



Appeal Decision

Site visit made on 9 October 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

Appeal Ref: APP/Z3635/W/23/3331965

Land at Ashford Road, Ashford Road, Shepperton TW15 1TZ

- 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 Urbox (Ashford) Ltd against the decision of Spelthorne Borough Council.
 - The application Ref is 22/01666/FUL.
 - The development proposed is demolition of the existing buildings/ structures and redevelopment of the site with the erection of two buildings subdivided into seven units for speculative B2 general industrial, B8 storage and distribution, and E(g)(iii) light industrial purposes with ancillary offices, together with associated car parking, servicing and landscape planting.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, and the effect on the living conditions of the occupiers of Spelthorne Lane with particular regard to whether there would be an overbearing effect.

Reasons

Character and Appearance

3. The appeal site has a frontage to Littleton Road which is the boundary between an area of commercial uses where there are large buildings with frontages dominated by hardstanding, and a residential area characterised by mainly two storey buildings. On street car parking occurs in these surrounding streets and is part of the existing character of the area. The appeal site has two large two storey commercial buildings which face Littleton Road, set back behind parking and soft landscaping. Windows and entrances along this frontage result in animation to the road. Its scale and interest make a positive contribution to the streetscene and the character and appearance of the area. The rest of the site is landscaped with large areas for car parking.
4. The proposed development includes two buildings parallel with the eastern boundary of the site, units 2-4 and 5-7. These are generally around 15.3m tall with a low pitched roof. To the north elevation a two storey flat roofed element is proposed which projects from unit 2 towards Littleton Road. Unit 1 also fronts Littleton Road with a projecting 2 storey flat roofed element and an overall height of 11.6m. There would be a 4m high acoustic barrier running

between unit 2 and 1. It would vary in its set back from the road and climbing plants are proposed along the barrier. Each unit includes a loading dock and there would be 81 car parking spaces across the site. The buildings would be in metal and timber cladding, with windows to the elevations that face towards Littleton Road. Landscaping is proposed along the majority of the boundaries.

5. Buildings 2-4 and 5-7 are in close proximity. When viewed together they would appear as a very large mass of development across the site. Although there is a 4m gap between them, this size is minimal relative to the overall scale of built form proposed. Whilst the footprint would cover less of the site than others nearby and the bulk of these buildings would be set back from Littleton Road, nevertheless the scale of the proposed units would be clearly evident in the streetscene and their size and scale would result in an unacceptably dominant form of development in this location.
6. Along Littleton Road the acoustic barrier would be tall and inappropriately prominent. Furthermore, it would enclose the site and would not provide activity to the streetscene. The height and scale proposed is required for noise mitigation purposes, and the application was not refused on noise grounds. Nevertheless, although it would be set back and landscaping is proposed, the size and scale would be harmfully dominant and it would undermine the interest between the site and Littleton Road.
7. Due to the flexible use proposed, the parking standards SPG and Surrey County Council guidance set a maximum car parking provision of between 66 and 226 spaces. Detailed evidence has been submitted which suggests that a maximum of 81 cars would be likely to be on site at any one time. However, as the use proposed is flexible it is possible that this could be higher. There are bus services close to the site, and cycle parking would be provided. The appellant has also agreed to provide footway improvements. These would encourage non car modes of transport. However, they are required to mitigate the harm that may otherwise occur and therefore the improvements to the footways and roads would not weigh strongly in favour of the development as a benefit.
8. Nevertheless, whilst there may be some overspill parking, there is nothing before me to suggest that this could not be safely accommodated in the surrounding streets. Given that on street parking is an existing characteristic, this would not alter this arrangement. As such there would not be harm to character and appearance with regard to car parking. However, the lack of harm in this regard is a neutral factor that does not overcome the harms identified above.
9. Therefore, together, the bulk and massing of the buildings proposed along with the scale and nature of the acoustic barrier would result in the development appearing overly dominant and disconnected from the Littleton Road streetscene which would be harmful to the character and appearance of this area.
10. Consequently, the proposed development would have a harmful effect on the character and appearance of the area. Therefore, it would be contrary to policy EN1a of the Spelthorne Core Strategy and Policies Development Plan Document (2009) (DPD) which, in part, requires that new development creates buildings and places that are attractive and makes a positive contribution to the streetscene and the character of the area.

Living Conditions

11. The elevation facing the rear of the properties along Spelthorne Lane would comprise two large buildings, with a limited break between them. They would be tall, wide and although there would be varied materials at upper levels the elevation would be two solid masses.
12. The rear elevations of the houses along this side of Spelthorne Road are not uniform, and many properties have ground floor rear extensions and outbuildings. Nevertheless, taking these into account, the rear elevations of the dwellings are around 23-30m from the proposed building. The dwellings would be separated by private garden areas, boundary treatment and 10m of landscaping with some additional trees and thicket mix planting indicated. Albeit this would be unlikely to completely screen the building particularly when trees are not in leaf.
13. The main rear outlook of the occupiers of Spelthorne Lane would be towards a mainly unalleviated tall and wide mass of development. Whilst the break in the buildings, landscaping and separation distances would provide some relief. Taking into account the design, bulk and massing proposed at this proximity, the building would be a harmfully dominant feature, overbearing to the occupiers of these properties and harmful to living conditions in this regard.
14. This would be more harmful than the existing arrangement where the buildings are set back from the vast majority of these occupiers. Furthermore, there is no dispute between the main parties that appropriate levels of light would be received. However, the lack of harm in this regard does not overcome the harm with regard to the overbearing effect.
15. Therefore, the proposed development would have a harmful effect on the living conditions of the occupiers of Spelthorne Lane with particular regard to the overbearing effect. As such, it would be contrary to policy EN1b of the DPD which requires that new development achieves a satisfactory relationship to adjoining properties including with regard to overbearing effect.

Other Matters

16. The proposed development would provide an increase in employment floorspace of around 3,600sqm Gross External Area and new jobs associated with this. It would therefore provide an efficient use of this previously developed land within an Employment Area and this moderate increase in employment floorspace would be a benefit of the proposed development.
17. However, due to the multiple harms to both character and appearance and the living conditions of neighbouring occupiers, taken together the harm would be significant. Therefore, these moderate benefits would not outweigh these significant harms.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

H Miles INSPECTOR