

Appeal Decision

Site visit made on 23 August 2019

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2019

Appeal Ref: APP/Z3635/D/19/3232671

62 Wheatsheaf Lane, Staines-Upon-Thames, TW18 2LR

- 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 Ann Hollis against the decision of Spelthorne Borough Council.
 - The application Ref 19/00530/HOU, dated 4 April 2019, was refused by notice dated 6 June 2019.
 - The development proposed is the erection of a detached single storey outbuilding at the rear to be used as a residential annex.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached single storey outbuilding at the rear to be used as a residential annex at 62 Wheatsheaf Lane, Staines-Upon-Thames, TW18 2LR in accordance with the terms of the application, Ref 19/00530/HOU, dated 4 April 2019, subject to the conditions on the attached schedule.

Preliminary Matter

2. I use the Council's description of development which is accurate and more concise than the application form.

Main Issues

3. The main issues are whether the proposal would represent a separate self-contained residential unit, would be out of character with the locality, or would represent over-development of the site.

Reasons

4. The appeal site includes an end of terrace two storey dwelling, a generous side driveway and double garage, and relatively extensive garden space. The area is largely of established residential character and the mix of house types and gardens come together to form a locality of pleasing appearance and some visual interest.
 5. The proposal is as described above. It would be a flat roofed single storey structure of about 46 sqm footprint with living room, bedroom, store room and some kitchen and wet room facilities and would be located to the rear of the double garage.
 6. The principal concerns of the Council are embodied in the main issues above.
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Self-contained unit

7. The Council is concerned about the planned facilities within the structure, its separation from the main dwelling, and the potential for individual access from the road. However to my mind, importantly, subject to a suitable 'ancillary use' condition, the development would not represent a self-contained home. The garden would be shared, the access would have to come via the main driveway, the entrance door would be at the 'far end' of the unit, there is no readily obvious position for the annex to be sited much nearer the home, and internal facilities would be very modest. I can readily see that this structure would assist the needs of family members of varied generations.

Character

8. The character of the area is residential and there would continue to be compatibility on that front. Building types vary locally and whilst bigger than most local garden structures the planned development would be broadly similar to larger garages found locally. The development would be hardly if at all visible from the street. It would be unusual for living accommodation to be so far back in a plot but in this instance I would not class this as harmful in terms of character or appearance. There is no absolute regularity to the local pattern of development and while this would be something of a quirk it would not be a harmful one.
9. I would add that I agree with the Council for the reasons given in its Delegated Report that the scheme would not unduly intrude upon residential amenity for neighbours.

Level of development

10. The plot is a generous one by any standards and in comparative levels to most found locally. Even with the planned structure there would be considerable open garden land remaining. This would be more than the six homes to the west. The annex would not sit uncomfortably near to boundaries and would not appear cramped. The height would be more akin to a garage and would allow for wider open views from surrounding vantage points over its roof without appearing intrusive or over-extensive.

Planning policy conclusions

11. Policy EN1 of the Core Strategy and Policies Development Plan Document 2009, and the Supplementary Planning Document on Design of Residential Extensions and New Residential Development 2011 (SPD), are relevant. This policy and the SPD, taken together and amongst other matters, seek to secure development which is of a high standard of design, appropriate in aesthetic and layout terms, of suitable scale, and with a satisfactory relationship to adjoining properties. Given all of the foregoing I conclude that the scheme would not be contrary to the development plan policy and the SPD

Conditions

12. Along with the standard commencement condition a condition that works are to be carried out in accordance with listed, approved, plans is necessary as this provides certainty. A condition requiring external materials to be approved is also appropriate in the interests of visual amenity, particularly given the Appellant's stated inability to confirm these at this stage in the process. I

agree that windows facing the shared side boundary should be obscure glazed and opening controlled in the interests of privacy and for the same reason any future windows should be restricted on this flank. There needs to be cognisance and care in respect of the potential, but non-critical, local flood position and I agree with the Council's suggested approach to this. The development has been applied for as an annex and the controlling condition on occupational use as proposed by the Council is appropriate to safeguard residential amenity and prevent uncharacteristic severance. On occasion I make some amendments to the Council's suggested text bearing in mind guidance on conditions and the wish to provide clarity.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would not represent a separate self-contained residential unit, or be out of character with the locality, or represent over-development of the site. Accordingly the appeal is allowed.

D Cramond

INSPECTOR

SCHEDULE OF CONDITIONS (7)

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. No development shall take place above slab level until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the Council.
3. Other than in respect of external materials the development hereby permitted shall be carried out in accordance with the following approved plans: 845/01 & 10184_02_19.
4. The outbuilding development hereby permitted shall be used only for purposes ancillary to the domestic enjoyment of the main house and not for any primary living accommodation.
5. Prior to the occupation of the development hereby permitted the ground floor windows on the east elevation shall be obscure glazed and be non-opening to a minimum height of 1.7 metres above internal floor level. These windows shall thereafter be permanently retained as installed.
6. No further openings of any kind shall be formed on the eastern flank elevation of the development hereby permitted without the prior written consent of the Local Planning Authority.
7. There shall be no raising of existing ground levels on the site within the area liable to flood, other than in accordance with the approved detail and all spoil and building materials stored on site before and during construction shall be removed from the area of land liable to flood upon completion.