



Appeal Decision

Site visit made on 1 November 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal A Ref: APP/Z3635/W/24/3342789

Wardle Dental Surgery, 68 Church Road, Ashford TW15 2TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mayuran and Amit Senthilnathan and Dodia against the decision of Spelthorne Borough Council
 - The application Ref is 23/01339/FUL.
 - The development proposed is for first floor rear extension to create two new studio flats (including amendments to the parking layout granted in planning permission 22/00581/FUL).
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Appeal B Ref: APP/Z3635/W/24/3342794

Wardle Dental Surgery, 68 Church Road, Ashford TW15 2TW

- 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 Mayuran and Amit Senthilnathan and Dodia against the decision of Spelthorne Borough Council.
 - The application Ref is 24/00110/FUL.
 - The development proposed is a first floor rear extension to create one new studio flat (including alterations to the parking layout approved in planning permission 22/00581/FUL).
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Decisions

Appeal A Ref: APP/Z3635/W/24/3342789

1. The appeal is dismissed.

Appeal B Ref: APP/Z3635/W/24/3342794

2. The appeal is allowed, and planning permission is granted for first floor rear extension to create one new studio flat (including alterations to the parking layout approved in planning permission 22/00581/FUL) at Wardle Dental Surgery, 68 Church Road, Ashford TW15 2TW in accordance with the terms of the application, Ref 24/00110/FUL, subject to the following conditions set out in the attached schedule.

Preliminary Matters

3. This decision letter deals with two appeals for alternative schemes for the same site. Both involve amendments to the parking layout granted under planning approval 22/00581/FUL for the *'construction of new roof with accommodation, including front and side dormers and the raising of the ridge height, the erection of a part double storey rear extension part single storey rear*

extension, to provide surgery space and 4 x 1 bedroom flats with associated parking space' which has been in part implemented.

Main Issues

4. The main issues are the effect of the development on (i) the character and appearance of the area, and, in respect of Appeal A only, (ii) the living conditions of the occupiers of Janae Court.

Reasons

Character and Appearance

5. The appeal site has frontages to both Church Road and Brownrigg Road. The main two storey part of the building fronting Church Road is used as a dental surgery and forms part of the main road through the centre of Ashford with a range of retail and commercial uses to the ground floor. The building extends to the rear with a lengthy elevation to Brownrigg Road. The single-storey element with dormers to the roof is part of the recent development (Council reference 22/00581/FUL) comprising residential units together with an open carpark area beyond, extending up to the boundary with No.1 Brownrigg Road. The rest of Brownrigg Road has a residential character and is primarily formed of traditional semi-detached properties.
6. This pattern of development of residential roads extending off the commercial area is replicated along Church Road. The taller buildings to Church Road typically have long plot returns along the side roads, and there are a number of large, flatted developments that wrap around the corners, including to Parkland Grove to the east and the development to College Way/Pitcher Lane.
7. Running parallel with No.68, the adjacent property, Janae Court, has a long single-storey structure that extends along the boundary, although a gap remains at the end of the plot. Similarly to the other side of the road, No.68 has an amalgamation of single-storey structures to the rear of the main building adjacent to the footpath.

Appeal A

8. The proposal would extend the building up to the end of the plot, creating an extensive length of elevation to Brownrigg Road. While the design would match the newly built flats, sited along the back edge of the footpath, the continuous length and scale of the building would be a prominent form. The lack of space and forward position compared to the housing in Brownrigg Road would be visually imposing in views along the street and create a jarring transition between the two different areas.
9. Whilst the development contributes to creating an active frontage to Brownrigg Road, due to its length and the homogeneity of the design, it would be at odds with the area, which exhibits variation in the scale and form of the buildings and together with spaces contribute to the character and appearance of the area.
10. The extent of the development would also fully consume the plot, with limited space and restricted access to the waste and cycle storage. Thereby the design and layout of the development would fail to achieve a high-quality development and would be harmful to the character and appearance of the area in conflict with policy EN1 of the Core Strategy and Policies Development Plan Document

(DPD) adopted 2009 which requires a high standard of design, and amongst other things require that developments create buildings that are attractive, make a positive contribution to the street scene and incorporate provisions for the storage of waste.

11. There would also be conflict with supporting advice in the Design of Residential Extensions and New Residential Development Supplementary Planning Document, April 2011 (SPD) and the similar design of objectives of the National Planning Policy Framework (the Framework).

Appeal B

12. The depth of the extension to the building would align with the rear projection to Janae Court. A commensurate open area would remain to create a physical and visual break to No.1 Brownrigg Road. The general design would reflect the existing development, although the ground floor would accommodate parking with the first floor having a part cantilevered form. I acknowledge that undercroft parking is not found in the area. However, I do not find it to be an objectionable feature in itself, and the partially open form of the building reduces its visual bulk and creates a graduation to the open parking.
13. Whilst the addition would still result in a lengthy façade a separation and distinction would be retained to the rest of Brownrigg Road. It would also act to screen the blank façade to Janae Court and the backs of other properties, which, whilst set back, do not provide an overly attractive or active interface with Brownrigg Road.
14. The Council also advise that the arrangement for waste storage would not be sufficient in particular the width of the access required. The appellant has not provided any response to this aspect; however, given the open nature of the ground floor area and the proposed landscape strips, there is some capacity to reconfigure the space, and the details could be secured by condition.
15. This scheme is for one additional studio unit adding to the four previously approved and constructed. The Framework recognises the contribution of small and medium sites towards housing supply and making efficient use of land, particularly well-connected town centre sites which this is.
16. Therefore overall, I find that the proposal would be appropriate for the locality and would not have any adverse impact on the street scene or the character of the area. Accordingly, it would not conflict with policy EN1 of the DPD, the SPD or the Framework.

