



Appeal Decision

Site visit made on 12 May 2025

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Appeal Ref: APP/Z3635/W/24/3357654

Voyager House, 44 London Road, Staines-upon-Thames, Surrey TW18 4HF

- 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 Avon Ground Rent Limited against the decision of Spelthorne Borough Council.
 - The application Ref is 24/00784/FUL.
 - The development proposed is the construction of a single storey extension at roof level consisting of two self-contained residential units (Class C3), cycle parking and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey extension at roof level consisting of two self-contained residential units (Class C3), cycle parking and associated works at Voyager House, 44 London Road, Staines-upon-Thames, Surrey TW18 4HF in accordance with the terms of the application, Ref 24/00784/FUL, subject to the conditions below:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 1244-36.1-PA2-001, 1244-36.1-PA2-005, 1244.36.1-PA-010, 1244.36.1-PA-020, 1244.36.1-PA2-050, 1244.36.1-PA2-100, 1244.36.1-PA2-101, 1244.36.1-PA2-102A, 1244.36.1-PA2-200 and 1244.36.1-PA2-201.
 - 3) The development hereby permitted shall not be occupied until facilities for the secure, lit and covered parking of a minimum of 2 bicycles have been provided on site in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The facilities shall thereafter be retained in accordance with the approved scheme.
 - 4) The development hereby permitted shall be carried out in accordance with the Renewable Energy Statement by Ecolytik, and the energy strategy measures contained therein shall be implemented prior to the occupation of the units and shall thereafter be retained.
 - 5) No development shall take place until a Construction and Environmental Management Plan has been submitted to, and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period for the development.

Main Issues

2. The main issues are the effect of the proposed development on:

- The character and appearance of the host building and the area; and
- The living conditions of adjacent occupiers, with particular regard to the outlook from 11, 13 and 15 New Street, and overlooking of 29 Sidney Road.

Reasons

Character and appearance

3. Voyager House is a two storey apartment building. It is set well back from London Road, broadly to the rear of Venture House, which is a taller three storey residential building, with planning permission for an additional storey¹; and Elizabeth House, which has been granted prior approval for an extension resulting in a five storey residential building². To the west of Voyager House is New Street where the buildings are much smaller, typically comprising two storey houses.
4. The proposed extension would have a flat roof, but steeply sloping side walls. Its black steel balustrades and white door frames would match those in the floor beneath. Whilst its mansard roof and slate facing materials would contrast with the host's flat roof and brick and render walls, they would provide visual interest, and the resultant building would have a less squat and less rectilinear form than at present.
5. The doors and windows on the scheme's front elevation would broadly align with those on the floors beneath. Whilst that would not be the case to the rear, that face of the proposal would be even less visible from main public vantage points compared to its front face, and it would also be recessed well back from the host's rear wall. That set-back to the rear, and the set-in of parts of the side walls and of the privacy screens from the host's flanks, would also provide some articulation.
6. Consequently, whilst the scheme would not entirely reflect the style and appearance of the host, the resultant building would be appropriately designed, with well-proportioned facades, and a reasonably recessive top floor.
7. As proposed, Voyager House would be bulkier than the buildings in New Street, but according to the Design and Access Statement ('DAS') it would broadly align with their ridges. Moreover, its size and form would provide a transition to the larger, multi-storeyed buildings at Elizabeth House and Venture House. Given the range of building types, sizes and styles nearby, some of which have mansard roofs, the scheme would not appear incongruous, and it would not harm the character and appearance of the host property or the area.
8. Thus, on this issue, the proposal would not conflict with Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document 2009 ('SCS'). Amongst other things, and in general terms, this requires attractive buildings with a high standard of design, which respect and make a positive contribution to the streetscene and to the character of the area, having regard to scale, height, proportions, building lines, layout, materials, and other characteristics of adjoining buildings and land.

¹ Ref: 23/01234/FUL

² Ref: 22/01623/PDNF

9. Neither would it conflict with the more detailed design advice at Part 3 of the Spelthorne Design of Residential Extensions and New Residential Development Supplementary Planning Document 2011 ('SPD'); nor with the National Planning Policy Framework 2024 ('Framework') requirement at sections 11 and 12 for good design, which is sympathetic to local character, whilst also optimising site potential, including through upward extensions, and not preventing appropriate innovation or change.

Living conditions

10. Nos 11, 13 and 15 New Street have fairly short gardens, with the side elevation of Voyager House just beyond their rear boundaries. As a result of the scheme, Voyager House would be taller, but the extension's sloping side face would limit its bulk, and its rearmost section would be set in from the floors beneath.
11. Based on the plan at page 16 of the DAS there would be 11.7 metres to 15.3 metres between the main habitable room windows in Nos 11, 13 and 15 and the side face of the proposed extension; although in a letter dated 3 March 2025 the appellant states that these distances would be around 3 or 4 metres greater. Whatever the precise distances, they would fall short of the advice in the SPD which sets out that, for three storey buildings, there should be a minimum back-to-flank distance of 21 metres.
12. However, whilst it is a material consideration, the SPD constitutes guidance only. Having regard to the context of this area, where the relationship between buildings does not always accord with the distances in the SPD, and given the proposal's mansard roof form, its partial set-in from the host's flanks, and its limited height, that shortfall would not result in a harmfully overbearing impact on those occupiers.
13. The scheme's western elevation would not contain any windows, and the 1.8 metre high privacy screens next to its outdoor terraces would be tall enough to generally prevent people using them from looking out to the sides. Consequently, there would not be significant overlooking of the nearest properties in New Street.
14. The house at 29 Sidney Road has a long rear garden. Based on the plan at page 17 of the DAS, there would be around 45 metres between its rear face and the edge of the proposed roof terrace. Given the depth of their gardens, it is likely that the occupants of No 29 and the other nearby properties on this side of Sidney Road, would typically use most intensively those parts of them closest to the buildings' rear elevations. Moreover, I observed on my visit that trees and landscaping provide screening around the rear boundary of the appeal site.
15. At around 11 metres deep the host's rear garden falls short of the 15 metres recommended for a three storey building in the SPD. However, for the above reasons, the scheme would not give rise to significant overlooking of the nearest properties in Sidney Road.
16. I have considered the Daylight and Sunlight Assessment by T16 Design ('the DSA'), and the drawings showing the 'proposed effect on light of neighbours'. Given the scheme's height and form, and its relationship with nearby properties, I have no persuasive reason to doubt the DSA's conclusions that there would not be an adverse impact on residential properties in terms of daylight; and that the

scheme would be compliant with BRE³ guidance in relation to its impact on sunlight.

17. As the scheme would involve an upward extension of a building in a fairly constrained site, there would be noise and disruption to neighbours during construction. However, those impacts would be temporary and would not constitute grounds to withhold permission. Appropriate mitigation could also be secured through compliance with a Construction and Environmental Management Plan ('CEMP'). Finally, reasonable domestic use of the proposed flats, including their roof terraces, would not cause significant disturbance to nearby occupiers' living conditions.
18. Summing up, the scheme would not have a harmfully adverse impact on adjacent occupiers' living conditions. It would not therefore conflict with that part of SCS Policy EN1 which requires development to achieve a satisfactory relationship with adjoining properties, and to avoid significantly harmful impacts in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook.
19. Notwithstanding the shortfall against some of its numeric guidelines, the scheme would not conflict with the overall approach in the SPD, which is to ensure that the amenity of adjoining occupiers is not significantly harmed; nor with the Framework's stance at paragraph 135 to create places with a high standard of amenity for existing and future users.

Other matters

20. The Council's Parking Standards Supplementary Planning Guidance 2011 usually requires a 2 bed flat to have at least 1.5 parking spaces, but allows lower provision in some circumstances. In this case, no additional off-street car parking is proposed.
21. Local residents attest to significant parking stress and congestion in the area and on the site, with insufficient space for the existing occupants, resulting in cars and delivery/service vehicles being parked inconsiderately, thus causing conflicts, and particular issues for people with mobility challenges.
22. However, as detailed in the officer report and the Transport Statement by Motion, the site is within walking distance of all the facilities in Staines town centre, which is about 500 metres away, and its railway and bus stations; with further bus stops nearby on London Road. Consequently, this is a location where the occupants would not necessarily require a car to meet their day-to-day needs. On that basis, notwithstanding existing parking pressures, I am not persuaded that this small scheme of two flats would give rise to a harmfully adverse impact on the safety and convenience of highway users.
23. I have no substantive evidence that the scheme would destabilise the host building; or that it would be likely to result in property damage, which would, in any event, ordinarily be covered under separate legal rights.
24. Having regard to the Planning Practice Guidance⁴, planning is concerned with land use in the public interest, and the protection of purely private interests, such as the

³ Building Research Establishment - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice

⁴ ID: 21b-008-20140306

impact of development on property values and on service fees, are not material considerations.

25. Additional refuse bins are depicted on the drawings. I have no cogent evidence to support claims that the scheme would constitute a fire hazard, or that it would increase security risks and instances of fly-tipping. I have no detailed information regarding capacity in local services including medical and educational facilities; nor regarding the scheme's impact on other infrastructure, including water and sewage systems, or on mobile phone and television reception. Similarly, I have no detailed evidence that there is a reasonable likelihood of bats being present and adversely affected by the proposal; and even if there is Japanese knotweed in the communal gardens, no development is proposed on that part of the site.
26. I have dealt with the appeal on its planning merits, and the scheme's compliance with other legislation, including the Building Regulations, is not a matter for me to determine.
27. Finally, the Council acknowledges that it cannot demonstrate a five year supply of deliverable housing sites as required by the Framework, and that its housing delivery was substantially below the requirement over the previous three year period⁵. However, as I have found that the scheme would accord with the development plan, it has not been necessary for me to apply the tilted balance at Framework paragraph 11d).

Conditions and Conclusion

28. I have considered suggested conditions against the Framework's tests. As well as the standard time limit, in the interests of certainty, I have imposed a condition requiring that the development be carried out in accordance with the approved plans. As those plans detail the proposed extension's facing materials, which I have found to be acceptable, and as no additional parking area is proposed, the Council's third suggested condition is unnecessary.
29. Given that no additional car parking is proposed, and to encourage sustainable travel choices, a condition is necessary, as suggested, requiring the submission, implementation and retention of a scheme of cycle parking, which could entail expansion of the existing store as suggested in the DAS.
30. The Council's fifth suggested condition requires the submission of a report detailing how 10% of the scheme's energy requirements will be met utilising renewable energy methods. However, the application was accompanied by a Renewable Energy Statement by Ecolytik which sets out such measures. The Council has not provided a detailed assessment of that statement. Having regard to SCS Policy CC1, and in the interests of sustainable development, I have therefore imposed a condition requiring that the development be carried out in accordance with it.
31. Suggested conditions six and seven seek to prevent increased flood risk by prohibiting the raising of ground levels within areas liable to flood, and requiring all spoil and building materials to be removed upon completion. However, the site is in Flood Zone 2, and other than small bin and cycle storage areas, the proposal involves only roof level alterations. Consequently, those conditions are unnecessary.

⁵ Housing Delivery Test: 2023 measurement (December 2024)

32. Finally, for the reasons set out above, a condition requiring compliance with a CEMP is necessary in the interests of mitigating impacts on residential occupiers' living conditions. I have therefore imposed such a condition, with the precise details to be agreed between the parties. Having regard to S100ZA of the Act, it is necessarily phrased as a pre-commencement condition given that works could impact living conditions from the outset; and in a letter dated 6 September 2024 the appellant agrees to its imposition.
33. For these reasons, and having regard to all other matters raised, including all representations by interested parties, the appeal is allowed.

Chris Couper

INSPECTOR