



Appeal Decision

Site visit made on 22 May 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 MAY 2024

Appeal Ref: APP/Z3635/W/23/3333577

58 Green Lane, Shepperton, Surrey, TW17 8DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Dominico Sassone-Corsi against the decision of Spelthorne Borough Council.
 - The application Ref is 23/00832/FUL.
 - The development proposed is construct one two storey three bedroom detached property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, the quality of living conditions for future occupiers with particular regard to outlook and outdoor space, and the effect on the living conditions of neighbouring occupiers with particular regard to privacy, light to gardens and whether the proposed development would be overbearing.

Reasons

Character and appearance

3. This part of Green Lane is mainly characterised by detached and semi-detached dwellings fronting the road with hipped, pitched roofs. They generally have private gardens to the rear. There are some outbuildings in these gardens, including at the appeal site, which are varied in their appearance. However, they share the characteristics that they are secondary to the main dwellings. This pattern of development results in a pleasant sense of openness behind the rows of frontage buildings in this area.
4. To the south there is a group of buildings to Manygate Lane which include terraces of houses set back from the road. However, these form a distinctive group of dwellings which are of a notably separate character to the appeal site and its immediate surroundings.
5. 58 Green Lane is occupied as flats and its plot extends past those on the adjoining sides. Part of the plot is laid to hardstanding and includes a single storey outbuilding, which is subservient to the host dwelling. This private land to the rear of the main property, including a secondary outbuilding, therefore makes an important contribution to the positive open character to the rear of the frontage dwellings described above.

6. The proposed development would introduce a substantial 2 storey house which would not front the main road and would be in the existing rear outdoor space. The second floor would be within a steeply pitched roof with crown roof area above the majority of the footprint. The garden is proposed to the front of the dwelling.
7. The introduction of built form on this site, in the layout and scale proposed would unacceptably undermine the open rear area and harmfully erode the characteristic pattern of development in this location. Furthermore, the design of the proposed roof form would be overly bulky and would not be characteristic of the locality. Although the height of the proposed building would be lower than others nearby, the independent residential unit on this site with a separate access and comings and goings would not result in a subordinate character.
8. Whilst the impact on the streetscene would be limited, the building would be highly visible from surrounding properties and therefore this harm would be experienced.
9. The Design of New Residential Extensions and New Residential Development Supplementary Planning Document (2011) (SPD) advises of a number of requirements as to where a development of one dwelling with access via a gap in the street frontage would be acceptable, including where the form of development respects the character of the area. For the reasons set out above, this is not the case for the proposed development.
10. Therefore, the proposed development would be harmful to the character and appearance of the area. As such, in this regard, it would be contrary to policy EN1 of the Core Strategy and Policies Development Plan Document (2009) (CS) which, amongst other things, requires a high standard of design which respects the character of the area in which it is situated. As well as the advice in the SPD, as set out above.

Living conditions of existing occupiers.

11. The Council state that 1A Kilmiston Avenue would be around 12m from the proposed dwelling and the plans are annotated to show a minimum of around 0.8m separation from their rear garden boundary. This would be below the 13.5m back to flank distance recommended in the SPD. Nonetheless, the proposed dwelling would occupy the vast majority of the width of the rear garden area at a 2 storey height in close proximity. For these reasons the proposed development would be overbearing to these occupiers.
12. 1-3 Kilmiston Avenue and 207 Manygate Lane are located to the south of the proposed dwelling. First floor windows are proposed to the rear elevation which may provide angled views towards these garden areas. However, these gardens are already somewhat overlooked by neighbouring properties, and given the distance and line of sight, the proposed dwelling would not increase this overlooking to an unacceptable level.
13. There is dispute as to the distance between the host property and the proposed dwelling. The plans are annotated to show 23m separation whilst the Council state that it would be at least 19m, with 5m separation between the proposed front elevation and the garden retained for no 58. Even taking the more conservative separation distance between the buildings, any loss of light to

gardens would be unlikely to be significantly harmful to the living conditions of these occupiers.

14. 209 Manygate Lane is located over 30m from the proposed dwelling. It has a wide garden and the proposed development would only span part of its width. As such there would not be an overbearing effect on these occupiers.
15. Whilst there would not be harm with regard to privacy, light to gardens or any overbearing effect to 209 Manygate Lane, these are neutral factors. As such they would not outweigh the harm to the living conditions of 1a Kilmiston Avenue by reason of the overbearing effect of the proposed development.
16. Therefore, the proposed development would have a harmful effect on the living conditions of nearby occupiers. As such, in this respect, it would be contrary to Policy EN1 of the CS which requires that new development achieve a satisfactory relationship to adjoining properties.

Living conditions of future occupiers

17. An open plan sitting area and dining area is proposed. This room would be served by a large window to the front elevation and three other windows to the side and rear elevation. The side and rear windows would be in close proximity to the boundary and therefore would have a very limited outlook. However, the front window would have an open outlook across a private garden. Although this single window would serve the large room, nevertheless, this would provide adequate outlook for this room.
18. The office would have a single window to the rear elevation, also close to the boundary, again with limited outlook. However, given the use of this room, and the acceptable outlook to all other parts of the proposed house, overall, this would result in adequate living conditions for future occupiers in this case.
19. A garden area of around 200sqm would be provided to the front of the dwelling. It would be bounded by neighbouring private gardens and boundary treatment. Notwithstanding its effects on character and appearance, it would provide a suitably sized, lit and usable garden area for future occupiers.
20. Therefore, the proposed development would provide acceptable living conditions for future occupiers. As such, in this respect, it would be in accordance with policy EN1 of the CS which requires high quality design with a satisfactory relationship to adjoining properties.

Other Matters

21. The Housing Delivery test indicates that the delivery of housing was below 75% of the requirements over the previous three years. Therefore, notwithstanding whether the Council can demonstrate a four or five year supply of deliverable housing sites, paragraph 11(d) of the National Planning Policy Framework (2023) (Framework) is engaged. This requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies within the Framework taken as a whole.
22. The proposed development would provide a single new dwelling. This would support the government's target to significantly boost the supply of homes.

However due to the scale of the development this would be an important, but modest contribution.

23. On the other hand, the development would have an unacceptable effect on the living conditions of existing occupiers which would not provide a high standard of amenity for existing users. It would also be harmful to the character and appearance of the area. The proposed development would therefore not create a high quality, beautiful and sustainable place which is fundamental to what the planning process should achieve. Together these multiple harms are significant.
24. These significant adverse effects would therefore significantly and demonstrably outweigh the modest benefits set out above. Consequently, the presumption in favour of sustainable development would not apply in this case.

Conclusion

25. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR