



Appeal Decision

Site visit made on 24 January 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/Z3635/W/24/3349111

Parking to the front of 54 - 80 Denman Drive, Ashford TW15 2AS

- 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 Matthew Stimpson (Zest Eco) against the decision of Spelthorne Borough Council.
 - The application Ref is 24/00596/FUL.
 - The development proposed is the siting of electric vehicle charging infrastructure together with associated electrical equipment.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published a revised National Planning Policy Framework ("the Framework") in December 2024. However, the policies relevant to the substance of this appeal are not materially different to those in the previous document. Therefore, I have not deemed it necessary to seek the parties' views on the revised document.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of nearby occupiers with particular regard to noise and disturbance.

Reasons

4. The appeal site is a sizeable car parking area situated within a suburban residential development that includes a short shopping parade accommodating a café, shop and hairdresser. These properties are accessed from Denman Drive, which is a residential 'loop' road serving the properties in this area. Vehicle movements along Denman Drive at the time of my site visit were relatively low and infrequent, and traffic noise levels were commensurately low.
5. It is reasonable to suppose that the appeal site car park is predominantly used by the occupiers of the long rows of terraced dwellings that front onto it, and their visitors. I have no evidence to the contrary. Several vehicles were parked on the car park at the time of my visit. However, I observed very few vehicles coming and going from the car park, and levels of activity and noise within the car park were low.

6. The noise environment around the appeal site is therefore characterised by low levels of activity on Denman Drive. Although background traffic noise was constantly audible from vehicles travelling along higher order roads in the distance, it was at a low level and its steady state did not detract from my experience of the appeal site as a place where residents have a relatively peaceful living environment. It is also probable that traffic noise may be lower during the night.
7. The levels of activity and noise that I experienced at my visit to the appeal site were just a snapshot in time. However, there is no substantive evidence before me to indicate that my experiences were not representative of normal conditions in this area and no technical noise assessment has been submitted with the appeal. I have therefore assessed the appeal proposal on this basis.
8. The proposed electric vehicle chargers (EVC) would be installed relatively close to several of the terraced residential properties that front the car park, where they would serve 4 parking spaces. The EVC could be used by occupiers of nearby properties, many of which do not have driveways for off-street charging. The evidence indicates that noise emitted by the EVC would not be harmful to the living conditions of nearby occupiers and I see no basis to disagree with that assessment.
9. However, there is limited evidence to show that the proposed EVC would be used mainly by nearby residents as opposed to visitors from outside of the area, or the number of vehicles that would use the EVC in any one day. The faster EVC, which can charge a vehicle in around 30 minutes, could generate a sizeable number of vehicle trips to and from the car park each day. There is no suggestion that use of the EVC would be restricted. To my mind the proposed EVC would be likely to attract drivers to the appeal site who have no connection to the nearby properties.
10. The proposed EVC would therefore be expected to result in a marked increase in the number of vehicles visiting the car park. This would change the pattern and intensity of the use of the parking spaces served by the EVC and there is limited evidence to suggest otherwise. On the evidence before me, this would be expected to markedly increase activity within the car park and generate higher levels of noise and disturbance. This would be generated by vehicles manoeuvring into and out of the parking spaces, the running of plug-in hybrid vehicle engines, vehicle headlights shining into front rooms of nearby properties at night, and the sharp, sudden noise of vehicle doors closing.
11. Furthermore, apart from the units in the nearby shopping parade, which the evidence suggests close no later than 6pm, the area has few facilities or services to occupy drivers and passenger whilst their vehicle is charging. Therefore, with nothing else to do during this time, they may be motivated to engage in activities such as playing music, holding conversations or making phone calls. I have limited evidence to indicate otherwise. These activities could occur either within the parked vehicle, potentially with its windows open, or in outside of the vehicle, such as within the car park or on the nearby grass covered open space, causing noise and disturbance.
12. Those activities would be concentrated in the area around the proposed EVC and in relatively close proximity to the nearby terraces. They could occur simultaneously from the use of each EVC, and at somewhat random and unpredictable times, including during the night when background noise levels are

likely to be lower and when nearby residents would reasonably expect a more peaceful environment for sleeping. This could also coincide with the warmer months of the year when windows are open in nearby properties for ventilation and cooling. Noise and disturbance from those activities would be expected to be audible from nearby properties and particularly annoying to their occupants.

13. Some users of the EVC may wait quietly in their vehicle whilst it is charging. However, I have no evidence to demonstrate that this would be the case, nor am I aware of any mechanism that could control the behaviour of users. I have limited evidence that telecommunications equipment found in residential areas would generate similar levels of noise and disturbance to the appeal proposal.
14. In the context of the relatively low levels of activity and background noise that I experienced at the appeal site, I find that noise and disturbance from the proposed development would harm the living conditions of nearby occupiers, particularly at night. No substantive evidence has been advanced by the appellant to justify me reaching a different conclusion on this issue.
15. The circumstances in the appeal decision in Grimsby¹ for EVC at a Petrol Filling Station (PFS) are different to the appeal before me in that a greater number of EVC were proposed and the evidence suggests the PFS was located in a designated local centre, opposite a supermarket and backing onto a railway line. However, despite those differences the Inspector's description of the potential noise effects associated with the use of EVC in the Grimsby appeal is a material consideration of relevance to the appeal before me. The appellant has advanced no evidence to dispute the relevance of that appeal.
16. For these reasons I conclude that the proposed development would, on the evidence before me, cause harm to the living conditions of nearby occupiers of residential properties, contrary to Policy EN1 of the Spelthorne Borough Council Core Strategy and Policies Development Plan Document Adopted 2009 ("the DPD") insofar as it requires development to achieve a satisfactory relationship with adjoining property. This an important matter that carries significant weight against the development.

Other Matters

17. The proposal would benefit the transition to electric vehicles (EV), helping to reduce greenhouse gas emissions and improving air quality. They would contribute to the objectives of minimising the impact of climate change and responding positively to the Council's declared climate emergency, in broad accordance with the objectives of DPD Policy SP7 and Policies ST1 and PS1 of the emerging Spelthorne Local Plan 2022 – 2037 ("the SLP").
18. The proposed EVC would accord with the Framework's support for prioritising sustainable transport modes and enabling the charging of plug-in and other ultra-low emission vehicles. They would assist with the transition to net zero, reducing greenhouse gas emissions and combatting climate change. The proposal would provide a convenient EV charging facility for a number of homes along Denman Drive that do not have off-street parking provision.

¹ APP/B2002/W/23/3334414

19. However, there is limited evidence to quantify the benefits of the proposal to air quality. I have limited substantive evidence of any failure by the Council to deliver sufficient EVC in its area. Even if the shortage of EVC was particularly acute in Spelthorne Borough, the cumulative environmental benefits from the small number of EVC proposed in this appeal would be relatively modest in scale.
20. Whether the proposal would have been a permitted development were it not for being on adopted highway land has limited relevance to my considerations in this appeal. I have determined the appeal on its own merits taking account of site and evidence specific considerations. I have assessed it against the development plan and material considerations. In so doing I am satisfied that my decision would not set a precedent for the outcome of other EVC proposals.

Conclusion

21. Whilst the development would accord with the broad thrust of DPD Policy SP7, the benefits arising from the proposal carry moderate weight in its favour. Those benefits are outweighed by the significant weight that I attribute to the proposal's harmful effect on the living conditions of nearby occupiers and the resultant conflict with DPD Policy EN1. This is sufficient to bring the proposal into conflict with the development plan as a whole.
22. The appeal proposal would accord with the Framework's encouragement for supporting sustainable transport modes and reducing greenhouse gas emissions, and it would broadly accord with emerging Policies ST1 and PS1 of the SLP. This carries modest weight in favour of the proposal. However, the Framework is clear that development should create places with a high standard of amenity for existing users. I give significant weight to the appeal proposal's conflict with the Framework in this regard.
23. I therefore conclude that the proposal would conflict with the development plan when read as a whole. The material considerations, including the benefits of the proposal and the provisions of the Framework, do not indicate that a decision should be taken other than in accordance with that plan. The appeal should be dismissed.

G Sylvester

INSPECTOR