



Appeal Decision

Site visit made on 23 May 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2024

Appeal Ref: APP/Z3635/W/23/3333864

5 - 7 & 9 Station Approach and 21 Woodthorpe Road, Ashford TW15 2RP

- 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 Morris against the decision of Spelthorne Borough Council.
 - The application Ref is 23/00865/FUL.
 - The development proposed is demolition of existing office buildings and construction of 40 residential units together with Class E (commercial, business and service) floorspace, associated amenity and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is accompanied by revised drawings which include amendments to address inconsistencies contained in the earlier drawings on which the Council's decision was based. The proposed amendments would not entail a substantial change to the proposed development and they would not cause procedural unfairness to anyone involved given their nature and extent. Therefore those amended drawings have been taken into account in the determination of the appeal.
3. The Council submitted its Emerging Local Plan 2022- 2037 (the ELP) for examination in November 2022 and it is going through the examination process. Both main parties refer to the ELP and this is discussed further below.

Main Issues

4. The main issues are (i) the effect of the proposal on the character and appearance of the area, and (ii) effects on the living conditions of the occupants of nearby properties.

Reasons

Character and Appearance

5. The appeal site lies within Ashford Town Centre which comprises a rich mix of buildings of varying design and character predominately with commercial uses at the ground floor level and residential accommodation above. The area surrounding the appeal site displays a dense pattern of development with limited spaces between buildings other than to provide areas of hard surfacing for parking.

6. Building heights in the area also vary significantly and include a two storey terrace to the south of the appeal site as well as taller buildings such as Imtech house of five storeys, The Foundry rising to four storeys and Ash House on Station Road of five storeys. As a result of this variation in building heights, views of taller buildings are frequently possible through gaps and over the smaller buildings. These taller buildings are not grouped, but are peppered across the town centre and often result in stark changes in building heights across the area. These taller buildings include those with both prominent street frontages such as Imtech House as well as those behind the main building line in the case of The Foundry. Together the variation in building scale and character contributes to the established character and visual interest of this area.
7. The proposal would respect the building heights of the surrounding area, and the top storeys would be recessed, reducing the massing and adding articulation to the upper floors. The appellant's Massing Views suggest that the upper levels of the blocks would be visible to varying degrees from the surrounding area, including from the far side of the roundabout to the south, where they would appear above the consistent height and strong parapet line of the two storey terrace. However, given the dispersed nature of taller buildings across the area and their existing impacts on the townscape, I do not consider the visual effects of the height and massing of the blocks would cause visual harm.
8. The proposed blocks would extend close to their site boundaries and the western block would sit hard against the edge of the car park to the north and would not benefit from a street frontage. However, given the relatively dense grain of development in the area, together with the adjacent development at The Foundry which is similarly set back behind the street frontage, the proposed site layout would not appear uncharacteristic in this context.
9. The proposed eastern block would include a frontage onto Station Approach. This forms part of the designated shopping area and the appellant acknowledges the importance of this frontage as it provides a link from the station to the main commercial centre and contributes to the impressions of the area of those users of the station. Despite the varied building forms which characterise the wider area, there is a greater degree of consistency in the appearance of the buildings forming the western street frontage. This arises from the combination of their storey heights, alignment of the shopfronts and first floor windows, as well as a strong horizontal parapet which runs continuously across the frontage above the first floor level. Together these contribute positively to the character of this important route. While not of any particular architectural merit, the existing building at 7-9 Station Approach shows consideration for these established characteristics.
10. By contrast, the proposed frontage onto Station Approach would deviate significantly from the established storey heights and window levels which characterise the existing frontage and the horizontal lines of the frontage would be substantially lost. While the approach to the building height is not opposed for the reasons set out above, when viewed in combination with the detailed design and proportions of the proposed Station Approach elevation, this would amount to a substantially incongruous addition which would contrast heavily with its context. It is not apparent that the proposed stepped nature of this

elevation would mitigate for or reduce these effects and its departure from the established building line adds further to its jarring effects.

11. The appellant describes the proposal as providing a marker in the townscape and comprising its own distinct identity. While this may be the case it is not apparent that the benefits in doing so would provide justification for the heavy conflict with the established frontage. Other buildings to the south may potentially be redeveloped over time, however there is not sufficient evidence of the likelihood or timescales to suggest that the harm arising from the proposal would be short lived.
12. In summary on this main issue, the proposal would cause harm to the character and appearance of the area by reason of the design of the Station Approach frontage. While the effects would be limited predominantly to localised views around Station Approach, the effects would nonetheless be very significant. The proposal would conflict with Policy EN1 of the DPD¹ insofar as it requires development to respect and make a positive contribution to the street scene and the character of the area in which they are situated, having due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land. There would also be conflict with the Council's Design of Residential Extensions and New Residential Development Supplementary Planning Document (SPD) 2011 which identifies the character of the area as one of the most important considerations for a well designed scheme. The proposal would also be at odds with the design objectives of the National Planning Policy Framework (the Framework) where it requires development to be sympathetic to local character including the surrounding built environment.
13. In respect of density, the proposal would exceed the density guideline for Ashford set out in Policy H05 of the DPD. The policy allows for a higher density where compliance with Policy EN1 is demonstrated, however, as this has not been the case the proposal would also be in conflict with Policy H05 of the DPD. I note the appellant's comments regarding the age of that policy and that it was based on different housing targets at that time. Nonetheless, it is broadly consistent with paragraph 128 of the Framework given that it allows for a higher density subject to design considerations. As such the conflict with it does not attract reduced weight.
14. The site allocation in the ELP, of which the appeal site forms a part, contains site specific requirements which include the need for a well-designed scheme that has a positive relationship with nearby town centre uses. It also identifies the site as having the opportunity to provide a well-designed scheme that makes a positive contribution to the wider street scene. For the reasons set out, the proposal would not comply with the requirements for the allocation set out in the ELP.

Living Conditions of Occupants of Nearby Properties

15. No.3 Station Approach adjoins the site to the north and comprises flats set across three storeys, some of which are served by windows in its west facing elevation. The appellant's Daylight and Sunlight Report acknowledges that diffuse daylight may be adversely affected to three of those windows closest to the appeal site. In addition, the development would also breach a 45 degree

¹ The Spelthorne Core Strategy and Policies Development Plan Document, February 2009

vertical guide line taken from the centre of those windows, in accordance with methodology set out in the Council's Design of Residential Extensions and New Residential Development SPD.

16. Nonetheless, the tests contained in the Council's SPD acknowledge that they are a guide and the Framework is clear that authorities should take a flexible approach in applying guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of the site. The appellant identifies those affected windows serve bedrooms, where expectations of high levels of daylight are generally less. Furthermore, the extent of the losses are not significant and the resultant figures fall just below the level of acceptability under the Vertical Sky Component test. The north elevation of the proposed development would be close to these windows and would inevitably be apparent and prominent to some degree in the outlook from those bedroom windows. However, there is not substantive evidence to suggest that these effects would be overbearing or amount to a significant harmful impact. For these reasons in combination, I consider the effects of the proposal on no.3 Station Approach to be acceptable.
17. The appellant acknowledges effects on other existing windows, in particular including one ground floor window within 35A Woodthorpe Road within the Foundry development. The Council accepts that the impacts of the development on their lighting would not be to an extent to warrant refusal. Based on the evidence, and considered in light of the provisions of the Framework set out above, I find the effects on the natural lighting and outlook of other properties, including within No.35A, to be acceptable.
18. In conclusion on this main issue, the proposal would not cause unacceptable harm to the living conditions of occupants of nearby properties and would comply with Policy EN1 of the DPD which, at point b), requires development to achieve a satisfactory relationship to adjoining properties and avoid significant harmful impacts in terms of matters including daylight and outlook.

Planning Balance

19. The Council accept that it cannot demonstrate a five year land supply for housing and state that it can demonstrate a supply of only 3.52 years. It states a need for 3,708 dwellings over five years including a buffer, and that it has identified sites to deliver 2,615 dwellings in the five year period. As such the provisions of paragraph 11d) of the Framework are relevant to the appeal and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. The proposal would cause harm to the character and appearance of the area for the reasons set out. This harm would occur to part of the shopping frontage which forms an important spinal route connecting the station to the main part of Ashford town centre. The effects would be significant and long lasting, and would cause conflict with the development plan as well as the Framework. As such this harm attracts substantial weight.
21. In terms of benefits, the proposal would entail the redevelopment of a brownfield site in a sustainable location with good accessibility to services and facilities including public transport links. These are attributes supported by the Framework and it is a site which the Council accept is suitable for new housing.

The development would provide 40 market units, which would contribute to the national objective to boost the supply of homes and is particularly important given the identified local shortfall. These would be a mix of sizes and include wheelchair accessible units.

22. The development would utilise sustainable energy sources and would introduce areas of soft landscaping with associated drainage and ecological benefits, although these would be limited in scale. There would be some economic benefit arising from the construction process and from ongoing expenditure by future occupants, as recognised by third parties supporting the proposal. The proposal would provide a Class E use at the ground floor and as a consequence part of the Station Approach frontage would be active. However it would not appear that the existing frontage could not similarly provide such a benefit. Taken together, the benefits attract moderate weight, given the scale of the proposal and the level of its contribution to the identified housing shortfall.
23. The site also forms part of a wider area allocated within the ELP for approximately 120 residential units as well as commercial floorspace. Even if considerable weight were to be attached to the ELP as suggested by the appellant, given the conflict identified with the requirements of that allocation, it would not add any significant weight in favour of the development. Where the proposal would be policy compliant in other respects, these are neutral matters and do not weigh in favour of the proposal.
24. Accordingly, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development set out in the Framework.

Other Matters

25. The Council refers to other concerns which it finds would not amount to reasons for refusal in their own right, but which contribute to the indication of overdevelopment. The need for contributions to infrastructure are also discussed. However I have not considered these matters further since they would not change the outcome of the appeal.

Conclusion

26. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR