

Appeal Decision

Site visit made on 16 June 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/Z3635/D/17/3173712

104 Avondale Avenue, Staines-upon-Thames TW18 2NF

- 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 Patel against the decision of Spelthorne Borough Council.
 - The application Ref 17/00130/HOU, dated 25 January 2017, was refused by notice dated 13 March 2017.
 - The development proposed is the erection of an outhouse building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an outhouse building at 104 Avondale Avenue, Staines-upon-Thames TW18 2NF in accordance with the terms of the application Ref 17/00130/HOU, dated 25 January 2017, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: Ref 7050/1.

Procedural matter

2. The proposed outhouse building is partly complete with the external walls and roof in place. It appears to have been constructed broadly in accordance with the plan.

Main issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 102 (a-d) and 106 Avondale Avenue and 47 and 49 Penton Avenue with particular regard to outlook and visual impact.

Reasons

4. The development for which planning permission is sought is a detached single storey building that is sited towards the rear of the back garden of 104 Avondale Avenue, which is a semi-detached house. The entrance and main windows of the appeal building broadly face the rear elevation of No 104.
 5. Of the properties close to the site, it is the occupiers of 102 (a-d) and 106 Avondale Avenue, situated on either side of the appeal property, and 47 and 49 Penton Avenue, which back onto the site, that are most likely to be affected by the proposal. From what I saw, various parts of the appeal building would be
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evident from most rear-facing windows and the back gardens of these neighbouring residential properties.

6. In these views, a major part of the appeal building would be largely screened by the fences that mark the perimeter of the rear garden of No 104, with only the upper walls and shallow pitched roof projecting above these boundary features. Reasonably generous distances would also separate the appeal building from each of these dwellings. Taken together, I am persuaded that the effect of the new built form, having particular regard to its height, scale and position, would not be so great as to overbear or result in an over-dominant impact on outlook for the occupiers of Nos 47, 49, 102 and 106.
7. An interested party raises additional concern that the appeal building would lead to a loss of privacy. However, the boundary fences would largely prevent overlooking from the main openings of the new building to the extent that any loss of privacy would not be significant.
8. On the main issue, I therefore conclude that the living conditions of the occupiers of Nos 47, 49, 102 and 106 would not be significantly harmed by the appeal scheme. Accordingly, I find no material conflict with Policy EN1 of the Council's Core Strategy and Policies Development Plan Document insofar as it aims to safeguard residential amenity. It also adheres to a core principle of the National Planning Policy Framework, which is to always seek to secure a good standard of amenity for all occupants of land and buildings.
9. An interested party refers to the possibility that the appeal building could be used for residential purposes. However, the appellant has made clear that the purpose of the new building is primarily to enable his daughter to practice dance and movement skills in a safe environment. If a residential use were sought then it is likely that planning permission would be required.
10. There is also concern that, if permitted, the development would set an undesirable precedent for other similar schemes. However, I disagree. Where such proposals require planning permission, each should be assessed on their own merits. Furthermore, there is no detailed evidence before me that the development, once complete, would add to the risk of flooding.

Conditions

11. As the development has started, it is unnecessary to impose the standard time limit condition as suggested by the Council. A condition is, however, required to identify the approved plan and to require that the development is completed in accordance with it for certainty.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR