

Planning Committee

28 October 2026



Application No.	26/00800/HOU
Site Address	40 Fontmell Park, Ashford TW15 2NW
Applicant	Mrs. Kavita Bengali
Proposal	Erection of a part single storey / part first floor rear extension and alterations to the roof to provide habitable accommodation.
Case Officer	Matthew Clapham
Ward	Ashford East
Called-in	This application has been 'called-in' by Councillor Sexton on the grounds that it is out of keeping with the locality and therefore doesn't comply with Policy PS2 of the Local Plan (2026).

Application Dates	Valid: 26.08.2026	Expiry: 21.10.2026	Target: Extension of Time until 30.10.2026
Executive Summary	The site is located on the southern side of Fontmell Park, a residential road of largely similar styles and designs of properties. It is effectively a cul-de-sac with the road blocked towards the eastern end close to the application site, presumably to prevent the road from being a 'rat run' between Fordbridge Road and Feltham Hill Road. To either side of the application site are two storey detached dwellings. It is proposed to amend an existing single storey rear extension currently under construction by adding a two storey rear extension, with the resulting larger roof form facilitating the addition of accommodation within the roofspace with the inclusion of rooflights to the existing and proposed roof. The existing chimneys would also be removed. Internal alterations, including the conversion of the existing garage into habitable accommodation are also proposed. Works for the single storey rear extension and internal alterations have already commenced in part. The proposal has been amended since it was first submitted. The previous side dormers and the two storey front extension have been removed. The proposal is considered to have an acceptable impact on the character and appearance of the area and would not adversely harm the residential amenity of the neighbouring properties. The proposal is recommended for approval.		
Recommended Decision	Approve the application subject to conditions as set out in the Recommendation section (paras. 8.1, 8.2 and 8.3).		

MAIN REPORT

1. Development Plan

- 1.1 The following policies of the Spelthorne Local Plan 2024–2039/40 are of relevance:
- Policy PS2: Designing Places and Spaces
- 1.2 The following policy contained within the [National Planning Policy Framework \(NPPF\)](#) (August 2026) are also relevant:
- DP3: Key principles for well-designed places
- 1.3 The guidance contained within the Spelthorne Design Code is also a material consideration is assessing this application.

2. Relevant Planning History

- 2.1 The site has the following planning and enforcement history:

Reference	Proposal Description	Decision
STAINES/FUL/P11310	Extension to dining room and alterations to front entrance.	Granted 21.07.1969
PLAN C/FUL/74/518	Erection of a single-storey rear extension to lounge and kitchen measuring 188 sq ft (17.465 sq m).	Granted 16.10.1974
26/00265/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 3.725 metres and a height of 3 metres to the eaves.	Granted 30.04.2026

3. Description of Current Proposal

- 3.1 The application relates to 40 Fontmell Park which is a detached dwellinghouse situated on the southern side of the road.

- 3.2 The proposal involves the erection of a part single storey / part first floor rear extension and alterations to the roof to provide habitable accommodation including the addition of rooflights. The existing chimneys would also be removed. Internal alterations, including the conversion of the existing garage into habitable accommodation are also proposed. Works for the single storey rear extension and internal alterations have already commenced in part. Parking is retained to the front of the building.

4. Consultations

- 4.1 The following table shows those bodies consulted and their response.

Non-Statutory Consultees

Consultee	Comment
Environment Health – Land Contamination/Air Pollution	No objections.

5. Public Consultation

- 5.1 Three neighbouring properties were notified of the planning application. The Council has received 30 letters of objection raising the following concerns:
- Use as a House of Multiple Occupation (HMO)
 - Inadequate parking
 - Out of character
 - Overlooking / loss of privacy
 - Impacts on local services / infrastructure
 - Sewerage / Drainage impacts
 - Loss of light
 - Overdevelopment
 - Motive of sequential submission of drawings
 - Noise and disturbance
 - Highway safety / emergency vehicle access
 - Inadequate waste / refuse storage facilities
 - Demonstrable need for an HMO
 - Letters of support are similar / AI generated and carry little weight
 - Possible future HMO use if not now
 - Need to protect family housing
 - Proximity to St Michael's Catholic Primary School and Nursery
- 5.2 The Council has also received 17 letters of support on the grounds that:
- The proposal is for a family home and not an HMO
 - No drainage concerns
 - Design in keeping with character of the area and other extensions in the road
 - Designed to prevent loss of light and privacy
- 5.3 Five further letters were received following receipt of amended drawings. These re-iterated the points covered above in regard to impacts upon

