



Appeal Decision

Site visit made on 19 November 2024 by E Street BSc (Hons)

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2024

Appeal Ref: APP/Z3635/W/24/3349384

11 Scotts Way, Sunbury-on-Thames, Surrey TW16 7JQ

- 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 Mrs Sumbul Niaz against the decision of Spelthorne Borough Council.
 - The application Ref is 24/00334/FUL.
 - The development proposed is described as "conversion of single dwelling house into two houses."
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. A revised National Planning Policy Framework (Framework) was published between the determination of the planning application and this appeal. The substantive parts of the new 2024 version do not however differ from the previous insofar as they relate to the main issues. The cases of the main parties will not therefore be prejudiced by my reference to the new version. I have proceeded on this basis.
4. The description on the decision notice differs to the application form. However, I am satisfied that the original description, as shown above, adequately describes the development. I have proceeded on this basis.

Main Issues

5. The main issues are the effect of the proposed dwellings on a) the living conditions of future occupiers with particular regard to the quality of the garden space; and b) the character and appearance of the area.

Reasons for the Recommendation

Living Conditions

6. The proposed subdivision of the existing property would equally apply to the existing garden. The proposed two bed unit would have a garden space that would be large enough but the majority of which would be a very narrow and

elongated shape between the building and the rear boundary. Not only would these factors limit the usability and adaptability of the space for enjoyment, it would also be mostly squeezed between a high sided blank featureless wall of the two units and the garden boundary. The experience of it would, consequently, be dark and oppressive. This would be unacceptably harmful to the living conditions of future occupiers.

7. In terms of the other examples provided, the Council has identified that the gardens to the rear are supplemented with other compensatory areas that are less encumbered. They do not therefore tally with the offer of the appeal scheme. Resultantly, this element of the proposal would not comply with Policy EN1 of the Core Strategy and Policies Development Plan Document 2009 (CSPDP) 2009 or the Design of Residential Extensions and New Residential Development Supplementary Planning Document 2011 (SPD) which, amongst other things, seek to ensure that the living conditions of the occupiers of properties are protected and that garden space should be suitable in size and shape.

Character and Appearance

8. The appeal site is an existing dwelling within a cluster of semi-detached dwellings on the opposite side of the road. The wider building types consist of chalet bungalows and detached dwellinghouses. The defining features of the street include the well-established trees and grass verges. In addition, the dwellings are typically set back from the highway with off street parking. There are a mix of boundary treatments which vary in height and type. These features in combination lend to the pleasant consistency and clearly defined hierarchical structure of the character and appearance of the area.
9. The appeal building is to remain relatively unchanged with only the fenestration being altered. These changes have been considered acceptable by the Council and I do not disagree with this conclusion.
10. The appellant has acknowledged that the plans surrounding the accesses for the properties are not clear and there is some ambiguity in the scale. Notwithstanding this, there are multiple crossovers along the street scene some of which are larger than others. As a result, a larger and additional access would be seen as a congruous addition and the grass verge and prevailing boundary treatments would still be the dominating feature. The proposed area of parking provision already consists of hardstanding and the additional exposed nature would still harmonise with and not detrimentally detract from the surrounding character.
11. This element of the proposal would therefore comply with Policy EN1 of the CSPDP 2009 and the SPD 2011 which together seek to ensure that development proposals are of a high-quality design, amongst other things.

Planning Balance and Conclusion

12. The Council have clarified that they are unable to demonstrate the supply of housing sites as required by the Framework. I am therefore taken, in regard to the particulars of this case, to the circumstances of paragraph 11 (d) (ii) where the most important policies would be out of date and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in

this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

13. The appeal scheme would give rise to harm to the living conditions of future occupiers. This would conflict with the Framework's aims of providing a high standard of amenity for existing and future users. The harm would be irreversible and long lasting. With this and the above in mind, I afford it substantial weight.
14. The proposals would add to housing supply which is supported by the Framework as a matter of principle but by a very limited amount. As a single dwelling, any benefits associated therewith would be equally limited. I have had regard to the key policies set out above, and aside from my earlier findings they do not have any further bearing on the particular merits of the case. With this and the above in mind, I would ascribe the benefits moderate weight. It is therefore sufficiently clear that, in this particular case, the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits. Such that the presumption in favour of sustainable development does not apply to the appeal scheme.
15. The appeal scheme would not comply with the development plan, specifically in regard to the first main issue. I have found in the appellants favour on the second, but this would be a lack of harm and thus neutral in any balance. There are no material considerations, including the approach of the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance with the development plan. I therefore recommend the appeal is dismissed.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR