



Appeal Decision

Site visit made on 9 July 2024 by E Street BSc (Hons)

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024

Appeal Ref: APP/Z3635/D/24/3341314

28 Hadrian Way, Stanwell, Staines-upon-Thames TW19 7HF

- 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 M Singh against the decision of Spelthorne Borough Council.
 - The application Ref is 23/01467/HOU.
 - The development proposed is described as "Proposal of single storey rear outbuilding."
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. At the time of my site visit, a partially demolished single storey outbuilding was situated in the position of the proposed building. Based on the planning history, it would appear that the structure in situ is a version of a previous outbuilding. With this and the proposed plans in mind, the scheme does not appear to seek retrospective planning permission. I have considered it accordingly.

Main Issues

4. The main issues are the effect of the proposed outbuilding on a) the character and appearance of the area; and b) the living conditions of the occupiers of 24 Hadrian Way with specific regard to outlook.

Reasons for the Recommendation

Character and Appearance

5. The appeal site is the rear garden of No 28 Hadrian Way which is a two storey dwelling attached at right angles to No 26. The rear garden is therefore side onto where Hadrian Way becomes a footpath adjacent a large open communal area of grass. The side elevation of the proposed building would be visible in the street scene, owing mainly to its height. The area is residential, where buildings are consistently two storey. There are outbuildings in rear gardens and a garage court nearby. That said there is an obvious hierarchical relationship between primary and secondary outbuildings that has established a clear and repeated structure in surrounding curtilages. The consistency of which contributes positively to the character and appearance of the area.

6. The land take and height of the proposed outbuilding would appear obvious in the street scene as one of authority and noticeable presence where one would normally expect, given the above context, to see something far more recessive against its host and primary building. In character terms, the building's overall scale would buck the trend and pleasant hierarchical pattern of building relationships, competing for dominance within the plot. These matters would detrimentally affect the consistency of the locality and thus harm the character and appearance of the area.
7. Therefore, the proposal would conflict with Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document 2009 (DPD) and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) which together seek to ensure that development proposals are of a high-quality design and standard.

Living Conditions

8. The outbuilding would be close to three metres in height as it would address the side boundary of No 24 Hadrian Way. What would be the rear elevation of the building would be a long, tall and continuous blank brick wall, without feature or visual interest. Owing to this, its height and length, the building would be oppressive to users of the garden of No 24 to the extent that it would present an overbearing effect that would lead to an unacceptably poor standard of outlook. The appeal scheme would therefore conflict with Policy EN1 of the DPD and the guidance in the SPD which, amongst other things, seek to ensure that living conditions of properties are protected.

Other Matters

9. I am aware of the history of the appeal site and specifically a dismissed appeal for a similar building. From my findings above however, it is sufficiently clear that the changes that have been made to the scheme as it now stands have not gone sufficiently far to be acceptable. In addition, it is not for me as part of this appeal to determine the lawfulness of the building as it is proposed and specifically whether it or something similar might be acceptable under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015. In any event, I am unaware of the extent of the original garden which might shed some light on the percentage allowances for outbuildings thereunder.
10. As I have alluded to above, there is a relatively dense development of garages in the immediate vicinity of the appeal site. They form part of the appeal site's context and whilst they are not insignificant in isolation or as a collective, they are their own entity and do not feature as part of a contained planning unit in association with a host primary building. Their existence does not therefore justify the proposed development.
11. The garden size would be significantly reduced by the appeal scheme but, as the appellant has demonstrated, what would remain would not be unacceptable in either qualitative or quantitative terms, having regard to the guidance in the SPD. This would however be a lack of harm and not weigh in favour of the proposed development.

Conclusion and Recommendation

12. For the reasons given above, the appeal scheme would not comply with the development plan, and I have been given no other compelling reason, taking into account other material considerations advanced, to deviate therefrom. I therefore recommend that the appeal should be dismissed.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR