



Appeal Decision

Site visit made on 8 November 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2023

Appeal Ref: APP/Z3635/D/23/3321019

36 Kenton Avenue, Sunbury-on-Thames TW16 5AR

- 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 Dimitris Tsendemis against the decision of Spelthorne Borough Council.
 - The application Ref 22/01653/HOU, dated 30 November 2022, was refused by notice dated 7 February 2023.
 - The development proposed is loft conversion that would include the installation of L-shaped rear facing dormer with two rooflights at the front. Erection of a single storey outbuilding at the rear of site and erection of a single storey front extension to form a porch.
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Decision

1. The appeal is dismissed insofar as it relates to the **L-shaped dormer extension**.
2. The appeal is allowed insofar as it relates to the **outbuilding** and **porch**, and planning permission is granted for erection of a single storey outbuilding at the rear of site and erection of a single storey front extension to form a porch at 36 Kenton Avenue, Sunbury-on-Thames TW16 5AR in accordance with the terms of the application, Ref 22/01653/HOU, dated 30 November 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P003 Rev B; P004 Rev B; P006 Rev B; P009 Rev D; P_001 Rev B; P_005 Rev B; P_010 Rev E; P_011 Rev A; P_012 Rev B; P_013 Rev A.
 - 3) Prior to the construction of the porch hereby permitted, details of the materials to be used in the construction of the external surfaces must be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Preliminary Matters

3. The description of development cited in the planning application form and appeal form differs to that contained within the decision notice. There is no evidence that this change was formally agreed. However, the latter description more accurately reflects the scope of the proposed plans which were submitted, consulted upon, and determined by the Council and are now the

subject of this appeal. As no parties' interests would be prejudiced, in the interests of clarity I rely upon that latter description for the purposes of the banner heading above.

4. The proposal subject to this appeal has three main elements consisting of i) loft conversion that would include the installation of L-shaped rear facing dormer with two rooflights at the front; ii) erection of a single storey outbuilding at the rear of the site; and iii) erection of a single storey front extension to form a porch. These elements are clearly severable from one another. For the purpose of brevity and clarity the elements of the proposal will be referred to in my decision as follows i) L-shaped dormer extension; ii) outbuilding; and iii) porch.
5. As part of its assessment of the application, the Council found that the **outbuilding** and **porch** would neither harm the character and appearance of the area nor the amenity of neighbouring occupants. Moreover, I understand that the **porch** was granted permission in 2018¹ together with Juliet balconies to the rear of the appeal property, which have been installed. From the evidence before me and my observations on site, I would concur with the Council's assessment of the **outbuilding** and **porch**.

Main Issue

6. In the context of the above, the main issue is the effect of the **L-shaped dormer extension** on the character and appearance of the area.

Reasons

7. The section of Kenton Avenue where the appeal property is located, is made up predominantly of two-storey detached and semi-detached houses that are set back from the highway. There are regular gaps between the houses that, together with the set-back and modest scale of the properties, create a spacious character. Grass verges, street trees and planting within the frontages of the houses add greenery to the street scene.
8. The houses vary in their forms, features and styles. However, most have pitched or hipped roofs, and dormer windows are not a common feature. I saw on site that there is one other large rear box dormer extension close to the appeal property at No. 52 Kenton Avenue. While it is not L-shaped, it is visible in the street scene. Nonetheless, it appears to be an anomaly and is not characteristic of Kenton Avenue.
9. The size of the **L-shaped dormer extension** would be substantial. Although it would be located at the rear of the appeal property, the appeal property's position, next to the rear garden of No. 38, would allow views of it from Kenton Avenue. Both parts of the **L-shaped dormer** extension, along the rear slope of the main roof as well as the roof slope of the rear extension, would be evident in the street scene.
10. The submitted plans show the **L-shaped dormer extension** would be 2.3 to 2.5 metres tall. It would be stepped in slightly from the edge of the existing pitched roof and would extend from the existing ridge to 0.5 metres above the eaves. This would conflict with the Council's Design of Residential Extensions and New Residential Development Supplementary Planning Document (2011) (SPD), which advises that well designed dormers should be set-in a minimum

¹ Application Reference: 08/00478/FUL

of 1 metre from the roof edge, down 0.5 metres from the ridge and up 1 metre from the eaves. Furthermore, one side of the **L-shaped dormer extension** would sit above the pitched roof of the existing rear extension, and the joining of these two roof forms would appear awkward and at odds with the existing roof profile.

11. By virtue of its size and form, the **L-shaped dormer extension** would have a contrived appearance and would be out of proportion with the host dwelling. It would appear as an additional storey rather than a subservient addition and, other than the front roof slope, which would remain pitched, the appeal property would appear as three storeys. This would be out of keeping with the scale of the nearby houses. While there are some three-storey properties further along Kenton Avenue, these properties are terraced and located around the corner from the appeal property. Thus, they have a different and separate character from the rest of Kenton Avenue.
12. The **L-shaped dormer extension** would be finished in colour coated steel. However, it is unclear from the evidence before me what colour the steel would be. I note the appellant is willing to amend the external materials to hung tiles. Nevertheless, even if hung tiles were used, this would not address the harm arising from the size and form of the **L-shaped dormer extension**. Moreover, while cladding is not a common external material in the surrounding area, I am not of the view that the **L-shaped dormer extension** would be a less noticeable change in the street scene than the modest amount of cladding used on the front elevation of No. 39a Kenton Avenue.
13. Accordingly, for the reasons above, the **L-shaped dormer extension** would be visually obtrusive in the street scene and would harm the character and appearance of the area. It would therefore conflict with Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (2009), which seeks to ensure a high standard in the design and layout of new development. It would also be contrary to the advice in the SPD.

Other Matters

14. The Council consider that the **L-shaped dormer extension**, subject to conditions, would not impact the living conditions of occupants of neighbouring properties. The **L-shaped dormer extension** would therefore comply with the development plan in this regard. However, while from the evidence before me and my observations on site, I am of the same view, this does not affect my findings on the main issue.
15. I recognise that the **L-shaped dormer extension** would benefit the existing and future occupants by facilitating an additional room in the property and increasing the overall living space, providing flexibility in the accommodation. Nonetheless, this benefit does neither outweigh nor address the harm that I have identified above.

Conditions

16. The Council request that 4 conditions be imposed on any grant of permission. In imposing conditions, I have had regard to the approach in the National Planning Policy Framework and the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.

17. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty. It is unclear from the submitted plans and details in the planning application exactly what external materials would be used for the **porch** and **outbuilding**. While there would only be limited views of the **outbuilding** from neighbouring properties, to protect the character and appearance of the area, a condition is necessary to clarify the external materials used in the construction of the **porch**.
18. The Council suggest a condition be imposed to ensure that a specific window in the **L-shaped dormer extension** was obscure glazed and non-opening to a minimum height of 1.7 metres above internal floor level. Nonetheless, given I am dismissing the appeal insofar as it relates to the **L-shaped dormer extension**, this condition is not necessary.

Conclusion

19. Having had regard to the development plan as a whole and all other material considerations, I consider that the proposal is acceptable in part only. The appeal is therefore allowed insofar as it relates to the **outbuilding** and **porch**. However, for the reasons given, and having had regard to all other relevant matters raised, the appeal is dismissed insofar as it relates to the proposed **L-shaped dormer extension**.

Hannah Guest

INSPECTOR