



Appeal Decision

Site visit made on 21 October 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/Z3635/W/20/3256622

26 Preston Road, Shepperton TW17 0BG

- 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 M Ormrod against the decision of Spelthorne Borough Council.
 - The application Ref 20/00527/HOU, dated 7 May 2020, was refused by notice dated 8 July 2020.
 - The development proposed is to "convert existing small garage and outbuilding to annexe."
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Decision

1. The appeal is allowed and planning permission is granted to convert existing small garage and outbuilding to annexe at 26 Preston Road, Shepperton, TW17 0BG in accordance with the terms of the application, Ref 20/00527/HOU, dated 7 May 2020, subject to the conditions in the attached schedule.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application albeit with unnecessary detail removed.

Main Issues

3. The main issues are i) whether the proposal would be tantamount to a self-contained residential unit, and ii) if so, its effect on the character and appearance of the area.

Reasons

Whether a self-contained residential unit

4. The appeal application sought permission for the conversion of an existing garage and outbuilding to an annexe. In processing the application, the Council and appellant agreed that as the application was for an annexe ancillary to the main dwelling, it was appropriate to deal with it under the householder procedure, and that is the appeal proposal before me.
5. The appeal site is an outbuilding and garage to the rear of the main house, no longer readily accessible for or practical for the parking of a car. It fills almost the full width of the rear garden. The main house has patio doors and windows

- which look directly across the relatively short garden towards the outbuilding and garage, with no intervening screening.
6. The proposal will replace this with a single structure, on a slightly narrower footprint, but with the same relationship to the main house, including a lack of any intervening screening and no changes proposed to the existing access arrangements.
 7. From the submissions before me, I see no convincing evidence to suggest that the proposal would be tantamount to a self-contained residential unit. I note the comments of the Council concerning the facilities, the proposed floor-area and its relationship to space standards. However, the proposal and the main house, including their habitable room windows would be so closely related, with no obviously functional way of providing separating accesses, that in practical terms, I do not consider that the proposal could effectively function as a self-contained residential unit. I do not agree with the Council that the distance between the proposal and the main house is either significant or that it provides a notable degree of separation.
 8. In addition, the back-to-back distance between the proposal and the main house would be less than half of what the Council's own Design of Residential Extensions and New Residential Development Supplementary Planning Document 2011 (SPD) considers necessary to preserve privacy and outlook between separate dwellings.
 9. As such, despite the floor-area and layout of the proposal, I do not consider that the spatial or functional degree of separation are such that the proposal would be practically capable of use independently of the main house or that it would be tantamount to a new, self-contained residential unit.
 10. The Council has considered the possibility of controlling the use of the proposal through conditions; either requiring that it remain in use ancillary to the main dwelling, or that it be returned to its previous use when no longer required for its intended purpose. The consideration of these conditions appears to be borne out of a perceived "strong possibility" of the annexe being used as a separate unit of accommodation. However, no evidence of that "strong possibility" has been provided. In any case, any use of the annexe as such would itself require planning permission. I therefore do not consider that either of those conditions would be necessary, reasonable or relevant to the development.
 11. The proposed annexe does therefore comply with Policy EN1 of the Core Strategy and Policies Development Plan Document, adopted 2009 (the Core Strategy) and the SPD, which seek, amongst other things, to ensure that development respects, responds and contributes to the character of the area, has a satisfactory relationship to adjoining properties, particularly with regard to privacy.

Character and appearance

12. The objection from the Council in relation to the effect of the proposal on the character and appearance of the area relates solely to the use of the proposal as a self-contained residential unit, so in light of my conclusions on the issue above, I consider that it falls away. In any event, the principle of an outbuilding in this location and at this scale is well established, and given the location and relationship of the proposal to neighbouring properties and the wider public

domain, I do not consider that the slight change to the form and materials proposed would harm the character or appearance of the area.

13. The proposal does therefore comply with Policy EN1 of the Core Strategy and the SPD, which seek, amongst other things, to ensure that development respects the character and appearance of the area.

Conditions

14. Standard conditions relating to the time period for implementation, the use of matching materials, and compliance with the submitted plans have been requested by the Council. As they are necessary to ensure the satisfactory appearance of the completed development, I have included them.
15. In addition, the Council has requested two further conditions, which seek to control the raising of ground levels and the storage of construction materials in any area which has the potential to be subject to flooding. I am satisfied that these conditions meet the tests in the Planning Practice Guidance (the PPG) and National Planning Policy Framework (the Framework) and have imposed them.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. That the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
3. That the development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, the Proposed Floor Plan, Proposed Front Elevation shown on pages 1 to 4 of the submitted drawings labelled "Page No: 1, Revision: 0, Set: A"
4. 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 details.
5. 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.