

# Planning Committee

17 September 2025



<b>Application No.</b>	25/00806/RVC
<b>Site Address</b>	18 Wellington Road Ashford TW15 3RJ
<b>Applicant</b>	Mr Daniel Moore
<b>Proposal</b>	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 (retrospective)
<b>Case Officer</b>	Emily Archibald
<b>Ward</b>	Ashford Town
<b>Called-in</b>	The application has been called in by Councillor Neall on grounds of the impact to neighbouring properties, notably the loss of light to No. 20 Wellington Road's flank windows.

<b>Application Dates</b>	Valid:19.06.2025	Expiry:14.08.2025	Target: Extension of time agreed until 19.09.2025
<b>Executive Summary</b>	<p>The property was recently granted 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, with associated parking and amenity space. (ref. 24/01542/FUL)</p> <p>The work relating to this permission is substantially complete. The single storey side extension as built, however, is not in accordance with the approved plans. The side extension has been built 0.65 metres (65cm) wider. The application under consideration has been submitted to retrospectively regularise this and is the only part of the original proposal under consideration with this application.</p> <p>The changes to the side extension from that previously approved, are</p>		

	considered to have an acceptable impact on design and character of the area and the amenity of neighbouring dwellings. Therefore, the application is recommended for approval.
<b>Recommended Decision</b>	Approve the application subject to conditions as set out in Paragraph 8 (Recommendation) of the Report.

## MAIN REPORT

### 1. Development Plan

- 1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:
  - EN1 Design of New Development
- 1.2 Also relevant are the following Supplementary Planning Documents/Guidance:
  - 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 November 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 :
  - ST1: Presumption in Favour of Sustainable Development.
  - ST2: Planning for the Borough.
  - PS2: Designing places and spaces.

- 1.8 The National Planning Policy Framework (NPPF) policy 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](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:

24/01283/PDH	Prior Approval Notification for a single storey rear extension extending 8 metres beyond the rear wall of the original house, with a maximum height of 3 metres and a height of 3 metres to the eaves	Granted 10.12.2024
24/01287/CPD	Certificate of Lawfulness for the proposed development of a single storey side/rear extension, extending beyond the rear elevation by 3 metres.	Granted 17.12.2024
24/01542/FUL	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. (1no. 2 bed and 1 no. 3 bed) with associated parking and amenity space.	Granted 27.03.2025

25/00805/FUL	Roof alterations and extensions including front and rear hip to gable extensions, extension over existing side extension, and extending the roof to the rear, with the insertion of 1 no. front facing dormer and 1 no. rear facing dormer, to create habitable roof space. Changes to fenestration and extension of dropped kerb. All to facilitate the conversion of a C3 dwellinghouse into a 10 person HMO (Sui-Generis) with associated parking and amenities.	Refused 12.08.2025
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### **3. Description of Current Proposal**

- 3.1 The applicant seeks to vary condition 3 (approved plans) of permission 24/01542/FUL to substitute with amended ones. This application was 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. The applicant intends to replace the approved plans of the FUL application with those submitted in this 'Section 73' application.
- 3.2 Section 73 of the Town and Country Planning Act 1990 allows for the removal or variation of conditions (RVC) associated with a planning permission. It enables applicants to develop land without complying with previously imposed conditions, subject to the Local Planning Authority's discretion and subject to the following: -
- The application must relate to the conditions of the original planning permission, and it cannot change the description of the development.
  - There is no statutory limit on the degree of change permissible under Section 73, but it must relate to the conditions.
  - The original planning permission remains valid, and the new permission is considered a new, independent permission.
- 3.3 The amendment to the approved plans relates solely to the single storey side extension which has been built 0.65 (65cm) metres closer to the boundary. This results in wider ground floor bedrooms to those shown on the approved floor plans. It is, therefore, only this element of the original permission which is under assessment with this planning application. It is also important to note that, although retrospective, this has no relevance to the decision-making process.
- 3.4 The main planning considerations are the impact of the proposal on the design and character of the area and the impact on the amenity of neighbouring dwellings.

#### **4. Consultations**

- 4.1 Although the same consultations were carried out as with the previous FUL planning application, the part of the proposal under consideration with this application is only the wider side extension and as such this part of the proposal does not require any consultations. It is important to note, however, any previously imposed conditions will be imposed if permission is granted.

#### **5. Public Consultation**

- 5.1 A total of 7 neighbouring properties were notified of the planning application.

- 5.2 A total of 11 letters of representation have been received objecting to the proposal on the following grounds:

- Lack of parking & highway safety concerns
- Changes to the overall design and appearance of property
- Visual and architectural harm and out of character appearance
- Incrementally increasing the size/design of original building
- Side extension too close to boundary
- Parking too close to building
- Larger footprint than what had been originally approved
- Other concerns relating to HMO use (not relevant to this application)
- Built extension is not as per plans from 24/01542/FUL
- Section 73 Applications should not involve 'significant changes'

- 5.3 It is important to note that many of the letters of objection relate solely to the HMO application, (ref. 25/00805/FUL). This is a separate application, which has now been refused. Moreover, some letters refer to other parts of the development under 24/01542/FUL. This application is purely assessing the additional 0.65 (65cm) of single storey side extension.

- 5.4 Of the 11 letters received, there are however, 2 no. letters of objection which explicitly relate to the side extension which is under consideration with this application.

#### **6. Planning Issues**

- 6.1 The main planning considerations for this application are the impact of the proposed development on design and the character of the area, and the impact upon the amenities of neighbouring properties.

- 6.2 The following issues will be discussed:

- Design and appearance
- Amenity of neighbouring properties

## **7. Planning Considerations**

### Design and appearance

- 7.1 The applicant has substantially completed works relating to 24/01542/FUL. However, the single storey side extension has been built closer to the side boundary than shown on the approved plan. The extension is set-in 0.45 metres (45cm) from the flank boundary, though towards the front, the set in is slightly reduced to 0.35 (35cm) due to the boundary line not being exactly parallel with the flank wall of the development. The extension will retain the same depth but will be 0.65m (65cm) wider. It is only this part of the original application that is different from the approved plans and therefore only the increase in width of the single storey side element that is under consideration with this application.
- 7.2 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.
- 7.3 The approved plans showed a side extension coming towards No. 20 Wellington Road which included a loft conversion and extension above. This was set in from the side boundary by 1.1 metres. The proposed, and as built, side extension is some 0.65 metres (65 cm) wider than approved, thus coming closer to the side boundary. It has a flat roof, as approved, creating a stepped element where it connects to the roof extension above. It would be visible from the street scene; however, the additional width of 0.65 metres (65 cm) is not considered to make the proposal appear overly prominent, notwithstanding that it would reduce the gap between the buildings at ground floor level. It is proposed to be built of materials to match and given it is single storey with a maximum height of 2.9 metres, the extension is considered to respect the character and proportions of the host dwelling, also not appearing dominant. It is not considered that this extension will cause significant harm to the wider character of the area and street scene, given the fact Wellington Road is characterised by various types of side extensions. It is therefore considered that the proposal would not result in significant harm to the character or appearance of the host dwelling or the wider area, and as such it would not be reasonable to refuse planning permission on design grounds.
- 7.4 The proposal is, therefore, considered to have an acceptable impact on design and the character of the area and would be in accordance with policy EN1 and the NPPF on design grounds.

### Amenity

- 7.5 It is important to note that the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) acknowledges that most development will have some impact on

neighbours. However, the aim should be to ensure that neighbouring amenity is not significantly harmed. The Councils Core Strategy also goes on to note, at Policy EN1, that proposals should aim to achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.

- 7.6 In terms of the impacts to neighbouring properties, the extra 0.65 metres (65 cm) width will have an acceptable impact on No. 16 which sits to the north of the property, mostly shielded by the existing dwelling.
- 7.7 In terms of the impact to No. 20 which sits to the south of the application site, the ground floor side extension has been built 0.65 metres (65 cm) closer to this property, with a set-in of 0.45 metres (45cm) from the boundary. Towards the front of the extension, the set-in is 0.35 metres (35cm). No. 20 has three ground floor flank windows facing the application site; one of which serves a bathroom which is not a habitable room, the second serves a kitchen which has secondary windows to the rear, and the final serves a bedroom with no other windows. The bedroom window should be duly considered in terms of potential loss of light, as this is the only window serving a habitable room which also has no secondary windows.
- 7.8 It is not considered that the additional width will detrimentally impact the amenities of No. 20. The proposal is set in some 0.45m from the side boundary and No. 20 is also set in from the side boundary. As such a separation distance of 1.25 metres (1.15 metres towards the front) remains between the side of the development and No. 20. Given this gap, along with the single storey nature of the development and height limited to 2.9 metres, this relationship is considered to be acceptable. Whilst the increased width marginally reduces the separation distance from No. 20, at ground floor level, the development does not cross the 45-degree vertical guide as set out in the SPD on design. This guide is associated with two-storey development, however, it has been applied in this case to demonstrate the acceptability of the relationship between the subject extension and No. 20's flank bedroom window. Therefore, the proposal is not considered to result in a significantly harmful impact upon the amenities of No. 20, by way of loss of light, overbearing impact, or loss of outlook.
- 7.9 Additionally, with no flank windows proposed on the side extension, the impact upon the privacy of No. 20 would be acceptable.
- 7.10 The proposal is not considered to have any further impacts on properties to the rear. The side extension remains the same depth and extends to the side only, which is not considered to adversely impact properties on St Hildas Avenue, particularly with a separation distance of over 30 metres. The relationship with the properties to the rear remains unchanged.
- 7.11 It should also be noted that a Certificate of Lawfulness has been granted for a single storey side extension, which was shown to be built up to the boundary, which represents a 'fall-back' position.



- 7.12 The increase of 0.65 metres (65 cm) in width to the side extension would not result in any significant adverse impacts upon the amenities of neighbouring properties, including No. 20 adjacent. The built development does not give rise to unacceptable issues of loss of light, overbearing impact, loss of outlook or loss of privacy. A degree of impact is acknowledged; however, it is not considered that this will be significant and does not justify refusal of permission. Therefore, it is concluded that the proposal is in accordance with Policy EN1 of the CS & P DPD.

#### Other Matters

- 7.13 The Local Planning Authority (LPA) acknowledges residents' concerns about how this application has come about. Residents are worried that the applicant is incrementally increasing the property and that they are not being transparent in doing so. It is important to note that the LPA is required to judge each application on its own merits. Whilst various other applications at the site, have been submitted, the application before the Planning Committee must be determined on its own merits.

#### Equalities Act 2010

- 7.14 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.
- 7.15 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.
- 7.16 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.
- 7.17 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

- 7.18 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.

- 7.19 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.

## **8. Recommendation**

- 8.1 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.*
- 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](#) on which the proposal can be refused on.

- 8.2 The application is recommended for APPROVAL subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved 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, PR-S002 REV A, all received 02.09.2025.

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

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 that the proposed development does not prejudice the appearance of the development and the visual 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.

3. Before the first occupation of any part of the development, a landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape plan shall be carried out as approved.

REASON: To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development.

4. The development should provide the following refuse facilities:

- 2 x 240 rubbish bins
- 2 x 240 recycling bins
- 2 x green kerbside food waste bins
- 2 x grey indoor food caddies

These facilities should be provided prior to the occupation of the flats.

REASON: For the amenity of future occupants.

5. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for no more than 2 vehicles to be parked. Thereafter the parking area shall be retained and maintained for its designated purpose.

REASON: The condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2024 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

6. The development hereby approved shall not be first occupied unless and until facilities for the secure, lit and covered parking of at least 6 bicycles and the provision of a charging point with timer for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

REASON: The condition is required in order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2024, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

## **INFORMATIVES TO APPLICANT**

1. In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This includes the following -
  - a. Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development
  - b. Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered
  - c. Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.
2. 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 County Hal. 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).