

Appeal Decision

Site visit made on 16 December 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/Z3635/D/22/3300639

29 Saxonbury Avenue, Sunbury-on-Thames TW16 5EY

- 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 & Mrs Chris & Kim Draper against the decision of Spelthorne Borough Council.
 - The application, Ref. 21/01813/HOU, dated 22 November 2021 was refused by notice dated 13 April 2022.
 - The development proposed is a single storey front extension; single storey side extension; two storey side extension, and two storey rear extension following demolition of the garage and store.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey front extension; single storey side extension; two storey side extension, and two storey rear extension following demolition of the garage and store at 29 Saxonbury Avenue, Sunbury-on-Thames TW16 5EY in accordance with the terms of the application, Ref. 21/01813/HOU, dated 22 November 2021 and subject to the following conditions:
 - 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. Series: FLU.1488: Plan Nos. 01; 02; 03; 05; 06 & 07;
 - 3) Prior to the occupation of the development hereby permitted, the first floor windows on the flank elevations shall be of restricted opening and obscure glazed to a minimum height of 1.7m above the internal floor level in accordance with details first agreed in writing by the Local Planning Authority. The windows shall thereafter be permanently retained as installed.

Main Issues

2. The main issues are (i) the effect of the development on the character and appearance of the host dwelling and its surroundings, and (ii) the effect on the living conditions for the occupiers of No. 27 Saxonbury Avenue in terms of outlook.
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Reasons

3. I saw on my visit that the appeal dwelling is the first in a row of six houses of the same original design, albeit in some cases alterations and additions have had a significant impact on the original uniformity and resultant symmetry of this part of the street scene. I also observed that by being the first of that row, No. 29 has a quite differently designed house in No. 27 on its southern flank with the main part of the dwelling set further back from the road.
4. The officer's report on the appeal application refers to a dismissed appeal in which the Inspector was concerned that the then proposed alterations and additions to No. 29 would both have an adverse effect on the street scene and an overbearing effect on the front of No. 27. The report acknowledges that the now proposed hipped roof for the two storey extension would reduce some of the bulk and mass of the refused scheme, but the absence of a set back and set down to achieve subordination in line with the Council's design guidance for house extensions would still cause harm.
5. Whilst in principle I have some sympathy for this view, the appeal statement includes in Figure 2 a 3D-view comparison of the earlier refused proposal and the current scheme. In my judgement this does show a further substantial reduction in the bulk and massing of the first floor element of the proposed side extension, achieved by a combination of the removal of the area of crown roof, the slope away from No. 27 of the hipped roof, and the lower side eaves line.
6. I consider that the effect of this would be to remove most of the adverse impact correctly identified by the Council and the previous Inspector as regards both the main issues in this appeal. Furthermore, in terms of issue (i) the absence of the set back and set down would not be significant because the cleaner lines of the integrated design together with the 2m gap to the boundary and less bulky roof would enable the extended building to be read with No. 27's different design without a jarring effect in the street scene.
7. In terms of issue (ii) the outlook from No. 27's ground floor window is already limited by that property's garage, whilst the hipped roof would now address my colleague Inspector's concern regarding the development being overbearing from the first floor window. The appeal statement also refers to there being 27 properties in the surrounding area of Saxonbury Avenue and Kingsmead Avenue that have had a two storey side extension and of these 20 have a limited or no set back. This adds weight to the appellants' case.
8. All in all and having taken account of the objection from No. 27, I conclude that the appeal scheme would not have an unacceptably adverse effect on the character and appearance of the host dwelling and its surroundings or on the living conditions for the occupiers of No. 27 Saxonbury Avenue in terms of outlook. Accordingly, there would be no harmful conflict with Policy EN1 of the Spelthorne Core Strategy and Policies DPD 2009; the Council's Residential Design Guidance SPD 2011 and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2021. I shall therefore allow the appeal.
9. A condition requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and is in the interests of proper planning. A condition requiring matching external materials will maintain visual amenity. The Council has also suggested a condition restricting the type

of windows for the two en-suites and the bathroom in the flank elevations to safeguard privacy. I agree with this, but given the benefits of fresh air ventilation in terms of its efficacy and lower energy consumption I consider that in addition to precluding the transparency of the glazing it is only necessary to restrict the extent of the opening of the windows rather than entirely prevent it.

Martin Andrews

INSPECTOR