



Appeal Decision

Site visit made on 2 December 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th December 2025

Appeal Ref: APP/Z3635/W/25/3373844

Parking Adjacent To 11 Denman Drive, Ashford TW15 2AN

- 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 Mr Robin Heap of Zest Eco Ltd against the decision of Spelthorne Borough Council.
 - The application Ref is 25/00529/FUL.
 - The development proposed is installation of 2 no. electric vehicle charging units serving 4 no. spaces, with associated plant equipment including limited resurfacing works.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of nearby residential properties, having regard to noise and disturbance.

Reasons

3. The appeal site forms an existing area of hardstanding currently used for car parking. The immediately surrounding area is primarily residential, albeit the building adjacent to the appeal site partly forms a small parade of commercial uses with flats above. The evidence before me indicates that the nearby commercial uses are closed from 18:00. Evening activity in the surrounding area is therefore residential in nature.
4. The proposed electric vehicle (EV) charging points are proposed to be positioned to the edge of the area of hardstanding, immediately adjacent to the side gable of 11 Denman Drive. This elevation features windows at both ground and first floor level. I observed during my site visit that the activity in the area was at a relatively low level, likely to be reduced further during the evening. Whilst my visit was a snapshot in time, there is little in the evidence to suggest that the area is usually busier. Residents would therefore have an expectation of the area as a relatively peaceful living environment.
5. The proposal includes the installation of one 22 kW fast charger and one 120 kW rapid charger. It is presented through the appeal that the rapid charger would be switched off between 20:00 and 07:00. The fast charger would however remain available for nighttime use.
6. Policy EN1 of the Spelthorne Borough Council Core Strategy and Policies Development Plan Document (the Local Plan) (2009) amongst other matters,

seeks for new development to achieve a satisfactory relationship to adjoining properties.

7. At present the appeal site is used for parking including by local residents and customers of the nearby commercial uses. There is therefore already likely to be some noise and disturbance experienced locally. However, the proposal would introduce EV charging points which would lead the appeal site to become a destination in its own right, potentially attracting drivers who have no connection to the nearby properties and thereby increasing the level of vehicular activity at the appeal site.
8. The movements and trips associated with the proposal would lead to increased noise and disturbance in a predominantly residential area, in close proximity to existing residential properties, including car headlights, opening and closing of car doors, and general disturbance associated with users waiting for their vehicles to charge.
9. It is suggested that most vehicles would reverse into the spaces and that the charger available overnight would not be in a direct line of sight to nearby residences. However, light spill from headlights would still be noticeable to occupiers of residential properties as the vehicles enter the car park and manoeuvre into the spaces.
10. The appellant has presented that a condition could be attached requiring compliance with a management plan which could include requirements such as prompts and signage to keep noise to a minimum and avoid engine idling. However, this would be very difficult to enforce and therefore I am not satisfied that it would fully mitigate the level of noise and disturbance which would be experienced by nearby residential properties.
11. Despite the intention for one of the charging points to be switched off overnight, the other would still be available 24 hours a day. The proposal would therefore expand the hours of noise and disturbance in the immediately surrounding area, noting that the commercial uses in the area do not currently operate overnight. Whilst it is suggested that the fast charger unit passively cools and produces no operational noise, there is little in the evidence before me, for example data sheets, which confirm this to be the case. Based on the details provided, I cannot be satisfied that the proposed charging units would be capable of achieving noise levels compatible with a residential environment and therefore this is not a matter which could be left to condition.
12. Light from the display screens on the charging points would feature automatic nighttime dimming and dark mode. Given the scale of the units, I do not find that the light emissions from the structures themselves would be implicitly harmful to neighbouring living conditions.
13. Nevertheless, based on the above, I have found that overall, the proposed development would have an unacceptable effect on the living conditions of occupiers of nearby residential properties, having regard to noise and disturbance. The proposal would therefore be contrary to Policy EN1 of the Local Plan.

Other Matters

14. The appellant has provided numerous examples of similar installations in residential settings. However, I do not have the full details of these developments including their status in respect to planning permission or the full context within which they are situated. I therefore have afforded these examples very limited weight in my decision.
15. The National Planning Policy Framework is supportive of charging points for plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The proposal would facilitate the use of electric vehicles which is beneficial in the context of encouraging more sustainable modes of travel in the shift away from the use of petrol and diesel vehicles. It would contribute towards the provision of publicly accessible charging stations within the local area and the Borough more widely. Nevertheless, in the context of the modest scale of the proposal, I have given these benefits limited weight.

Conclusion

16. The benefits associated with the proposal are not sufficient to outweigh the overall harm to the living conditions of occupiers of nearby residential properties. The proposal therefore conflicts with the development plan when read as a whole, and material considerations do not indicate a decision otherwise than in accordance with it. I therefore conclude that the appeal should be dismissed.

L Gardner

INSPECTOR