
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: 13th January 2017

Appeal Ref: APP/Z3635/W/16/3158137

95 Worple Avenue, Staines-upon-Thames, TW18 1HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Sarah Matthews against Spelthorne Borough Council.
 - The application Ref 16/00730/HOU, is dated 5 May 2016.
 - The development proposed is first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal results from the Council's failure to determine the planning application within the statutory period. Although there is no formal decision from the Council, it has considered the proposals, and indicated that had it been in a position to determine the application it would have refused permission. The Council's concerns include the effect of the development on the character and appearance of the area, and the living conditions of occupiers of neighbouring dwellings. On the basis of the evidence before me, I see no reason to disagree with those concerns.
3. The appellant submitted amended proposals¹ to the Council during the application process and it is those drawings that the Council has referred to as approved drawings in its suggested conditions. However, the evidence before me indicates that the amended drawings have not been subject to consultation. Furthermore, the amended position of the proposed extension would materially alter the nature of the application, as it would be closer to the attached dwelling, 93 Worple Avenue (No 93). As consideration of the amended scheme could potentially prejudice the interests of interested parties, I have based my reasoning on the original proposals².

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area; and,

¹ Dwg.s 16.WPL.004A, 16.WPL.005A & 16.WPL.006A

² Dwg.s 16.WPL.004, 16.WPL.005 & 16.WPL.006

- the living conditions of occupiers of neighbouring dwellings with particular regard to outlook and privacy.

Reasons

Character and appearance

5. The appeal site is a modest two-storey semi-detached dwelling with pitched roof sited on a generous plot towards the corner of Worple Avenue and Worple Road. To the west, dwellings on Worple Road form a building line perpendicular to Worple Avenue and the rear elevations of 13 and 15 Worple Road (Nos 13 and 15) are some 9 – 11 metres from the appeal site's plot boundary. The attached dwelling, No 93, has a faceted first floor extension with a pitched roof; this is set back from both sides of that dwelling.
6. The development comprises a flat roofed first floor extension above an existing ground floor projection. Its western side wall would continue the line of No 95's flank wall and the eastern side wall would be some 2 metres from the boundary with No 93, and have a chamfered corner to accommodate sightlines from a first floor window at No 93.
7. The Council has raised a concern in respect of the proposed flat roof, which is contrary to guidelines given in the SPD³ which state that two storey extensions should always have a pitched roof unless the host building has a flat roof. In this case, whilst I appreciate that the extension's chamfered corner to accommodate sightlines from No 93 would make a pitched roof awkward to construct, I concur with the Council that the chamfer may not be required.
8. However, the appeal before me is for a flat-roofed extension, and I conclude that the development would be incongruous with the pitched roofed extension on No 93 as well as appearing out of keeping with the roof form of the host dwelling. This would be to the detriment of the character and appearance of the area.
9. Consequently, the development would be contrary to both the SPD, as outlined above, and Policy EN1 of the Local Plan⁴ (LP) which requires development to make a positive contribution to the character of the area in which they are located, paying due regard to the design characteristics of adjoining buildings and land.

Living conditions

10. The evidence before me indicates that the development would be some 11.5 metres from the rear elevation of 13 Worple Road. This would be less than the recommended back to flank distance of 13.5 metres given in the SPD in order to avoid overlooking or creating an overbearing effect. However, the small window directly facing the development appears to be serving a toilet or bathroom. Furthermore, the flank wall of the development would be blank. As such I do not consider there would not be any harm caused to the living conditions of occupiers of No 13 in respect of outlook or privacy, were the appeal to be allowed.
11. Furthermore, although No 13 does appear to have a window to a habitable room at first floor level, this would not look directly onto the development.

³ Spelthorne Borough Council, Design of Residential Extensions and New Residential Development, April 2011

⁴ Spelthorne Borough Council, Core Strategy and Policies, Development Plan Document, adopted February 2009

Consequently, although the development would not comply with the separation distances given in the guidance, I conclude that in this instance there would be no harmful impact in terms of loss of privacy or overbearing effect, and that therefore the development would not be contrary to LP Policy EN1 or the SPD in this regard.

Other matters

12. The amended proposals differ from the appeal before me in that the first floor extension would be set back from the flank wall of No 95 to comply with the distances given in the SPD. However, the eastern side wall would be very close to the boundary with No 93, and although a chamfered corner is proposed to safeguard the outlook of occupiers of No 93, this would create a contrived building form, particularly with regard to the proposed pitched roof. Consequently, I am not satisfied that the harm to character and appearance, or the living conditions of occupiers of neighbouring dwellings, would be addressed by the amended proposals, even were they to be considered as part of the appeal.

Conclusion

13. Although I have not found harm in relation to living conditions, I have found harm in relation to the character and appearance of the area and this would not be outweighed by the limited benefits of an extended dwelling. As such, 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 Development Plan Document and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR