

Appeal Decision

Site visit made on 4 January 2017

by Amanda Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th January 2017

Appeal Ref: APP/Z3635/W/16/3159369

Rear of 52 Nursery Road, Sunbury on Thames TW16 6LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Miu Miu Wan against the decision of Spelthorne Borough Council.
 - The application Ref 16/00904/FUL, dated 2 June 2016, was refused by notice dated 28 July 2016.
 - The development proposed is proposed conversion of existing 2 storey outbuilding to form self-contained residential unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of future occupiers, with particular regard to outlook and amenity; and,
 - the living conditions of occupiers of 2 Beverly Road (No 2) with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site comprises a two-storey detached structure situated to the rear of a row of commercial premises with residential accommodation above. The site is accessed from a non-metalled service track which runs between the commercial premises and the side garden boundary of 2 Beverly Road (No 2). On the occasion of my visit the service track, including the area immediately adjacent to the appeal site, was littered with domestic refuse including open bin bags, food waste and nappies, and there was a wheeled commercial skip directly outside the outbuilding's entrance door.
 4. The rear areas of adjacent properties appear to be used for vehicle hardstanding and storage, or have boundary treatments that extend to the edge of the service track.
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5. The development would comprise the conversion of the outbuilding to residential accommodation. The development's frontage would directly abut the service track and there would be a rear amenity area situated between the dwelling and the rear of the commercial premises of 52 Nursery Road. It would be an isolated unit of residential accommodation in a backland area with poor access that would also be unrelated to the underlying building pattern. The development would also introduce frontage activity alongside the rear garden of No 2.
6. The appellants argue that the development would provide an opportunity to upgrade a neglected property. However, this is insufficient reason to justify its conversion to residential use and in any case, the building is not particularly visible from Beverly Road. As such I conclude that the development would not make a positive contribution to the street scene, and would be out of character with the adjoining garden and rear amenity areas.
7. In the light of the above the development would be contrary to Policy EN1 of the Local Plan¹ (LP) which states that development shall respect and make a positive contribution to the street scene and pay due regard to the design characteristics of adjoining buildings and land.

Living conditions – future occupiers

8. The Council's SPD² states that detached dwellings shall have a minimum garden area of 70 sqm for detached or semi-detached dwellings with 3 bedrooms. As this development would have only two bedrooms I consider the recommendation of 60 sqm for terraced or semi-detached dwellings would be a more appropriate guideline. However, the evidence before me indicates that the development would have a rear amenity area of 13.2 sqm. This would be significantly below the Council's recommendations and would be to the detriment of future occupiers. Furthermore, I concur with the Council that the location of the rear amenity area, tucked between the dwelling and the rear elevation of 52 Nursery Road, would be unsatisfactory.
9. In addition, although the development proposes the construction of additional windows, on the ground floor these would directly overlook the rubbish-strewn service access, and to the side they would face a wall some 1.25 metres away. This would be an unsatisfactory outlook for future occupiers.
10. The Council also states in the appeal evidence that the proposed internal floorspace would fail to meet the standard given in the SPD.
11. As such, the development would fail to comply with the SPD in respect of internal floorspace and external amenity space, and I share the Council's concern that the proposals would therefore represent cramped development. There would also be poor outlook. Taken together, I conclude that the development would have a detrimental effect on the living conditions of future occupiers. This would be contrary to the SPD, as outlined above and also to LP Policy EN1 which requires development to achieve a satisfactory relationship with adjoining properties to avoid significant harmful impact in terms of outlook.

¹ Spelthorne Borough Council, Core Strategy and Policies, Development Plan Document, adopted February 2009

² Spelthorne Borough Council, Design of Residential Extensions and New Residential Development, April 2011

Living conditions – 2 Beverly Road

12. The first floor bedroom windows of the development would be some 4 metres from the rear garden of No 2. Although the development would be sited some 10 metres from No 2's rear elevation, there would be potential overlooking over the adjacent portion of No 2's garden and this reinforces my concern that the development would be cramped and inappropriate.
13. Accordingly, I conclude that the development would be contrary to LP Policy EN1 which requires development to achieve a satisfactory relationship with adjoining properties in terms of loss of privacy.

Other matters

14. I appreciate that the development would provide a modest unit of accommodation. However, this limited benefit would not outweigh the harm identified above.

Conclusion

15. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR