



Appeal Decision

Site visit made on 12 November 2020

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/Z3635/D/20/3245935

28 Hadrian Way, Stanwell, TW19 7HF

- 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 M Singh against the decision of Spelthorne Borough Council.
 - The application Ref 19/01364/HOU dated 7 October 2019, was refused by notice dated 5 December 2019.
 - The development proposed is a rear outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is submitted as retrospective. I have considered the appeal on this basis.

Main Issues

3. The main issues are i) the impact of the proposal upon the character of the surrounding area ii) the impact of the proposal upon the amenity of future occupiers and whether the proposal would be tantamount to a separate means of accommodation and iii) the impact of the proposal upon the amenity of neighbouring occupiers.

Reasons

Character of the surrounding area

4. The appeal site is a semi-detached residential dwelling which stands at a right angle to the properties to the North and South. The appeal site, along which the proposed building stands, shares a boundary with no. 24 Hadrian Way (no. 24). There are garages to the East. The proposal occupies the full length of the Southern boundary of the appeal site.
5. At the time of my visit I did note that the building is visible in views from the open area to the South West (the green open space) but, given its orientation, I did not find it particularly notable from the public domain as the scale is not particularly evident in views from this angle. I also walked around and found the proposal more visible from Clare Road but find this was, most likely, due to the unfinished appearance of grey breeze blockwork.
6. The overall design, as a flat roof structure, is not out of keeping with other structures in the area, for example the garaging on the adjoining land. It is stressed that character is concerned with what a place is like/the locality and

this is separate from appearance, i.e. what a place looks like (the visual effects). Character is defined by a number of factors including layout and spacing.

7. The scale of the structure results in a large area of the appeal site being covered in built form which, in turn, results in a smaller garden than those characteristically found within the surrounding area. I note that no. 26 has a relatively small garden adjacent but, as stated, the gardens in the area generally appear to be of good sizes based upon the plans before me.
8. Due to generally limited public views, I do not find the scale of the proposal to impact on the appearance of the area to an extent which would warrant refusal. Despite this, I do find that the proposal overdevelops the site to the detriment of the character of the surrounding area. The harm identified is not reduced because the estate the appeal site is located within is of no special or historic interest, or in a Conservation Area or that the host dwelling is of no real architectural merit.
9. The proposal would be contrary to Spelthorne Borough Council Core Strategy and Policies Development Plan Document (2009) (LP) Policy EN1 which requires proposals to make a positive contribution to the character of the area paying due regard to scale, height and other characteristics of adjoining buildings and land. The proposal would also be contrary to the Design of Residential Extensions and New Residential Development Supplementary Planning Document 2011 (SPD) which requires development to fit in sympathetically with both the host dwelling and its locality.

Amenity of future occupiers and separate means of accommodation

10. The Council's refusal reason cites a poor standard of amenity for future occupiers however, I do not find that the Council have explained or justified their assessment relating to this point. I have no evidence before me to conclude that the proposal would provide a poor standard of living for future occupiers given it is proposed as an outbuilding to an existing residential dwelling.
11. At the time of my site visit I looked in the building and there was no kitchen facilities within it. The area shown on the plans as a study was occupied by gym equipment and the area shown on the plans as a gym did have a bed in it. I acknowledge the Council's concerns and comments relating to the proposal being tantamount to a separate means of accommodation, which could be accessed around the side of the house. Despite this, had the proposal been found acceptable in other regards, I find that such concerns could be overcome with the application of a condition controlling the building's use for no other purpose than ancillary to the residential use of no. 28 and preventing its use as an independent, self-contained, dwelling separate from no. 28.

Impact upon the amenity of neighbouring properties

12. When viewing the appeal site from outside of no. 24 I find that no. 24 stands at a lower land level than the appeal site. The Council's report, and comments from the occupiers of no. 24, confirm that there is already a high wall extending along the boundary between no. 24 and the appeal site.
13. The appeal proposal projects above this existing wall and is on the boundary. The overall height, location on the boundary itself and differing site levels I find

results in a prominent, overbearing, structure which extends along the entire boundary with no. 24. I find that this will result in an unacceptable impact upon the amenity of the occupiers of no. 24 to the detriment of the enjoyment of their garden.

14. The appellant's statement contains no real justification as to why they contend there would be a lack of impact upon adjoining occupiers. The appellant states that the building is only 300mm above the allowed height for permitted development and that the building is no more than 50% of the garden. Despite this The Town and Country Planning (General Permitted Development) (England) Order 2015 requires that no more than half the area of land around the original house¹ would be covered by additions or other buildings.
15. No. 28 already benefits from additions (extensions) which, combined with the appeal proposal, results in this being exceeded regardless of whether or not the height was maintained to 2.5m within 2m of the boundary. Such comparisons do not represent a genuine, or viable, fallback and can be attributed little weight within the determination of this appeal. The Council confirm that the site will be more built form than land without any development on it.
16. The proposal would be contrary to LP Policy EN1 which requires proposals to achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of overbearing effect due to bulk and proximity. It would also be contrary to the SPD which requires development to ensure that the amenity of adjoining occupiers is not significantly harmed and prevent over-dominance.

Other Matters

17. The National Planning Policy Framework 2019 does seek to pursue sustainable development, however, given the impacts I have identified relating to the both the character of the area and the impact upon neighbouring occupiers the proposal does not represent sustainable development. The starting point for the determination of applications is the Local Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. There are no circumstances, before me which justify a departure from the Local Plan.
18. The appellant makes reference to other examples of planning consents; however, I only have the reference number before me and no further details. The proposal at 48 Hadrian Way, does, however, appear to be dated around 2004 from the reference number given which is prior to both the adopted SPD (2011) and the LP (2009) against which this current proposal is to be assessed. I cannot, therefore, attribute any weight to this and in any case each case should be considered on its own merits.

Conclusion

19. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR

¹ Original House means the house as it was first built or as it stood on 1 July 1948 (if it was built before that date).