

Planning Committee

23 July 2025



Application No.	25/00659/HOU
Site Address	38 Wrens Avenue Ashford TW15 1AP
Applicant	Mrs Shelley Mehra
Proposal	Erection of a single storey outbuilding at the rear of site (following demolition of outbuilding).
Case Officer	Vanya Popova
Ward	Ashford East
Called-in	The applicant is related to a Ward Councillor (Councillor Chandler) for Spelthorne Borough Council. Therefore, in accordance with the Planning Code (paragraph 40) this application is being presented to Committee for a decision.

Application Dates	Valid: 10.06.2025	Expiry: 05.08.2025	Target: 05.08.2025
Executive Summary	<p>The application site refers to 38 Wrens Avenue in Ashford, a two-storey semi-detached dwelling situated on the eastern side of the road. A number of neighbouring properties have previously been extended and altered. Some of them contain outbuildings at the rear in various sizes. The application seeks planning permission for the erection of a single storey outbuilding at the rear of site (following the demolition of the existing outbuilding).</p> <p>It is considered that the development would have an acceptable impact on the character of the area. It is further not considered that the proposal would have any significant adverse impacts upon the residential amenity of adjoining properties in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook, as well as noise and disturbance. In addition, the proposal would be acceptable in terms of parking provision.</p>		
Recommended Decision	Approve the application subject to conditions as set out in the Recommendation section (paras 7.1, 7.2 and 7.3)		

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.
- 1.5 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.
- 1.6 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/>
- 1.7 The following policies of the Pre-Submission Spelthorne Local Plan 2022 – 2037 are of relevance:
 - PS2: Designing places and spaces.
- 1.8 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).

- 1.9 Section 38(6) the Planning and Compulsory Purchase Act 2004 (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.
- 1.10 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:

25/00683/PDH	Prior Approval Notification for a single storey rear extension extending 6 metres beyond the rear wall of the original house, with a maximum height of 3 metres and a height of 2.9 metres to the eaves (following demolition of existing garage and single storey rear extension).	Under consideration
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3. Description of Current Proposal

- 3.1 The application site relates to a two-storey semi-detached dwelling situated on the eastern side of Wrens Avenue in Ashford. The northern and southern flank boundaries are bounded by existing residential semi-detached properties (Nos. 37 and 39 Wrens Avenue) in similar design and appearance as No 38. The rear garden of the site backs onto to the parking area of the residential estate Kingswood Close. The application site's front garden is laid out entirely with hardstanding and contains space for the parking of two off-street vehicles. The site contains an existing single storey rear extension and detached outbuilding with an external footprint approximately 47.8sq metres. There are no relevant planning constraints to the site.
- 3.2 The area surrounding the site is residential in character comprising a mixture of dwelling types including two storey houses and chalet style bungalows. It is noted that the character of this area has changed and evolved over time with changes to individual properties, many of which have previously been extended or altered in various ways, including entire front gardens being laid

with hardstanding to accommodate off-street parking. In addition, there are also noticeable examples of outbuildings located in properties' rear gardens that vary in sizes and designs.

- 3.3 The application under consideration is seeking planning permission for the erection of a single storey outbuilding at the rear of site, with an external footprint of 30.2 sq. metres (internal area of 23.2sq. metres) and a proposed height of 3 metres. In addition, the existing outbuilding, with an external footprint of 47.8sq metres (internal floor rear of 40.1sq metres) is shown to be demolished. The proposed plans indicate that the proposed structure would be located near the site's rear boundary, extending across the majority of the plot's width set in approximately 0.5m from each boundary. In addition, it is shown to accommodate an additional space for hobby/leisure purposes.
- 3.4 It is relevant to note that a single storey rear extension with a maximum depth of 6 metres has recently been submitted for consideration under a Prior Approval Notification for larger extensions Permitted Development route (ref. 25/00683/PDH).

4. Consultations

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

Statutory Consultees

Consultee	Comment
None	N/A

Non-Statutory Consultees

Consultee	Comment
Environmental Health (Contamination)	No objections, recommends informatives.

4.2 Public Consultation

A total of 3 neighbouring properties were notified of the planning application. No letters of representation have been received.

5. Planning Issues

- Design and appearance.
- Impact on neighbouring properties.

6. Planning Considerations

Design & Impact on 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 proposed replacement outbuilding would incorporate a flat roof, which would be noticeable from the neighbouring properties and the parking area of the residential estate Kingswood Close. However, it should be noted that the proposed structure would be 3 metres, only 0.5 metres higher than a Permitted Development outbuilding, which could be built in a similar location with a similar roof design. Furthermore, there are examples of outbuildings and single storey rear extensions with flat roofs within the area that are also seen from the street scene and neighbouring properties. The existing outbuilding, with a much larger footprint of 47.8 sq metres compared to the proposed 30.2 sq metres, contains a flat roof. Therefore, it is considered that the proposal would have an acceptable impact on the character of the surrounding area. The size of the outbuilding is smaller than the one it will replace and when compared with the footprint of the host building, is not considered to be over dominant.
- 6.3 The applicant has indicated that the outbuilding 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 area.
- 6.4 The proposed replacement outbuilding 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.

Amenity

- 6.5 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. The Council's Supplementary Planning Document (SPD, 2011) recognises that most developments will have some impact on neighbours. However, it has to be ensured that the amenity of adjoining neighbours is not significantly harmed.
- 6.6 The proposed single storey outbuilding would replace an existing outbuilding with a reduced footprint, and would be situated at the rear of the application site's rear garden (between 10.3 metres and 12.4 metres away from the rear elevations of No 37 and 39 Wrens Avenue). It would incorporate a flat roof measuring 3 metres in height and would set in 0.5 metres from each boundary. The existing building currently sits much closer to the neighbouring properties' rear elevations (between 1.9 metres and 4 metres away). Both adjoining properties contain single storey rear extensions and outbuildings at the rear. It is considered that the proposal would have an acceptable impact upon the amenity of all neighbouring properties in terms of loss of privacy, overlooking, loss of light, outlook or overbearing effect.

- 6.7 The proposed development would introduce some activities of the occupier at the rear of the garden. However, some levels of noise and activity are to be expected in the rear gardens of residential dwellings. There are also examples of outbuilding structures within the vicinity. The type of noise and disturbance from an outbuilding is unlikely to be materially different to the current situation in the larger outbuilding. As already noted, the proposed outbuilding would be 0.5 metres higher than a Permitted Development structure, which could be built in that location with the proposed use (hobby and leisure). Therefore, it is considered that the proposal will have an acceptable impact on the occupiers of neighbouring properties.
- 6.8 The proposed layout plan indicates that the outbuilding would be used for hobby/leisure purposes. A condition restricting the use has been imposed to ensure that the use is incidental to the main house in order to safeguard the amenities and character of the locality.
- 6.9 Therefore, the proposal is considered to have an acceptable impact upon the amenity of neighbouring and adjoining properties. The proposal would be in accordance with Policy EN1, as well as the NPPF.

Equalities Act 2010

- 6.10 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.
- 6.11 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.
- 6.12 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.
- 6.13 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

- 6.14 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.

- 6.15 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 application 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.

- 7.3 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 development hereby permitted shall be carried out in accordance with the following approved plans:- Site Location Plan TPP20250227-00 and Existing and Proposed Ground Floor Layouts, Proposed Elevations TPP20250227-00 Rev A Received on 10.06.2025.

REASON:- For the avoidance of doubt and to ensure the development is completed as approved.

3. That the outbuilding hereby permitted be used only for purposes incidental to the existing dwelling.

REASON:- To safeguard the amenities and character of the locality in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

INFORMATIVES TO APPLICANT

1. Access by the Fire Brigade

Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).

2. The applicant is advised that no part of the development should overhang the neighbours boundary.
3. The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary.
4. This development is situated within 250 metres of a historic pit/pond, which potentially could produce landfill gas. Gas protection measures should match those measures in place in the existing property. If there are no gas protection measures in the existing property, the developer should consider whether there is a need to incorporate gas protection measures in the development. This applies to both new buildings and extensions to existing properties.
5. The applicants should be mindful not to create a dust nuisance during demolition works, particularly where any asbestos containing materials may be present. If removal of asbestos cement sheet roofing 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 cement sheets, which outlines good practice, how to prepare and what equipment is needed, how to remove the sheets and how to deal with the sheets once removed:
<http://www.hse.gov.uk/pubns/guidance/a14.pdf> . 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>.

