



Appeal Decision

Site visit made on 16 July 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2024

Appeal Ref: APP/Z3635/W/23/3335395

Land adjacent to 41 Chaplin Crescent, Sunbury on Thames, TW16 7JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Sima Elli against the decision of Spelthorne Borough Council.
 - The application Ref is 23/00771/FUL.
 - The development proposed is described as the demolition of existing garage and erection of bungalow with associated parking and amenity space.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing garage and erection of bungalow with associated parking and amenity space at Land adjacent to 41 Chaplin Crescent, Sunbury on Thames, TW16 7JD in accordance with the terms of the application, Ref 23/00771/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development cited in the planning application form and appeal form differs to that contained within the decision notice. There is no evidence that this change was formally agreed. However, the latter more succinctly and accurately reflects the scope of the proposed plans which were submitted, consulted upon, determined by the Council and are now the subject of this appeal. As no parties' interests would be prejudiced, in the interests of clarity I rely upon that latter description for the purposes of the heading above and paragraph 1 of my Decision.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.
4. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework as published in December 2023, and any reference to paragraph numbers are to this version.
5. The Council has submitted the Pre-Submission Spelthorne Local Plan: 2022 – 2037 for examination to the Secretary of State, as of December 2022. I have little information to suggest when the plan is likely to be adopted, or if any

policies have been modified, or if there are any unresolved objections. Accordingly, I attribute limited weight to this plan.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Character and appearance

7. The appeal site is located within a residential area consisting of mainly semi-detached and terrace properties which are generally two-storey, albeit some accommodation is contained in the roof space. Despite a variation in design there is a fairly consistent height and pattern to the street scene, providing a relatively low building level and a low-density character. However, the properties in the corner locations, like the appeal site, disrupt the overall rhythm as they have slightly wider plots with single storey detached garages in a linear pattern set back from the street.
8. The scheme subject to this appeal, proposes to demolish a single-storey garage adjoining 41 Chaplin Crescent and provide a three-bed bungalow with two off-street car parking spaces behind the remaining garages. Given its relatively large footprint, the proposal would occupy a significant proportion of the site, set back from the street scene. The single storey nature of the dwelling, coupled with the corner location behind the existing garages, would obscure views of the proposal to glimpses only. Therefore, despite occupying a 'back land' location, its low-level stature would not appear as dominant or out of keeping in the local vernacular, having a relatively subtle appearance.
9. The proposal would retain a suitable garden space for No 41, akin to the existing rear garden layouts in the area, and would also provide adequate amenity space, and suitable, private and accessible accommodation for future occupiers. Furthermore, the scale and form of the bungalow would sit comfortably within the existing architectural pattern, and the development would not appear cramped as a whole.
10. Paragraph 135.c) of the Framework indicates that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. As such, I see no reason why the proposed design approach would be inappropriate in this location, as just because a design is different from the prevailing character, given its back land position, this does not necessarily make it harmful. In my view, the resulting development would take advantage of the constraints of the site and would provide a development which is respectful to its surrounds.
11. I therefore conclude that the proposed development would represent good design and would contribute positively to the local character and would not harm local distinctiveness. Consequently, I find no conflict with Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (DPD) adopted February 2009; and the aims and objectives of the Spelthorne Design of Residential Extensions and New Residential Development Supplementary Planning Document (SPD), adopted April 2011, which collectively seek a respectful, high standard of design, making a positive contribution to the street

scene and the character of the area in which they are situated. It would also accord with the Framework which amongst other things, seeks to secure high quality design, whilst taking into account the local character and reflecting the local surroundings and materials.

Other Matters

12. I recognise that the proposal has generated public interest, with several consultation responses submitted in response to the planning application and further representations submitted at appeal. I have taken into account all of the other matters and concerns raised in the submissions by the interested parties, which include but are not limited to, the need for development; parking issues and highway safety; overlooking; loss of light and potential unauthorised works.
13. In terms of need, each scheme is required to be considered on its own merits and circumstances. Nevertheless, the Framework requires a significant boosting of the supply of homes and small windfall sites such as this, play an important role in meeting housing needs, given that they can be built out relatively quickly. As such the proposal would make a limited contribution to the provision of housing required by Spelthorne Borough Council.
14. In regard to parking and traffic safety, the scheme provides a suitable level of off-street parking and there are no parking restrictions in this section of Chaplin Crescent. Consequently, there is little substantive evidence to suggest that the effects of the development would make the existing parking levels materially worse or that the development would have a materially harmful effect on traffic or highway safety.
15. In respect to whether neighbours would experience overlooking, the ground floor openings would be screened by the existing boundary treatments and the retained garages surrounding the site. Furthermore, a condition could be attached to provide suitable details of hard and soft landscaping, including means of enclosure, to assist in screening the proposal further. Subject to the imposition of such a condition, the design of the proposed development would ensure that existing residents would not experience any loss of privacy from overlooking. Nevertheless, it would be prudent to remove permitted development rights to further protect the living conditions of neighbouring properties.
16. With regard to a potential loss of light, the appeal proposal would be located to the north of the dwelling at No 41, and also sited adjoining the existing large, and well-established trees. Given the orientation and location of the proposal, the neighbouring property at No 41 is unlikely to experience a significant loss of light through overshadowing, over that currently experienced.
17. In regard to the matters raised in respect to potential unauthorised works, whether or not the works have commenced does not provide a reason to alter my judgement, and in any event, any potentially unauthorised works would be a matter for the Council. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Conditions

18. The Council has provided conditions that it suggests should be applied in the eventuality that the appeal is allowed. I have assessed those with reference to

the advice in the Framework and Planning Practice Guidance and have amended the wording of some without altering their fundamental aims.

19. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
20. The conditions relating to contaminated land are necessary to mitigate the risks of contamination to construction workers, future users of the land, and offsite receptors including neighbouring occupiers and water and ecological systems.
21. Conditions relating to materials and hard and soft landscaping (including means of enclosure) are necessary to secure the satisfactory appearance of the development in the interests of the surrounding character, and, to protect living conditions of neighbouring properties.
22. I have added a condition to ensure the development meets sustainability requirements in reducing carbon emissions, through the provision of renewable or low-carbon energy sources, in order to achieve sustainability objectives.
23. I have imposed conditions to ensure that there is appropriate vehicle and bicycle parking provision, and a suitable car parking layout is maintained in the interests of highway safety and the living conditions of future residents. I have also added that electric charging points are delivered to enable the use of electric vehicles to achieve sustainability objectives.
24. Finally, I have attached a condition restricting permitted development rights to protect living conditions of neighbouring properties from the proposed development, in terms of privacy and overlooking.

Conclusion

25. For the reasons given above the appeal should be allowed.

Robert Naylor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the unnumbered drawings which are entitled: Site Plan; Location Plan @ 1:1250 scale; Site Title Plan @ 1:200 scale; Proposed Front Elevation @ 1:50 scale; Proposed Rear Elevation @ 1:50 scale; Proposed Left Elevation @ 1:50 scale; Proposed Right Elevation @ 1:50 scale; and Proposed Floor Plan @ 1:100 scale.
- 3) No development shall take place until:
 - (i) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been 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 has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.
 - (iii) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.
- 4) The dwelling hereby permitted shall not be occupied until completion of the agreed contamination remediation works, and a Validation Report has been submitted to and agreed in writing by the Local Planning Authority that demonstrates the effectiveness of the remediation carried out, including the 'installation and verification' report of the gas protection measures.
- 5) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details / samples.
- 6) No development above ground level shall take place until a report is submitted to and agreed in writing by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for the proposed dwelling to meet the requirement for the scheme. The agreed measures shall be implemented with the construction of the dwelling and thereafter retained for the lifetime of the development.

- 7) The dwelling hereby permitted shall not be occupied until details of a scheme of both soft and hard landscaping works, including but not limited to details of the species, types, positions of trees and shrubs, design and materials of hard landscaping and the details means of enclosure to be erected, have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

The approved scheme of tree and shrub planting shall be carried out prior to first occupation of the dwelling. The planting scheme provided shall be maintained as approved for a minimum period of 5 years, such maintenance to include the replacement in the current or next planting season, whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

- 8) The dwelling hereby permitted shall not be occupied until details are submitted and approved in writing by the Local Planning Authority to secure bicycle parking including facilities for the charging of e-bikes. The agreed measures shall be implemented with the construction of the dwelling and thereafter retained for the lifetime of the development.
- 9) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked. Thereafter the parking area shall be retained and maintained for its designated purpose for the lifetime of the development.
- 10) The dwelling hereby permitted shall not be occupied until the proposed dwelling is provided with a fast charge Electric Vehicle Charging Point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained for the lifetime of the development.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no extensions, alterations or outbuildings shall be erected to the residential development hereby permitted without the prior planning permission of the Local Planning Authority.

END OF SCHEDULE