



Appeal Decision

Site visit made on 16 September 2022

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2022

Appeal Ref: APP/Z3635/D/22/3294416

10 Rosewood Drive, Shepperton TW17 0HT

- 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 Paul & Pauline Berry & Tinslay against the decision of Spelthorne Borough Council
 - The application Ref 21/01785/HOU, dated 12 November 2021, was refused by notice dated 11 February 2022.
 - The development proposed is 'Erection of a part single part two storey front extension, a two storey side extension, a single storey rear extension and changes to materials on front elevation'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form was amended following submission of the application. I have referred to the amended description.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupiers of neighbouring properties, specifically no.8 Rosewood Drive and 9 Fairview Drive.

Reasons

4. The appeal site is an end of terrace house fronting Rosewood Drive, within a planned residential estate. The spatial pattern of the estate predominantly comprises of rows of terraced and semi-detached houses or bungalows in a staggered format. The houses closer to the road have a shallower front garden and deeper rear garden, and the houses set back from the road are vice versa. This spatial arrangement is more exaggerated at the appeal site and the dwellings surrounding it because it is located at a sweeping curve in the road. As such, no. 8 Rosewood Drive, adjacent to the appeal site, has both a shallow front and rear garden. No 8 Rosewood Drive is also bound to the rear by the shallow rear gardens of a terrace of bungalows (including no.9 Fairview Drive, an end of terrace bungalow). Due to the staggered siting of the houses, the flank wall of the appeal site is situated further back than the rear elevation of no. 8 Rosewood Drive.

5. The appeal scheme would introduce a part two-storey front extension, two-storey side extension and a single-storey rear extension. The Design of Residential Extensions and New Residential Development Supplementary Planning Document (SPD) seeks side elevation extensions to retain a gap of 1 metre width with the flank boundary. The appeal scheme would taper to a 0.8 metre gap. This is a relatively minor difference with the SPD, which should be applied flexibly to the circumstances of each case. In this case, the two-storey flank wall of the appeal site would be in much closer proximity to the shallow rear garden of no. 8 Rosewood Drive, closing a gap and thereby reducing the outlook and greatly increasing the enclosure of both no.8 Rosewood Drive and no.9. Fairview Drive. This would have an unacceptable overbearing effect on those neighbouring properties.
6. Moreover, the SPD also seeks to avoid a loss of light or overshadowing effects on neighbouring properties by avoiding any two-storey extensions intervening in a 45-degree line of the windows of those properties. The parties accept that the appeal scheme would intervene in this line. The SPD provides a helpful guide to what impacts may result from development, subject to site specific conditions. The appeal site is situated to the south of both no.8 Rosewood Drive and no. 9 Fairview Drive, and as such, the proposed extensions would have a greater potential for overshadowing the rear gardens and rear elevations. The size and proximity of the appeal scheme to the boundary and the rear elevations of both dwellings would likely result in overshadowing and loss of light to the properties.
7. The existing arrangement also intervenes in the 45-degree line, however, the appeal scheme would bring two-storey built form closer to those dwellings and it would therefore exacerbate the existing situation. Whilst the appeal scheme would reduce the fenestration in the flank wall of the appeal site, this design feature would not overcome the impacts of the scale and siting of the appeal scheme. There are some other examples of side extensions within the wider area, however they are not comparable to the appeal scheme in respect of scale, siting and the relationship between neighbouring properties.
8. The appeal scheme would therefore conflict with policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document, adopted in 2009, and the Framework. These policies seek, amongst other things, to achieve a satisfactory relationship to adjoining properties, avoiding a significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity, or outlook.

Conclusion

9. For the above reasons, the appeal scheme is contrary to the policies of the Development Plan and no material considerations indicate that the appeal should be determined other than in accordance with the Development Plan. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR