial differences between the approved scheme and the appeal proposal, particularly in terms of their site circumstances and their impact on the character and appearance of the area. As such, I afford the approved scheme limited weight in my decision. In any event I have determined the appeal on its own merits.

Other Matters

18. The appellant refers to the benefits of the appeal proposal in relation to it making a more efficient use of land by optimising the development of an underutilised brownfield site. However, while I acknowledged these benefits and the support of the National Planning Policy Framework for these types of development, they have not been taken into account in considering the external appearance of the building. The provisions of the GPDO require the local planning authority to assess the proposed development specifically on the basis of the matters set out in the conditions at paragraph A.2(1) of Class A of Schedule 2, Part 20 of the GPDO, taking into account representations received. I have determined the appeal on the same basis.

Conclusion

19. For the reasons above, the appeal is dismissed.

Hannah Guest

INSPECTOR