



Appeal Decision

Site visit made on 25 November 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **05 DECEMBER 2025**

Appeal Ref: APP/Z3635/W/25/3373992

18 Wellington Road, Ashford TW15 3RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Daniel Moore against the decision of Spelthorne Borough Council.
- The application Ref is 25/00806/RVC.
- The application sought planning permission for: 'roof alterations and extensions to create habitable roof space, with insertion of 1 no. front facing dormer and 1 no. rear facing dormer, erection of single storey side extension and a single storey rear extension. Changes to fenestration and extension of dropped kerb. All to facilitate the subdivision of the property into 2 no. flats (1 no. 2 bed and 1 no. 3 bed) with associated parking and amenity space. Changes to single storey side extension to reduce set in from boundary' without complying with a condition attached to planning permission Ref 24/01542/FUL, dated 27 March 2025.
- The condition in dispute is No. 3 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: EX-L003, EX-P001, EX-P002, EX-P004, EX-E001, EX-E002, EX-E003, EX-E004, EX-S001, received 23.12.24, and PR-L003, PR-P001, PR-P002, PR-P004, PR-E001, PR-E002, PR-E003, PR-E004, PR-D001, received 13.03.25.
- The reason given for the condition is: 'For the avoidance of doubt and to ensure the development is completed as approved'.

Decision

1. The appeal is allowed and planning permission is granted for 'Variation to Condition 3 (Approved Plans) relating to planning permission 24/01542/FUL for roof alterations and extensions to create habitable roof space, with insertion of 1 no. front facing dormer and 1 no. rear facing dormer, erection of single storey side extension and a single storey rear extension. Changes to fenestration and extension of dropped kerb. All to facilitate the subdivision of the property into 2 no. flats (1 no. 2 bed and 1 no. 3 bed) with associated parking and amenity space. Changes to single storey side extension to reduce set in from boundary' at 18 Wellington Road, Ashford TW15 3RJ in accordance with the terms of the application, Ref 25/00806/RVC and subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made by Mr Daniel Moore against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. On my site visit I observed that the appeal scheme had been carried out in part and that, insofar as it has been constructed, it appears to broadly accord with the plans before me. Therefore, I have considered the appeal on that basis.

Main Issues

4. The main issues are:
 - the effect of the appeal scheme on the character and appearance of the area; and
 - the effect on the living conditions of the existing occupiers of 20 Wellington Road with specific regard to light and outlook.

Reasons

Character and Appearance

5. The variation involves a side extension that is 0.65m wider than the approved scheme, resulting in a gap between the extension and the boundary with 20 Wellington Road of between 0.35m and 0.45m according to the Council's measurements. Having regard to the variety of spacing between other properties in Wellington Road, this does not appear to be out of place.
6. The flat roof of the additional extension creates a stepped element where it connects with the roof extension above and is visible from the street. Whilst the Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development (2011) (SPDDRE) advises that side extensions should incorporate a full pitched roof to reflect the form and character of the host dwelling, the small scale of the extension and the use of elevational materials to match the host dwelling mean that it is not unduly prominent and does not result in the host dwelling having an unbalanced appearance. Furthermore, given the varied appearance of dwellings on Wellington Road and the presence of a range of different types of alterations and extensions, the appeal scheme does not appear to be an incongruous addition to the host building or at odds with the character and appearance of the area.
7. Therefore the appeal scheme complies with Policy EN1 of the Spelthorne Borough Council Core Strategy and Policies Development Plan Document (2009) (CSPDPD) which seeks good design and states that developments should respect and make a positive contribution to the street scene and character of the area, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.

Living Conditions

8. Whilst the extension is closer to 20 Wellington Road than the approved scheme, according to the Council's measurements the gap between the two buildings is between 1.15 and 1.25m. The northern elevation of No. 20 has three windows facing the appeal site – one to a bathroom which is not a habitable room, one to a kitchen which has another window on the rear elevation of the dwelling, and a third to a bedroom which has no other windows. Thus, the bedroom is the only single-aspect habitable room that could be affected.

9. Whilst the extension that is the subject of this appeal is closer to No. 20 than the approved scheme, both the Council and the appellant have said that the building envelope of No. 18 does not cross the 45-degree vertical guide as set out in the SPDDRE. Whilst this criterion is normally associated with two-storey development, in this case it has been referred to to demonstrate that the extension would not result in a harmful effect in terms of light to the side bedroom window of No. 20 when compared with the approved scheme.
10. Even so, the extension impacts on the outlook from the bedroom, resulting in some harm, particularly in terms of having an overbearing effect due to proximity. However, this is a bedroom, a type of room that is commonly used mostly at night and with a window covering for privacy, and no other single-aspect rooms are affected. Overall, therefore, I do not find that the appeal scheme causes significant harm – which is the test in the relevant policy – to the living conditions of No. 20.
11. Therefore, the appeal scheme complies with CSPDPD Policy EN1 and the SPDDRE which together say that proposals should aim to achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.

Other Matters

12. Representations have been made in relation to a number of other issues, including parking and highway safety concerns, the incremental increase in the size of the property, that the appeal scheme had encroached on the boundary of a neighbouring property, and the prospective use of the property as a house in multiple occupation and issues associated with such a use. However, having considered all of the submissions before me, I do not find that the appeal scheme gives rise to any issues in respect of these matters. An interested party has also referred to a previous dismissed appeal, but I have not been provided with any details of that appeal.
13. Whilst it has been noted that the changes for which permission is sought go beyond those which, according to the Council's guidance, can be made to 'open' (i.e. undetermined) planning applications, this proposal seeks to amend an approved scheme and therefore this guidance is not relevant.
14. A number of interested parties have commented on the motivations behind the appeal scheme, its conflict with previously-approved plans, and have said that allowing this appeal would undermine confidence in the planning system. However, I may only consider the merits in planning terms of the development which is the subject of the appeal application. Similarly, whilst some parties have suggested that the appeal scheme will set a precedent, each scheme must be considered on its own merits.

Conditions

15. I have reviewed the conditions proposed by the Council in light of the tests in the National Planning Policy Framework and advice in the Planning Practice Guidance. I have also taken account of the appellant's comments on these.
16. I have imposed a condition requiring that the development accords with the approved plans for the avoidance of doubt and in the interests of certainty. A

condition relating to construction materials is necessary in the interests of the character and appearance of the area, as is a condition requiring details of a landscape scheme.

17. To ensure that satisfactory provision is made for refuse and recycling facilities, a condition requiring the provision of a suitable storage area is necessary. In the interests of highway safety and the promotion of sustainable transport, conditions relating to motor vehicle and cycle parking are also necessary.

Conclusion

18. Overall, the appeal scheme complies with the development plan when taken as a whole, and there are no other material considerations which indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above the appeal should be allowed.

P Burley

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following plans: PR-L003 REV A; PR-P001 REV A; PR-P002 REV A; PR-P004 REV A; PR-E001 REV A; PR-E002 REV A; PR-E003 REV A; PR-E004 REV A; PR-D001 REV A; PR-D002 REV A; PR-L002 REV A; PR-S001 REV A; and PR-S002 REV A.
- 2) The extension hereby permitted shall be carried out in facing materials to match those of the existing building in colour and texture.
- 3) Before the first occupation of any part of the development, a landscaping scheme and a timetable for the implementation of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out as approved and in accordance with the approved timetable.
- 4) Before the first occupation of any part of the development, a suitable location within the site and clear of the public highway shall be provided to accommodate the following refuse and recycling receptacles, and the location shall remain available for the storage of refuse and recycling receptacles for the lifetime of the development:
 - 2 x 240 litre rubbish bins;
 - 2 x 240 litre recycling bins;
 - 2 x green kerbside food waste bins; and
 - 2 x grey indoor food caddies.
- 5) Before the first occupation of any part of the development, space shall be laid out within the site in accordance with the approved plans for no more than two (2) motor vehicles to be parked. The parking area shall be retained and maintained for its designated purpose for the lifetime of the development.
- 6) Details of facilities within the site for the secure, lit and covered parking of at least six (6) bicycles and the provision of a charging point with timer for e-bikes, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made available before the first occupation of any part of the development and the approved facilities shall be retained and maintained for the lifetime of the development.

End of Conditions