

# Planning Committee

30 April 2025



<b>Application No.</b>	25/00214/HOU
<b>Site Address</b>	49 Denman Drive Ashford TW15 2AN
<b>Applicant</b>	Mrs Emma Paver
<b>Proposal</b>	Erection of a single storey rear extension to the rear of existing extension, with first storey rear extension above.
<b>Case Officer</b>	Emily Archibald
<b>Ward</b>	Ashford East
<b>Called-in</b>	The applicant is a member of staff at Spelthorne Borough Council. Therefore, in accordance with the Planning Code (paragraph 40) this application is being presented to Committee for a decision.

<b>Application Dates</b>	Valid: 13.03.2025	Expiry:08.05.2025	Target:08.05.2025
<b>Executive Summary</b>	<p>The application site refers to 49 Denman Drive in Ashford; a two-storey semi-detached dwelling situated on the southern side of the road. The property is set back from the road, with a shared driveway on its eastern flank elevation and detached garage to the rear of the property. The application property, much like others within the immediate vicinity, is characterised by its red tile hung façade and wide casement windows in the front elevation.</p> <p>The proposal is for the erection of a single storey rear extension to the rear of existing extension, with a first-floor rear extension above.</p> <p>The property has been previously extended with a single storey rear extension. (ref. SUN/FUL/7402/A) This has been built out, as shown on existing plans. The applicant was also granted planning permission in 2020 for the erection of a first-floor rear extension, with internal alterations and new ground floor bi-fold doors out onto the rear garden. This has not been implemented, and the permission has since expired.</p> <p>The proposal is considered acceptable in terms of both its impact on the wider character of the area and its impact on amenities of neighbouring properties.</p>		
<b>Recommended Decision</b>	Approve the application subject to conditions as set out in the Recommendation section (paras 8.1 and 8.3)		

## MAIN REPORT

### 1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD (CS&P DPD) 2009 are considered relevant to this proposal :

- EN1 Design of New Development

1.2 Also relevant are the following Supplementary Planning Documents:

- [SPD on the Design of Residential Extensions and New Residential Development 2011](#)

1.3 The policies contained within the [National Planning Policy Framework](#) (NPPF) (December 2024) are also relevant.

1.4 On 19 May 2022, the Council agreed that the draft Spelthorne Local Plan 2022 – 2037 be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The public consultation for the Pre-Submission Publication version of the Local Plan ended on 21st September 2022 and the local plan was submitted to the Planning Inspectorate on 25th November 2022.

An Examination into the emerging Local Plan commenced on 23 May 2023. However, it was paused to allow time for the new council to understand and review the policies and implications of the emerging Local Plan and to address the issues that were identified in the first week of the Examination, in particular flood risk and its potential implications in relation to the site allocation and delivery strategy of the plan.

On 12 December 2024, the Planning Inspectorate confirmed that the Local Plan examination would resume on the 27 January 2025. This has now taken place and the Examination closed on 18 February 2025. Adoption of the Local Plan by Council could be by September 2025 subject to the plan being found sound by the Inspector and public consultation undertaken on the Main Modifications <https://spelthornelocalplan.info/evidence-base/>

The following policies of the Pre-Submission Spelthorne Local Plan 2022 – 2037 are of relevance:

- PS2: Designing places and spaces.

The NPPF states at para 49 that: Local Planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Section 38(6) the Planning and Compulsory Purchase Act 2004 ([https://www.legislation.gov.uk/ukpga/2004/5/pdfs/ukpga\\_20040005\\_en.pdf](https://www.legislation.gov.uk/ukpga/2004/5/pdfs/ukpga_20040005_en.pdf)) requires applications to be determined in accordance with the development plan (unless material considerations indicate otherwise) and not in accordance with an emerging plan, although emerging policies may be a material consideration.

At this stage, the policies in the Pre-Submission Spelthorne Local Plan carry limited weight in the decision-making process. The adopted policies in the 2009 Core Strategy and Policies DPD carry substantial weight in the determination of this planning application.

## 2. Relevant Planning History

2.1 The site has the following planning history:

SUN/FUL/6318B/A	Construction of new roads and erection of 128 houses, 14 bungalows and 4 shops with 2 flats over.	Granted 04.04.1962
33/30878/FUL	Construction of new roads and erection of 128 houses, 14 bungalows and 4 shops with 2 flats over.	Granted 06.04.1962
STAINES/FUL/P4546/4	Construction of new roads and erection of 128 houses, 14 bungalows and 4 shops with 2 flats over, and garages.	Granted 15.01.1963
SUN/FUL/7402/A	Extension to house at rear.	Granted 10.09.1970
20/00267/HOU	Erection of a first-floor rear extension, internal alterations and the installation of bi-folded doors at the rear elevation of an existing ground floor extension.	Granted 27.04.2020

### 3. Description of Current Proposal

- 3.1 The application under consideration is seeking permission for the erection of an additional 2.5 metre single storey rear extension to the rear of the existing extension, with a 3.3 metre first storey rear extension above the existing extension.
- 3.2 The main planning considerations for the scheme include the impact of the development on the character of the surrounding area, the design, and the impact on the amenity of neighbouring properties.
- 3.3 The existing dwelling is set-back from the road, though sits slightly forward of No.'s 47 and 45 on a staggered building line. The dwelling is characterised by its red hung tile façade and wide front facing casement windows. The property has an adjoining semi on its western flank elevation. This property has extended to the rear via a single storey rear extension measuring approximately 3 metres in depth. No. 47 Denman Drive sits to the east, approximately 5.7 metres away. The application site has a generous garden which backs onto properties on Staines Road West.
- 3.4 It is relevant to note that the applicant had been granted permission for an identical first floor extension in 2020. (ref. 20/00267/HOU) The difference between this application and the 2020 application, is that the application under consideration also proposes a single storey rear extension.

