The Planning Inspectorate

Appeal Decision

Site visit made on 17 January 2017

by G Rollings BA(Hons) MA(UD) MRTPI

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

Decision date: 13th February 2017

Appeal Ref: APP/Z3635/D/16/3164300
19 Clifford Grove, Ashford, Surrey, TW15 2JS

- 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 S Betteridge against the decision of Spelthorne Borough Council.
- The application Ref 16/01593/HOU, dated 19 September 2016, was refused by notice dated 17 November 2016.
- The development is an outbuilding (retrospective application).

Decision

1. The appeal is allowed and planning permission is granted for an outbuilding at 19 Clifford Grove, Ashford, Surrey, TW15 2JS in accordance with the terms of the application, Ref 16/01593/HOU, dated 19 September 2016, and the plans submitted with it (CG/19/04).

Application for costs

2. An application for costs was made by Mr S Betteridge against Spelthorne Borough Council. This application is the subject of a separate Decision.

Procedural matter

3. The outbuilding which is the subject of this appeal was in place at the time of the planning application, and was standing at the time of my visit to the property. I am satisfied that the development that has been carried out is the same as that shown on the appeal plans.

Main issues

4. The main issues are:

   - The effect of the development on the character and appearance of the area; and
   - The effect of the development on the living conditions of occupiers of surrounding property, with particular reference to outlook.

Character and appearance

5. The appeal site accommodates a detached dwelling with front and rear gardens. The outbuilding which is the subject of this appeal has been erected adjacent to the rear boundary of the rear garden, and close to the side boundary fence of the appeal property and 21 Clifford Grove. Its frontage and

main entrance face into the garden, along the line of the rear fence, and are predominantly glazed. Smaller windows have been installed in each side elevation, and a pitched roof tops the structure.

6. The rear gardens on Clifford Grove properties are large and there are tall boundary fences separating the appeal property from its adjoining neighbours. Larger garden outbuildings are not especially common within the surrounding area, although there is a large outbuilding visible from the appeal property, in the rear garden of 56 Parkland Grove, which adjoins the rear boundary of the appeal site.

7. The appeal building is recognisable as a garden outbuilding, due to its proportions, appearance and materials, and detached position several metres removed from the main dwelling. Although the Council has identified the outbuilding as having larger proportions than those which would normally allow it to be considered as permitted development, its location and siting within a large, open rear garden means that it does not dominate the property or detract from the main dwelling. Despite there being no other outbuildings of its scale visible from the appeal site, it is not significantly large to detract from the existing pattern of development of the surrounding area, which is characterised by dwellings arranged in a perimeter block surrounding predominantly open rear gardens. The outbuilding occupies only a small proportion of the rear garden, which predominantly remains as open space, and as such does not significantly disrupt this existing character.

8. I therefore conclude that the development does not harm the character and appearance of the surrounding area, and that there is no conflict with the Council's adopted *Core Strategy and Policies Development Plan Document* (2009) (Core Strategy) Policy EN1, which requires new development to achieve a high standard in its design and layout.

Living conditions

9. The outbuilding is at the end of the rear garden of the appeal property, and there is a significant amount of separation between the outbuilding and the houses on neighbouring properties. The height of its eaves is similar to that of the adjacent boundary fences. Although it is visible from adjoining properties, it is partially obscured by existing boundary vegetation, yet remains identifiable as a domestic outbuilding of a commonly found in rear gardens, much smaller than a dwelling. It does not create a large degree of enclosure of these neighbouring properties, nor appear overbearing within the context of the surrounding open garden areas. As such, it does not cause any unreasonably detrimental effects on the outlook of occupiers of surrounding properties.

10. Neighbours also raised concerns about potential noise and disturbance issues; however, any impacts arising from the use of the building are unlikely to exceed those which would normally emanate from a rear garden. Given that its windows and other openings are below the height of the surrounding boundary fences, no significant overlooking of neighbouring gardens is possible from within the outbuilding

11. I therefore conclude that the development does not harm the living conditions of occupiers of surrounding properties, with particular reference to outlook. There would again be no conflict with Core Strategy Policy EN1, which

additionally requires development to achieve a satisfactory relationship to adjoining properties.

Other issues

12. Occupiers of neighbouring properties have also raised concerns regarding the use of the development. The development is the provision of an outbuilding, incidental to the use of and ancillary to the main dwelling, and there is no reason for me to expect that it would be used otherwise. I did not see any evidence on my visit that the outbuilding on the appeal site is being used as residential accommodation.

13. The Council suggested a condition that the outbuilding should not be occupied or used other than as ancillary accommodation to the main dwelling. If the building was to be occupied as separate accommodation, that would constitute a different form of development for which planning permission would be required. Moreover, the Council would be able to take action to secure its return to the purpose for which it has been constructed. As such the condition is superfluous and does not satisfy the test of being 'necessary' in accordance with the Planning Practice Guidance, and I have not imposed it.

Conclusion

14. The development would not conflict with the adopted development plan for the area. For the reasons set out above, and having considered all other matters, I allow the appeal.

G Rollings

INSPECTOR