neighbouring properties, the layout and potential future use of the building and the motivation behind the proposals and the various continued amendments to the application. Reference is also made to a detached outbuilding to the rear which is not shown on the submitted drawings. The Council's Enforcement Officer has visited the site and has confirmed that this structure is permitted development and does not require planning permission.

6. Planning Issues

- Design, character and appearance
- Amenity of neighbouring properties

7. Planning Considerations

Background

- 7.1 The proposal has been amended after the initial submitted plans in response to concerns raised in third party representations. The applicant has removed the two storey front extension, the two side facing dormer windows and has altered the rear elevation to remove the larger windows and Juliet balcony at first floor level. The applicant has also reiterated that the proposal is to enhance and improve the existing dwelling as a family home and there is no intention of using the property as a House of Multiple Occupation.
- 7.2 Members of the Planning Committee are reminded that following the Article 4 direction that came into effect on the 13th March 2026 and covers the entire Borough of Spelthorne and therefore Ashford East, planning permission is now required to convert a dwelling house into any HMO. This proposal does not seek to use the property as an HMO. This Direction would continue to be in force after vesting day and the transfer of Spelthorne Borough Council to West Surrey Council on the 1st April 2027. This is therefore not a consideration with this proposal

Character and appearance

- 7.3 Chapter 14 of the NPPF: Achieving well-designed places, sets out the policies and principles for development proposal to respect and enhance their surroundings taking into account their context.
- 7.4 Policy PS2 (Designing Places and Spaces) 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, respect and make a positive contribution to the street scene and the character of the area in which they are situated and will pay due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
- 7.5 The proposed development when viewed from the street scene from Fontmell Park shows only limited changes, both of which could have been carried out

under Permitted Development. There is a front roof light proposed, whilst the garage door is replaced by a window which matches the design and symmetry of the existing fenestration to the property. To each side, there is also to be a rooflight inserted into each roof slope. The existing chimneys are also shown to be removed, which may also be carried out under Permitted Development.

- 7.6 The rear extension at ground floor level is 6m in depth and is designed with a flat roof as was approved in the Prior Approval for the single storey rear extension (26/00265/PDH). Paragraph 3.47 of the Design SPD in Appendix C of the Design Code sets out the general criteria for single storey rear extensions. This confirms that such extensions can have flat roofs and that extensions should not normally exceed 3m in height. Therefore, as this proposal has a height of 3m, the single storey element to the extension is also considered acceptable in design terms. At first floor level, the extension is 3.5m deep and is designed with a pitched roof with hips to both sides and the rear, which matches the design and appearance of the existing dwelling, with materials shown to match.
- 7.7 The rear roof slope also has a rooflight proposed, similar in style and appearance to the other proposed rooflights. The proposed windows to the rear are of a design and style that would also match the style and fenestration of the existing dwelling. The materials to be used for the roof and fenestration are also shown to match the existing and this may also be secured by condition. Satisfactory separation distances are maintained to the side boundaries. Given that there remains a reasonable amount of garden space beyond the rear extension, and that the structure is set in from both side boundaries, the proposal is not considered to represent overdevelopment of the site.
- 7.8 Therefore, the design is considered acceptable and integrates satisfactorily to the host building and would not adversely harm character and appearance of the area and respects and makes a positive contribution to the street scene. It therefore complies with Policy PS2 of the Local Plan and the Spelthorne Design Code.

Amenity of neighbouring properties

- 7.9 Policy PS2 further states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding adverse and un-neighbourly impacts in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook. The Spelthorne Design Code also provides guidance on assessing impacts upon adjoining properties.
- 7.10 The application site is neighboured by No. 42 Fontmell Park to the east and No. 38 Fontmell Park to the west which are most affected by the proposals. It also backs onto 2 Fontmell Close.
- 7.11 The concerns raised by the third parties have been noted and carefully considered.

- 7.12 In regard to privacy, there are three first floor windows to the eastern side elevation and a single first floor window to the western side elevation. All of these windows serve non-habitable rooms and may be conditioned to be obscurely glazed. There are no privacy concerns arising from the one additional ground floor side facing window. The new windows facing to the front replacing the garage door look outwards onto the front driveway / parking area and Fontmell Park beyond. As such, these windows are not considered to result in any harmful overlooking.
- 7.13 To the rear, there are new windows at first floor level, one serving a bathroom and is therefore likely to be obscurely glazed. There is also a larger rear window serving a bedroom. This looks outwards towards the rear garden and in view of the location of the dwelling within an urbanised and developed area, no significant harmful overlooking is considered to arise from this window to either of the neighbouring properties to the side nor to the property to the rear. Notwithstanding this, it is considered reasonable and necessary to impose a condition requiring that the flat roof area beyond the first floor rear extension is prohibited from any use as a terrace or balcony. There are patio doors and a window to the rear at single storey level and raise no concerns regarding any harmful loss of privacy. There are no privacy concerns arising from the proposed rooflights.
- 7.14 In terms of any loss of light and overbearing, particular consideration has been given to the potential impacts upon the two neighbouring properties to each side.
- 7.15 For No. 42 Fontmell Park, this has a side facing window serving a kitchen at ground floor level which faces directly outwards onto the side of the existing dwelling. The kitchen also has a rear facing door with glazing in two parts at both the top and bottom panels of the door. Whilst the two storey extension would be clearly visible from the side facing kitchen window, this room has an alternative source of light from the rear and the side facing window already looks directly out onto the flank wall of the existing dwelling. The 45° vertical line drawn from the face of the affected side window is already breached by the existing dwelling, where the existing two storey element extends beyond the width of this neighbouring window. Therefore, it is not considered that the harm to this window arising from the extension in terms of loss of light and visual intrusion is sufficient to justify refusal in this instance.
- 7.16 The 45° vertical and horizontal lines drawn from the face of the rear glazed door serving this kitchen are not infringed by the proposed two storey element of the extension. Nor is the side or rear facing windows of the small conservatory / extension to this property located on the other side of this neighbouring property to the proposed extension. No harmful impacts would affect the first floor windows to this property. The single storey element of the extension is not considered to result in any harmful impacts in terms of loss of light or overbearing and in any event already has been approved. Therefore, after careful consideration and on balance, there are not considered to be any adverse impacts upon the residential amenity of this neighbour to the east at no. 42 Fontmell Park that would justify refusal.

- 7.17 To the west, the property at No.38 Fontmell Park has been subject to its own extensions including a single storey rear extension. As a result, the two 45° vertical and horizontal lines drawn from the face of the rear windows to this extension are not infringed by the proposed two storey element of the extension. There are no side facing window to the side of this property that would be impacted upon by the extension and in particular, the two storey rear element. No harmful impacts would impact the first floor windows to this neighbouring property.
- 7.18 There are no concerns regarding loss of light or overbearing to the property to the rear due to the relationship and the separation distances involved.
- 7.19 Therefore, and on balance, it is considered that the extension has an acceptable impact upon the amenity of all neighbouring and adjoining properties in terms of loss of privacy, overlooking, loss of light, outlook or overbearing and is in accordance with Policy PS2 of the Local Plan.

Climate Change and Sustainability

- 7.20 Policy PS1 (Responding to the Climate Emergency) states that sustainable design and construction will be integral to new development in the Borough. All planning applications must include evidence that the below will be addressed, using as a minimum the Sustainable Construction Checklist.
- 7.21 A climate change checklist has also been submitted with this application, in accordance with Spelthorne Climate Change SPD. This checklist shows that the applicant already utilises or proposes to install rain water harvesting, heating, building insulation measures, solar panels, operates hybrid vehicles and a low voltage and energy saving refrigerant heating and cooling systems. The scheme therefore performs well against the Council's SPD and climate change policies.

Other Matters raised in third party representations.

- 7.22 The proposal is to extend an existing dwelling. Any use as an HMO does not form part of this application and as a result of the Article 4 direction, will require its own planning permission. The proposed extensions are not of a size or nature that are considered to result in any significant impacts upon local services, infrastructure, sewerage or drainage. Notwithstanding that the garage has been converted into habitable accommodation, adequate off-street parking remains available to the front of the property. As a single dwelling, two parking spaces is considered reasonable and acceptable. Similarly, the proposals are not considered to give rise to any concerns regarding highway safety or emergency service access. Adequate space for the storage of waste and recycling bins is provided for a single dwelling.
- 7.23 Any third-party representation is given due weight and consideration based on its content and relevance regardless of any similarities or any possibility that it is AI generated. Matters regarding noise and disturbance are not considered to be of a level that would occur from an extended single dwelling, as are any concerns regarding the proximity of the property to a School. It may be assumed that these concerns arose from the rumours that this proposal was

for an HMO, as are concerns regarding the loss of family housing. Each application is treated on its own merits and as such, any perceived motives behind additional applications and any sequential submission of drawings are not material planning considerations. References to the profession of the applicant are not material considerations, nor are any possible ownerships of other properties in the locality. The Council has no evidence to dispute the validity of the site location plan in regard to the ownership of any immediately adjoining properties.

Equalities Act 2010

7.24 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.

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.

7.25 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.

7.26 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 and the proposal is acceptable in regard to the equalities act.

Human Rights Act 1998

7.27 This planning application has been considered against the provisions of the Human Rights Act 1998.

7.28 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.

7.29 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.

- 7.30 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.

Financial Considerations

- 7.31 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. In consideration of S155 of the Housing and Planning Act 2016, the proposal is not a CIL chargeable development and will not generate a CIL Payment.

Conclusion

- 7.32 The proposal is to extend an existing single dwelling and is considered to have an acceptable impact on the character and appearance of the area and would not adversely harm the residential amenity of the neighbouring properties. The proposal is recommended for approval.

Recommendation

- 8.1 The options available to the Planning Committee for decision making are:
- To approve the application as set out in this report. This option is recommended. The report analyses in some detail the reasons why the application is considered to be acceptable in planning terms.
 - To approve the application subject to additional/amended conditions and informatives. This option is not recommended, the conditions and informatives are set out below.
 - To refuse the application. This option is not recommended. The report assesses why officers consider the application to be acceptable.
- 8.2 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 development hereby permitted shall be carried out in accordance with the following approved plans: A102; A103; A104; A105; A206 and A207 received 20.10.2026 and Site location Plan received 29.07.2026.

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

3. 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 Policy PS2 of the Spelthorne Local Plan March 2026.

4. Prior to the occupation of the development hereby permitted the first floor bathroom, utility and walk in wardrobe windows on the side elevations shall be obscure glazed to a minimum of level 3 obscurity and be non-opening to a minimum height of 1.7 metres above internal floor level. These windows shall thereafter be permanently retained as installed.

Reason:- To safeguard the amenity of neighbouring residential properties in accordance with Policy PS2 of the Spelthorne Local Plan March 2026.

5. That no further openings of any kind be formed in the first floor side or rear elevations of the extension hereby permitted without the prior written consent of the Local Planning Authority.

Reason:- To safeguard the amenity of neighbouring residential properties in accordance with Policy PS2 of the Spelthorne Local Plan March 2026.

6. The roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area and, furthermore, no balustrades, railings or other means of enclosure or means of permanent access shall be erected on this area without the prior written approval of the Local Planning Authority.in writing by the Local Planning Authority.

Reason:- In the interests of the privacy of surrounding properties and in the interest of visual amenity, in accordance with Policy PS2 of the Spelthorne Local Plan March 2026.

INFORMATIVES

1. 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 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>.