### 4. Consultations

- 4.1 There were no consultations sought for this application, although the Council's Environmental Health Department has provided comments.

4.2

#### Statutory Consultees

Consultee	Comment
None	N/A

#### Non-Statutory Consultees

Consultee	Comment
<b>Environmental Health (Contamination)</b>	They note that the property is located on the former Denman Drive Landfill. The proposal also includes roof alterations. They have recommended an informative for each respective point.

4.3 Public Consultation

A total of 4 neighbouring properties were notified of the planning application. No letters of representation have been received.

## 5. Planning Issues

- Design & Character
- Amenity
- Parking

## 6. Planning Considerations

### Design & Character

- 6.1 Policy EN1 of the Core Strategy and Policies Development Plan Document (CS&P DPD) states that the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity, and they should also respect and make a positive contribution to the street scene and character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
- 6.2 The applicant is proposing a 2.5 metre extension on the back of the existing 4.2 metre single storey rear extension, which was approved in 1970 under application SUN/FUL/7402/A. This would create a total depth of 6.7 metres at ground floor, measured from the original rear wall of the dwelling. The extension would be flat roofed, with a total height of 3.15 metres, also with 1 no. rooflight installed. The rear extension proposed, together with the existing rear extension, would exceed the Council's guidance as set out in the Design of Residential Extensions and New Residential Development Supplementary Planning Document 2011 ([SPD](#)) which recommends a depth of 4 metres for semi-detached properties. The dwelling, however, is situated on a generously sized plot, which has a depth of approximately 28 metres from the original rear wall. Whilst the depth would exceed the Council's recommended guidance, the plot would be considered capable of accommodating a larger than typical extension. The depth of 6.7 metres is considered to be proportionate to the plot, and appropriate in this context.
- 6.3 The generous spacing between the buildings on Denman Drive allows for a view of the side elevations of the properties on the southern side of the road. The existing rear extension is, therefore, partially visible from the road. A further extension to this element would also be partially visible. However, the staggered building line at the beginning of Denman Drive, does mitigate any views of the extension, making it visible only when stood at a certain point on the road. It is not considered to be prominent in the wider context of the street scene. The frontage of the dwelling would remain unaffected, therefore not disrupting the wider character of the road. Many properties within the immediate vicinity have implemented rear or side extensions, some dwellings both, which have greater visibility within the street scene.
- 6.4 The applicant has indicated that the extension would incorporate materials to match those of the existing dwelling, to assist it blending into and remaining in keeping with not only the host dwelling, but the wider vernacular. The rear

extension is therefore not considered to significantly detract from the character of the host dwelling, nor that of the surrounding area, in accordance with Policy EN1 of the CS&P DPD.

- 6.5 Above the existing ground floor extension, the applicant has indicated a first-floor extension with a depth of 3.3 metres from the original rear wall, set-in from the western boundary by 1.8 metres. The first-floor extension would have a pitched roof which connects into the main roof of the original dwellinghouse. The extended roof would not reach the original ridge height, but would sit 0.6 metres below it, thereby appearing appropriately subordinate. This element, much like the ground floor extension, would be partially visible from the street scene. The set down and compatible roof, coupled with the limited depth of 3.3 metres, however, would help the extension to appear subordinate and proportionate to the host dwelling, not dominating it. In being to the rear of the property, again the impact on the wider street scene is less significant. The applicant had been granted permission for an identical first floor extension in 2020. (ref. 20/00267/HOU) under the same Spelthorne local plan policies and SPD. The permission for this application has since expired. Ultimately, in the approved application, the Local Planning Authority (LPA) determined that the design would not have an adverse impact on the character of the wider area due to it not being overly visible from the street scene.
- 6.6 Generally, the proposals for both the ground floor and first floor extensions appear proportionate to the size of the original dwelling and the size of the plot and pay due respect to the character of the wider area, not harming the established street scene. The proposal is therefore considered to be in accordance with policy EN1 and the NPPF on design grounds.

#### Amenity

- 6.7 Policy EN1 states that proposals for new development should demonstrate that they will 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.
- 6.8 The application site sits between two other dwellings: No. 47 to the east and No. 51 to the west. The property also backs onto properties on Staines Road West. No. 51 has an existing single storey rear extension measuring 3 metres in depth. The proposed extension would extend 3.6 metres beyond this. The impact of the new extension would result from the extended rear wall of No. 51 and not their original rear wall. No. 51's existing single storey rear extension would partially mitigate against the effect of the extension proposed. A depth of 3.6 metres beyond No. 51's extended rear wall is considered to be reasonable, and it is not considered to appear overbearing, particularly with the height being limited to 3.15 metres with a flat roof. In being situated east of No, 51, and utilising a flat roofed design, the extension, would not cast a significant shadow onto No. 51. Moreover, being south facing, No. 51 would still get a sufficient level of daylight entering the ground floor rear facing windows, irrespective of the extension. There are no flank windows proposed, therefore privacy would not be compromised. There is 1 no. roof lantern proposed, though this is at an oblique angle to any of No. 51's

rear windows and does not provide a direct view into rear windows. The single storey rear extension will have no material impact on No. 47 as it is situated approximately 5.7 metres away.

- 6.9 In terms of the first-floor extension, the applicant has set the extension in 1.8 metres from the western boundary, ensuring that the 45-degree horizontal and vertical guides (as set out in the SPD) have been satisfied in relation to No. 51's rear facing windows. With the depth limited to 3.3 metres, the extension is not disproportionately extending beyond No. 51, therefore there would not be any unacceptable loss of light to habitable windows or a significant overbearing effect. The first-floor extension is situated approximately 5.7 metres from No. 47 which sits to the east of the application site. There are no flank windows proposed and a reasonable separation distance, therefore the impact on the amenities of No. 47 considered to be minor and acceptable in this context. In terms of properties to the rear of the application site, there would still; be a back-to-back distance of over 50 metres even after the first-floor extension is built. The amenities of the neighbours to the rear are considered to be minimally affected.
- 6.10 Accordingly, the proposal is not considered to have a significant impact on the amenities of neighbouring properties that could justify refusal on these grounds. The proposal would be in accordance with policy EN1 as well as the NPPF.

#### Parking

- 6.11 The proposal would not result in any loss of parking spaces. Parking still remains on the shared driveway; therefore, parking provision is considered acceptable.

#### Equalities Act 2010

- 6.12 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.13 The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed.
- 6.14 The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means to have such regard as is appropriate in all the circumstances.
- 6.15 The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This can include but is

not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. It is considered that it would be possible for individuals with disabilities to access the development.

### Human Rights Act 1998

- 6.16 This planning application has been considered against the provisions of the Human Rights Act 1998. Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments. Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 6.17 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

## **7. Recommendation**

- 7.1 The options available to the Planning Committee for decision making are:

To approve the application as set out in the report. This option is recommended. The report analyses, in detail, the reasons as to why the application is considered acceptable in planning terms.

To approve the supplication subject to additional/amended conditions and informatives. This option is not recommended. The recommended conditions and informatives are set out below. The Planning Committee should be aware of paragraph 57 of the NPPF which states that: *- planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects* [National Planning Policy Framework](#)).

To refuse the application. This option is not recommended. The report assess why officers consider the application to be acceptable on planning grounds, and there are [no material planning reasons](#) to refuse the proposal

- 7.2 The application is recommended for approval, subject to conditions and informatives below.

- 8.3 APPROVE subject to the following conditions:



1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: – This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The extension hereby permitted shall be carried out in facing materials to match those of the existing building in colour and texture.  
REASON: - To ensure a satisfactory external appearance in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.
3. The development hereby permitted shall be carried out in accordance with the following approved plans; DD/49/02 received 13.03.2025.  
REASON: For the avoidance of doubt and to ensure the development is completed as approved.
4. That no first-floor openings of any kind shall be formed on the western flank elevation(s) of the development hereby permitted without the prior written consent of the Local Planning Authority.  
REASON: To safeguard the privacy of the adjoining properties) in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

#### **INFORMATIVES TO APPLICANT**

1. The applicant is advised that no part of the development should overhang the neighbours boundary.
2. The applicant is advised that the site to which this planning permission relates is located on or near land that may contain harmful substances. Under Part C of the Building Regulations you will be required to consider this when designing the foundations of the development. Although this property was determined as not contaminated under the Council's Part IIA (EPA 1990) investigation of the estate, the Part IIA regime does not deal with all risks from contamination. Intervention is only taken by the Council under Part IIA in the most serious cases where significant harm is being (or there is a significant possibility of it being) caused. However, the planning and building control regimes need to intervene at a lower threshold, to ensure there is only a minimal risk of harm from contamination. As such, it is appropriate that risks from contamination at the extension are addressed in accordance with Part C of the Building Regulations.
3. The applicant should be mindful not to create excessive dust emissions during demolition works, particularly where any asbestos containing materials may be present. A Refurbishment and Demolition asbestos survey is required to determine if asbestos containing materials are present. If removal of asbestos containing materials is required appropriate removal (without significant damage), handling and disposal by competent persons is required. The Health & Safety Executive (HSE) have produced a guide to safe removal of

asbestos containing materials, which outlines good practice, how to prepare and what equipment is needed, how to remove it and how to deal with the waste once removed. There is also information on the HSE website about how to comply with the regulations, including a more generic guide to working safely with asbestos - <http://www.hse.gov.uk/asbestos/protect.htm>.