
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: 19 January 2017

Appeal Ref: APP/Z3635/W/16/3158479
418 Staines Road West, Ashford TW15 1RZ

- 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 Mr David Blackler against the decision of Spelthorne Borough Council.
 - The application Ref 16/00194/FUL, dated 10 February 2016, was refused by notice dated 27 May 2016.
 - The development proposed is erection of single storey dwellinghouse with basement.
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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; and,
 - the living conditions of future occupiers with particular regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site is the rear portion of a long narrow garden behind 418 Staines Road West (No 418), which is an end terrace dwelling. There is an access track alongside the plot which leads to garages serving No 418 and adjacent dwellings. The rear garden of No 418 is situated within a group of five similar plots.
4. The development would comprise the replacement of No 418's garage with a flat-roofed two-storey dwelling incorporating a basement floor so as to replicate the footprint and scale of the existing single storey garage.
5. As such, the development would introduce frontage activity to a backland area, and its main entrance would be perpendicular to the existing building pattern on Staines Road West. This would be contrary to the guidance for new residential development in backland areas in the Council's SPD¹ which states that site layout and the direction buildings face should reflect the existing pattern of development, and that where existing development fronts the street

¹ Spelthorne Borough Council, Design of Residential Extensions and New Residential Development, April 2011

this should be followed in new development. Consequently, I disagree with the appellant that the development reflects site layout in line with the aims set out in the SPD.

6. The SPD also states that backland development shall respect the character of the area and that new and retained plots shall be of sufficient size to ensure adequate garden sizes to avoid the development appearing cramped.
7. Whilst I concur with the appellant that this is a residential area, the introduction of frontage activity behind the dwellings on Staines Road West, with the comings and goings of occupiers, and disturbance caused by everyday living would neither respect nor be compatible with the quieter character of these rear garden plots. Furthermore, the subdivision of one long narrow plot would result in a localised increase in density compared to neighbouring plots, and the development would appear cramped compared to the underlying development pattern of dwellings lining the road frontage and garages and ancillary buildings to the rear.
8. I appreciate that the plot sizes proposed here might be commonplace in areas with a tighter building pattern but that does not alter my reasoning, as plots of the sizes proposed are not characteristic of the immediate area.
9. It is argued that the development would provide passive surveillance to the access track but given that the only window from the living area looks out into a lightwell, I give this argument little weight.
10. The appellant also argues that the development would be more visually pleasing than the garage, but I am not entirely satisfied that a small flat-roofed and box like dwelling would necessarily be more pleasing than the existing pitched roof garage. The development would also appear incongruous with the garages and outbuildings within which it would be located. In any case, even if the development was more attractive, it would not justify overdevelopment of the site or development which was inappropriate to its location.
11. It has been drawn to my attention that a previous two-storey dwelling on the site was dismissed on the grounds of its size and scale. Whilst I acknowledge that Policy EN1 of the Local Plan² (LP) requires development to pay due regard to the scale, height and proportions of the area, it also requires development to pay regard to the characteristics of adjoining buildings and land. In this respect, although this proposal is for a smaller single storey dwelling, it would not reflect the characteristics of adjoining land.
12. The appellant refers to comparable backland development within the immediate surrounding areas. This is highlighted in the Design and Access Statement which gives examples of approved backland development that does not have a material impact on the character and appearance of the street scene. As the evidence before me indicates that the Council has accepted that this development would not have an impact on the street scene of Staines Road West, I shall not give this argument any further consideration. It does not however remove the Council's concern that the development would be visible from neighbouring dwellings at the rear.

² Spelthorne Borough Council, Core Strategy and Development Plan Document, adopted February 2009

13. The appellant has also drawn attention to a backland development to the east of the appeal site³. This appears from the evidence before me, to be a two-storey development behind two detached dwellings. However, the appeal site lies within a contiguous group of five rear gardens whereas this example appears to have been a construction yard before its development and it has a garage on one side and further backland development on the other. As such I am not satisfied that the sites are directly comparable and in any case, every appeal is determined on its own merits.
14. I acknowledge that the visual impact of the development would reflect the scale of the nearby garages, but it would not be a garage. As a dwelling, its scale should relate to neighbouring dwellings rather than neighbouring garages. Furthermore, the activity associated with a backland garage is different from that of a dwelling, and consequently the character of this backland area would change, were the appeal to be allowed.
15. In the light of the above, I conclude that the development would represent overdevelopment and would have a detrimental effect on the character and appearance of the area. This would be contrary to LP Policy EN1 as outlined above. It would also be contrary to the guidance given in the SPD with regard to backland development, as I have reasoned above.

Living conditions

16. There would be one window to the living area on the basement floor, which would look out onto a retaining wall some 2 metres away. I concur with the Council that this would be an unsatisfactory arrangement for future occupiers of the dwelling. The appellant argues that there would be a good outlook from the upper storey which would compensate for the poor outlook below. Whilst I acknowledge that bedroom 1 would have an outlook across the adjacent amenity space, bedroom 2 would look onto the garage wall of the adjacent plot to the west and the access track to the south. This would not be satisfactory for future occupiers either.
17. The development's amenity space would be less than the Council's recommended garden depth of 10.5 metres. Whilst I would not necessarily consider a small shortfall sufficient to warrant dismissal of the appeal, the distance between the plot boundary and the rear elevation of No 418 would also be less than 10.5 metres. Consequently the garden depths of both the development and the host dwelling would fail to meet the Council's guidelines, which is reflective of cramped development. Although I agree with the appellant that back to back housing in other situations may have comparable separation distances, the appeal site does not lie within an area of back to back houses and as such I give this argument little weight.
18. With regard to the loss of privacy for future occupiers, I appreciate that the bedroom windows of the development could be fitted with one way glass. However, my understanding of such glass is that its efficacy is dependent on the lighting differential between the inside and outside. In any case, use of this glass would not mitigate overlooking from the host dwelling of the development's amenity space and consequently I give this argument little weight.

³ Design and Access Statement

19. I conclude therefore that overlooking from the host dwelling and poor outlook would be detrimental to the living conditions of future occupiers. This would be contrary to LP Policy EN1 which requires development to achieve a satisfactory relationship with adjoining properties, avoiding significant harmful impact in terms of loss of privacy and outlook. It would also be contrary to the guidance in the SPD which states that backland development shall preserve appropriate privacy and amenity to occupiers of the proposed development and existing properties, by sufficient separation between buildings.

Other matters

20. Interested parties have raised other concerns including disruption during construction, the impact on parking demand and service and emergency access but as I have found harm in respect of the main issues, it is not necessary for me to consider these other issues further.

Conclusion

21. I appreciate that the appellant has amended the proposals following feedback from the Council. Nonetheless, 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