



Appeal Decision

Site visit made on 31 January 2025

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/Z3635/D/24/3356784

49 Kenilworth Gardens, Staines-Upon-Thames TW18 1DW

- 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 Simon Collings against the decision of Spelthorne Borough Council.
 - The application is Ref 24/00813/HOU.
 - The development proposed is a part single-storey and part double storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of the neighbouring property with particular regard to overbearing impact.

Reasons

3. No.49 is a semi-detached property located at the end of Kenilworth Gardens. The neighbouring pair (Nos.51 and 53) are offset, occupying a corner position orientated towards the junction with Warwick Avenue. As such, the rear elevation of No.51 is directed towards the side (eastern) boundary of the appeal property, albeit at an angle. No.51 has a triangular-shaped rear garden with the boundary to the other side effectively aligning with the rear of the existing single-storey extension to the appeal property.
4. The proposed development would extend the property across the full width of its plot. The existing garage to the side, positioned along the shared boundary, would be replaced with two-storey form, with the section to the rear being single-storey and linking into the existing extension.
5. The area has a regularity to the pattern of development and my attention has been drawn to extensions to other properties at the junctions where I acknowledge there are some close relationships. However, I do not find the examples directly comparable and the background to these extensions is not before me. The flank elevations of Nos. 2 and 4 Kenilworth Gardens are more aligned, and the extension to the side of No.44 Petersfield Road is single-storey, with a two-storey extension to the angled property. Therefore, whilst I accept that such properties have been extended, each proposal is to be considered on its own merits, and it is the specific juxtaposition between the two properties which affects the relationship and outlook for the occupiers.

6. No.51 is sited further forward and has an extension to the side, which I observed on my site visit, is identified as No.51A. The separation between the whole rear elevation and the boundary varies due to the angle. However, the proposed two-storey extension would align with the narrowest part. Given the orientations, it is not a direct 'back to flank' relationship as illustrated¹ in the Council's Design of Residential Extensions and New Residential Development, Supplementary Planning Document (April 2011) (SPD). Nonetheless, the separation is significantly below the minimum distance sought, and the proposed two-storey form with no offset from the boundary would have an imposing presence along a large proportion of the boundary. This would primarily be a blank façade, with a small opening for light to the enclosed passage and a roof light which would not result in any additional outlook towards the neighbour. I also acknowledge that the closest first-floor window within No.51 is obscurely glazed.
7. Notwithstanding this, the two-storey extension, due to the proximity and its position on the boundary would be of a scale and form to have an enclosing effect, especially in relation to the ground floor and the garden, which is limited in size. The proposal would, therefore, be an overbearing addition to the detriment of the living conditions of the occupiers of No.51 (including 51A). Accordingly, the proposed development would conflict with policy EN1 of the Core Strategy and Policies Development Plan Document (February 2009) and the SPD. Together, these promote a high standard of design and layout for new developments, satisfactory relationships with adjoining properties and the avoidance of harmful impacts, including an overbearing effect due to bulk and proximity or outlook.

Conclusion

8. For the reasons set out the appeal is dismissed.

G Ellis

INSPECTOR

¹ SPD page 8 Diagram 1