



Appeal Decision

Site visit made on 1 March 2022

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2022

Appeal Ref: APP/Z3635/D/22/3290857

2 Lois Drive, Shepperton TW17 8BQ

- 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 Michael Suzuki against the decision of Spelthorne Borough Council.
 - The application Ref 21/01688/HOU, dated 27 October 2021, was refused by notice dated 22 December 2021.
 - The development proposed is described as 'Roof alterations to include crown roof, roof lights and roof pitch increase to 45 degrees. Loft conversion with balcony. Rear extension. Garage extension'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposed balcony on the living conditions of the occupiers of adjacent properties in respect of privacy.

Reasons

Character and appearance

3. The site comprises a bungalow near to one of two entrances to Lois Drive from Old Charlton Road. Islands of vegetation effectively create two lanes of carriageway into Lois Drive at each entrance. The bungalow features a predominantly pitched and hipped roof and a small gabled element above a bay window. It also features an attached garage with a flat roof. There are many similar bungalows along Lois Drive including the adjoining one at No 4. Although some of the bungalows appear to have been extended or altered, the street scene has a distinctly cohesive character. The appearance of the bungalow at No 2 contributes positively to the character of Lois Drive.
4. The bungalow is visible from Lois Drive on entry from Old Charlton Road. Even with the vegetation in the highway, one of its sides is visible from the carriageway and the footway above the boundary wall to 43 Old Charlton Road.
5. Amongst other things, the scheme would involve the creation of a crown style roof and the replacement of an existing rear conservatory with a 4 metre deep extension. A significant proportion of the roof would be flat. These features and

the resultant depth of the dwelling would be apparent from the highway. The extensive flat roof element would contrast poorly with the roof forms of the surrounding properties such that the resultant dwelling would appear incongruous next to No 4 and in the wider street scene. The cohesive character of Lois Drive would be harmed. This is consistent with guidance in the Design of Residential Extensions and New Residential Development Supplementary Planning Document (SPD), which sets out that where large areas of flat roof between pitched roof areas are proposed there is a risk they may be out of character with a locality.

6. It has been put forward that the proposal is similar to approved development at Nos 46 and 61 Lois Drive¹. Full details of the approved schemes have not been provided, but No 46 appears to feature a relatively new crown style roof and front facing dormer. In any case, Nos 46 and 61 are each sited within a row of properties and are relatively close to the dwellings adjacent to them. Nos 46 and 61 are not directly comparable with No 2 because its side is prominently positioned near the entrance to Lois Drive and there is a comparatively large separation distance between its side and the rear elevation of 43 Old Charlton Road.
7. It is advanced that the proposal would be compatible with the character and appearance of the area because of the site's position near to Old Charlton Road, which features properties like Nos 41 and 43 that have a significant amount of development at roof level. However, the site has a stronger relationship with the properties in Lois Drive because of its position behind the properties along Old Charlton Road and due to the bungalow's similarities with the other dwellings along Lois Drive. Furthermore, the properties along Old Charlton Road in the immediate vicinity of the site do not feature flat roof elements that are directly comparable to the one proposed.
8. The proposal would harm the character and appearance of the area. It conflicts with Policy EN1 of the Core Strategy and Policies Development Plan Document (DPD), which sets out that development should positively contribute to the character of areas.

Living conditions

9. The proposal includes the creation of a first floor balcony to the rear of No 2. The SPD sets out that the impacts on adjoining properties should be carefully considered in terms of overlooking.
10. Although the balcony would be recessed, shallow and serve a bedroom, it would nevertheless enable views of a significant proportion of the rear garden to 2 Barbara Close. There are roof dormers facing towards that garden at Nos 45 and 47 Old Charlton Road; however, these are small, offset and further from the garden than the proposed balcony. Furthermore, the design of the balcony would permit the occupiers to sit out on it or stand by its railing enabling for wide viewing angles. The impacts of the balcony would differ considerably from the neighbours' roof dormers. Therefore, the balcony would result in a significant increase in overlooking of the rear garden of 2 Barbara Close.

¹ Council references: 19/01682/HOU; 21/01131/HOU

11. Parts of the rear gardens at 4 Lois Drive and 47 Old Charlton Road would also be visible from the balcony. However, overlooking of these and the other nearby properties would not be excessive due to the position of the balcony and the neighbouring properties' positions, orientations and boundary features.
12. The proposed balcony would result in a significant and unacceptable level of overlooking of the rear garden to 2 Barbara Close and thus harm to the living conditions of the occupiers of that property. It conflicts with DPD Policy EN1, which seeks to prevent significant harmful impacts to privacy.

Conclusion

13. For the above reasons, the proposal conflicts with the development plan as a whole. Material considerations do not outweigh the proposal's conflict with the development plan. Accordingly, the appeal should be dismissed.

Mark Philpott

INSPECTOR