



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: 21 August 2024

Appeal Ref: APP/Z3635/W/23/3334656

Osmanstead, Condor Road, Laleham, Surrey, TW18 1UG

- 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 Mr Gareth Jones of Jones Granville Limited against the decision of Spelthorne Borough Council.
 - The application Ref is 23/00687/FUL.
 - The development proposed is the demolition of existing house to be replaced by five dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. 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.
4. 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 Issues

5. The main issues are the effect of the proposal on the character and appearance of the area and whether it would preserve or enhance the Laleham Conservation Area (LCA).

Reasons

Character and appearance

6. The appeal site is located within the LCA, a designated heritage asset. As such, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings

- and Conservation Areas) Act 1990, (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the LCA.
7. The LCA has an informal layout providing a quiet, tranquil and verdant village like setting. The essential characteristics of the LCA include the predominance of early and late 20th century dwellings, with fairly spacious plots. Despite a variation with regard to building types and materials used, the appearance is one of traditionally designed properties with a proportional domestic scale. Consequently, I find that the significance of the LCA, insofar as it relates to this appeal, to be primarily associated with the domestic scale and traditionally proportioned appearance of buildings.
 8. The appeal site is a large, detached property (Osmanstead) located on a generous L-shape plot at the junction of Condor Road and Thames Side within a mainly residential area. The site is access via Condor Road, however it also has a riverside frontage facing Thames Side. Given its prominent corner location the property is highly visible from a number of public vantage points. As such, the appeal site occupies an important position in the LCA.
 9. On the opposite corner to the appeal site is 'Riverholme' a non-designated heritage asset (NDHA). Riverholme is an Edwardian property containing significant original features reflecting its historical and architectural interest. The appeal site and the adjoining property at 213 Thames Side are of a similar age to Riverholme, however they do not have the same historical significance as the NDHA. Both parties agree that whilst Osmanstead makes a positive contribution to the significance of the LCA, its demolition would not harm the significance, provided it was replaced with a high-quality development that preserves or enhances the character and appearance of the area. This is consistent with a previous Inspectors decision¹.
 10. The proposal seeks the provision of five dwellings at the site, two fronting Thames Side (units 1 and 2) with three dwellings to the rear of these, which would face Condor Road (units 3, 4 and 5). The proposal provides a more contemporary design and use of materials. It is acknowledged that the proposal has sought to address the concerns of the Council and the previous Inspector, and the scheme provides a smaller quantum of development through the provision of five units. It is further acknowledged that units 1 and 2 have been moved back in the site and have been articulated on the façade, to create visual interest.
 11. The use of the gabled roof forms, to units 1 and 2 would also be reminiscent of others found within the area, including those along Vicarage Lane and 216 Thames Side, amongst others. However, the incorporation of a crown roof between the gables to provide additional habitable space in the roof would disrupt the proportions of the dwellings, providing a bulky roof form and top-heavy appearance to the units. The scale, and overall massing of the proposed buildings would otherwise appear more urban and developed, at odds with the village like appearance of the conservation area, which contains more modest and domestic roof forms.
 12. The appellant contends the proposed crown roof is modest and would be inconspicuous in the streetscene. I find that given its prominent location, the increased mass at roof level on units 1 and 2 would be particularly apparent in

¹ PINS Ref: APP/Z3635/W/21/3285042

views along Thames Side, and to a lesser extent Condor Road, when compared with the local vernacular. In particular, the overtly bulky roof would provide a dominant and uncomfortable visual relationship with both Riverholme and No 213 Thames Side. The overall roof form, coupled with the use of darker, modern materials at the upper floor level would have a strong visual presence within the immediate area and views from the river Thames. This part of the development would therefore appear contextually incongruous.

13. I acknowledge the existing building contains a flat roof element. However, this is to the side at first floor level providing a more subservient feel to a latter addition at the property, unlike the dominant roof form subject to this appeal. I did note other examples of crown roofs within the LCA, in particular at Whitegates Care Centre on Ferry Lane, during my site observations. Nevertheless, these examples are not the predominant characteristic of the surrounding area, which generally provides traditional dwellings with proportional roof forms. As such, this does not alter my findings that the proposal would fail to respond positively to its context and given its prominence would be of an inappropriate design that would harm the character, appearance and significance of the LCA.
14. In regard to the site layout, I find that the positioning of units 1 and 2 would be appropriate in the street scene along Thames Side. At the rear of the site, the units that front Condor Road (3, 4 and 5), have a staggered arrangement, referencing the existing arrangement of the adjoining properties to the rear of the site. As such, all of the proposed units are positioned well within their plots and would provide adequate garden spaces. These would appear similar to those in the vicinity and are of a sufficient size to provide a reasonable standard of amenity for future occupiers. Consequently, the proposed layout would not be considered as cramped in this regard.
15. I note the Council's concerns in respect to properties set in from boundaries and the requirements² set out in paragraph 3.14 of Spelthorne Design of Residential Extensions and New Residential Development - Supplementary Planning Document (SPD), adopted April 2011. Whilst units 4 and 5 would be sited adjoining the boundary line, these would not conflict with the SPD guidance, as paragraph 3.14 relates specifically to privacy and outlook rather than site layout.
16. The amount of hardstanding is generally limited to the access and parking areas at the front of the developments. I have had regard to the Council's position on the new dwellings providing a more car dominated frontage, due to the tandem parking arrangement, however these types of arrangements are not uncommon in new housing developments where increased densities are sought. Furthermore, the appellant has provided an indication of the planting layout, that whilst modest would provide some landscaping to soften the appearance of this area, which could be conditioned as part of any approval.
17. Despite improvements made from the previous scheme, there would be some harm to the LCA arising from the prominent and bulky roof forms of units 1 and 2 which fail to respond positively to their context. As such, the proposal would fail to preserve or enhance the character or appearance of the LCA and would harm its significance. I attach considerable importance and weight to the

² 3.14.c Set-in of property from the side boundary of 1 metre (2m for three storey development)

desirability of avoiding any such harmful effect in accordance with Section 72(1) of the Act.

18. For these reasons, I conclude that the proposed development would harm the character and appearance of the area and would fail to preserve or enhance the LCA. The proposal would therefore be contrary to Policies EN1 and EN6 of the Spelthorne Core Strategy and Policies Development Plan Document (DPD) adopted February 2009; and the aims and objectives of the SPD, which amongst other things requires new development to be respectful; providing a high standard of design; and making a positive contribution to the street scene and the character of the area, whilst protecting or enhancing heritage assets. Nor would it accord with the Framework which seeks to conserve and enhance the historic environment, ensuring new development is responsive to local history, culture and heritage.
19. Nevertheless, given it would be relatively localised, the harm I have identified to the significance of the heritage asset would be less than substantial. Paragraph 208 of the Framework advises where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
20. I have had regard to the public benefits of the appeal scheme, which would provide a modest contribution to the supply of housing in Spelthorne, and given it is a small windfall site could be built out relatively quickly. The proposal would result in some small social and economic benefits, including the support future occupiers would give to local businesses and services. Furthermore, it would promote the more efficient use of an underutilised plot of land in a relatively accessible location. To these benefits I apportion moderate weight given the limited scale and nature of the proposed development.
21. However, the appeal scheme would fail to preserve the significance of the designated heritage asset, to which I must attach importance and great weight. Accordingly, the public benefits would not outweigh the less than substantial harm that would be caused to the significance of the heritage asset identified above.

Other Matters

22. The appellant highlights that the development has no adverse effect on amenity of neighbouring occupants with regard to outlook or loss of privacy, and also does not have any concerns in respect to the impact on trees. The appellant also highlights that there are no objections on highways grounds. None of these matters are in dispute and nonetheless, the absence of harm in these regards does not carry positive weight in favour of the development.

Planning Balance

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
24. It is not a matter of dispute between the parties that the Council cannot currently demonstrate a suitable supply of deliverable housing sites and I have no reason to take a different view. However, as I have found harm to the designated heritage asset, footnote 7 of paragraph 11.d) of the Framework

applies. In that respect, as I have found that the proposal would harm the significance of the LCA and that the harm would not be outweighed by public benefits, this provides a clear reason for refusing the development. Accordingly, the presumption in favour of sustainable development does not apply.

Conclusion

25. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR