



Appeal Decision

Site visit made on 20 May 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 JUNE 2025

Appeal Ref: APP/Z3635/W/25/3358550

12 Stanwell Close, Stanwell, Surrey TW19 7LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr & Mrs Shiv Singh and Taranjeet Kaur Bains against the decision of Spelthorne Borough Council.
 - The application Ref is 24/01186/PIP.
 - The development proposed is erection of 1-2 dwellings.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr & Mrs Shiv Singh and Taranjeet Kaur Bains against the decision of Spelthorne Borough Council. This is the subject of a separate decision.

Preliminary Matters

3. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle route has two stages: the first 'permission in principle' stage establishes whether a site is suitable in-principle, and the second 'technical details consent' stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted.
5. An applicant can apply for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for 1-2 dwellings. Two drawings were submitted with the application, showing one dwelling and two dwelling options respectively, which I have treated as indicative only.

Main Issue

6. The main issue in this appeal is whether the site is suitable for residential development having regard to its location, the proposed land use and the amount of development.

Reasons

7. The appeal site is located within the built up area of Stanwell, close to local shopping facilities. The immediate area is residential in character, comprising terraced and semi-detached dwellings fronting the highway, with private gardens to the rear. The appeal site forms part of a pair of semi-detached properties positioned at right angles to the road, and consequently lacks a direct road frontage, and to that extent it differs from the prevailing character of the area.
8. The appeal site is within the built-up area and located close to local services. The proposal is for a tandem form of development, with the proposed dwelling(s) located to the side of the host property, sharing a vehicular access. The County Highway Officer has not objected to the use of the access being intensified, subject to visibility splays being confirmed at technical details consent stage. The shared access would result in vehicles driving past the front door and windows of the host property, but given the low level of traffic, nuisance is unlikely to occur as a result. Consequently, the location is suitable for residential development.
9. My attention has been drawn to a recently-constructed bungalow to the rear of no 8 Stanwell Close¹ (itself one half of a pair of semi-detached dwellings with a similar orientation to the appeal site). No 8 had a well-proportioned rear garden which was judged large enough to accommodate a bungalow at the rear in a tandem layout, sharing the same access. Whilst the appeal property's rear garden is smaller, it is nonetheless capable of accommodating tandem development in principle, without detriment to the character and appearance of the area, as evidenced by no 8 Stanwell Close. The decision at No 8 confirms that the location is suited to residential development.
10. The appellant has indicated that the site would be developed with between one and two houses. A two-storey house or pair of houses would necessarily be located close to the site boundaries, where there are existing dwellings on two sides which have upper floor windows facing the appeal site, in addition to the host property itself having rear-facing windows. Consequently, a house or pair of houses with upper floor windows would result in intervisibility and a loss of privacy for both existing and future occupiers. Furthermore, a two-storey house or pair of houses would not be subordinate to the main house in terms of massing, resulting in a disproportionately bulky and discordant feature when seen from outside the site. Such outcomes would be contrary to the advice contained in the Council's Design of Residential Extensions and New Residential Development Supplementary Planning Document April 2011.
11. A pair of dwellings would be likely to have substandard gardens and consequently would provide inadequate living conditions for occupiers. Given that the bungalow at no 8 Stanwell Close included car parking, it is unclear whether sufficient parking and turning could be provided for two dwellings in addition to the host dwelling, notwithstanding that a recent development nearby was car free. If sufficient parking and turning could be provided, there is a risk of the resultant hardstanding becoming a dominant visual feature. For a single dwelling, by contrast, there would be more scope to provide adequate amenity space, and an appropriate amount of parking and turning space.

¹ LPA reference 22/01248/FUL

12. I therefore conclude that, whilst the site is suitably located for the proposed land use, the amount of residential development proposed would fail to provide adequate living conditions or parking facilities and would not respect the character and appearance of the area. It would as a result be contrary to Policy EN1 of the Core Strategy and Policies Development Plan Document Adopted 26 February 2009 (CSP), which sets out criteria for the design of new development, including having regard to the character of the area and achieving a satisfactory relationship with adjoining properties.

Planning Balance

13. The Council has acknowledged that it cannot demonstrate a five year supply of deliverable housing sites, and moreover it cannot comply with the Housing Delivery Test. Consequently paragraph 11(d) of the National Planning Policy Framework should be applied. The policies most important for determining the application are deemed to be out of date and consequently permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
14. The delivery of one or two houses in a sustainable location would be a social benefit, whilst economic benefits would accrue from the construction phase. Positively contributing to the Council's housing land supply is also a benefit, albeit in a modest manner for one or two dwellings. I therefore attach limited weight to the benefits that the scheme delivers.
15. The harm I have identified as arising from the principle of the proposal relates to its failure to provide adequate living conditions for existing and future occupiers, a potential lack of on-site parking and turning, and a failure to respect the character and appearance of the area. The proposal conflicts with Policy EN1 of the CSP.
16. The Framework advises that good design is a key aspect of sustainable development and gives significant weight to development which responds to local design policies. The poor living conditions, lack of parking and harm to the character and appearance of the area, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Other Matters

17. The appellant has referred me to two recent residential schemes, at the rear of 75 High Street and adjacent to 79 High Street respectively. However, as neither is a tandem development, they do not provide precedents for the appeal proposal.
18. The appellant has completed Certificate B as part of the appeal. However, Article 5D of the Town and Country Planning (Permission in Principle) Order 2017, which lists the requirements for a valid application for permission in principle, does not require the submission of an ownership certificate. I have therefore disregarded the ownership certificate submitted with the appeal.

Conclusion

19. The proposal would conflict with the development plan as a whole, and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

J Heppell

INSPECTOR