Living Conditions (Appeal A only)

17. The rear elevation of the single-storey projection to Janae Court contains a window. The proposal would extend beyond the end of this building by approximately 7m, a depth significantly exceeding the guidance in the Council's SPD.
18. While the eaves height would be limited due to the depth of the built form immediately adjacent to the shared boundary and the overall height of the building, it would have an enclosing effect and restrict outlook to the detriment of the living conditions of the occupiers of Janae Court. Thus, the proposal would be contrary to DPD policy EN1, which, amongst other things, requires developments to achieve satisfactory relationships with adjoining properties.

Other Matters

19. In coming to my decisions, I have also had regard to the representations made by third parties. The Council have not raised any objections with regard to parking or highway matters. Both proposals would facilitate the same level of parking as the previously approved scheme, and there is also nothing to suggest that the dental surgery has lost parking. While I understand residents' concerns in relation to the availability of spaces and inconsiderate parking along Brownrigg Road, it is part of a wider issue, particularly given the proximity to town. I noted the closed multi-storey car park, and at the time of my site visit, there were some spaces along the road, although I appreciate this will vary at different times of the day.
20. Appeal B is for one studio flat, and the site is located in a sustainable location with direct access to a full range of shops and services along Church Road, together with bus services and a railway station. The proposal would not generate significant parking demand, and as part of the whole development, there would be more than 1 space per flat (5 flats in total with Appeal B). There is no specific evidence before me that this proposal would place additional pressure on parking, and any other applications or requirements in relation to the dropped kerb are separate matters.

Planning Balance

21. The Council acknowledge that they do not have a 5 year supply of housing. In accordance with the Framework the presumption in favour of sustainable development is to be applied. While this requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole, it does not change the statutory status of the development plan as the starting point for decision-making.
22. Additionally, paragraph 225 of the Annex to the Framework explains that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework.
23. The Framework makes it clear that good design is a key aspect of sustainable development. It also expects development to add to the quality of the area and be visually attractive as a result of good architecture and layout and to create a high standard of amenity for existing and future users. The provisions of DPD policy EN1 align with these objectives. Even taking into account the objective to significantly boost the supply of housing and the Council's housing land supply position, the conflict between appeal A and the development plan should be given very significant weight. With regard to Appeal B, I have not found conflict with the development plan.
24. There would be benefits of the developments in terms of providing one or two new residential units in a sustainable location and the associated economic and social benefits of the additional accommodation. There would be other economic benefits arising from the construction period, albeit short-term. However, due to the small scale of the development these benefits would be limited.

25. Taking all of the above into account, I consider that the harm identified in relation to the character and appearance of the area and the adverse impact on the living conditions of the occupiers of the neighbouring property significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Consequently, the Framework does not indicate in favour of Appeal A.

Conditions (Appeal B)

26. The Council has provided a list of 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 I have amended some of the wording for clarity and consistency.
27. 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 for certainty. As the other flats have been constructed and this proposal is an extension of the building, I have conditioned the materials to match rather than requiring further approval. Additionally, as the site has already been developed, a condition relating to remedial land or groundwater contamination is not necessary, and any compliance requirements would be part of the approved and implemented scheme.
28. 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.
29. Conditions relating to the provision and layout of the waste and cycle storage are required, together with those related to the layout and retention of the parking in the interests of highway safety and the living conditions of future residents. Given the need for a reconfiguration of the layout of that space, I have combined some of these elements to prevent duplication and to ensure the details address the space comprehensively.

Conclusions

30. For the reasons set out, appeal A is dismissed, and Appeal B is allowed.

G Ellis

INSPECTOR

SCHEDULE OF CONDITIONS (Appeal B)

- 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 following approved plans 2782/PL/10 Revision A, 2782/PL/11 Revision A, 2782/PL/12, 2782/PL/13 and 2782/PL/14.

- 3) The materials to be used for the external surfaces of the building and external surfaces shall match the existing unless otherwise agreed with the Local Planning Authority.
- 4) No development above ground level shall take place until a report is submitted to and agreed 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. The agreed measures shall be implemented and thereafter retained.
- 5) No part of the development shall be first occupied unless and until the proposed vehicular parking spaces and associated access have been constructed and provided with visibility zones in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority. The spaces shall thereafter be retained for parking and the visibility zones shall be kept permanently clear of any obstruction over 0.60m high.
- 6) Prior to occupation, facilities within the curtilage of the site for the storage of refuse and recycling materials and secured cycle storage, including the means of enclosure and access route shall be submitted to and approved by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the development hereby approved and retained thereafter.