



Appeal Decision

Site visit made on 28 April 2009

by **Christopher Bowden MA (Oxon)**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
14 May 2009

Appeal Ref: APP/Z3635/A/09/2094591

72 The Avenue, Sunbury-On-Thames, Surrey TW16 5EX

- 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 Steve Williamson against the decision of Spelthorne Borough Council.
 - The application (Ref. 08/00902/FUL), dated 29 October 2008, was refused by notice dated 16 December 2008.
 - The development proposed is erection of two detached five-bedroom dwellings with integral garages following demolition of the existing dwelling.
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Decision

1. I dismiss the appeal.

Procedural matter

2. The decision notice cites Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document April 2007 (DPD) and the Council's supplementary planning guidance on *The Design of New Residential Development and Extensions* April 1999 (SPG). The DPD was adopted in February 2009 without change to Policy EN1. The SPG was revised in January 2009 to remove an inconsistency in the document. The SPG was originally adopted by the Council following public consultation and, although it continues to refer to policies of the previous local plan, it appears to be consistent with the objectives of the DPD. I therefore give it significant weight. References in this decision to DPD and SPG are to the latest versions of those documents, on the basis of which I have determined the appeal.

Main issues

3. These are the effect of the proposed development on:
 - the street scene and the character of the area; and
 - the living conditions of the occupiers of No 74 The Avenue, with particular reference to sunlight and daylight, and outlook.
4. The first issue was not cited by the Council as a reason for refusal in the decision notice, although the various considerations were addressed in the report put to the Planning Committee. However, having regard to the representations made to the Planning Inspectorate after the appeal was submitted and to my visit to the area, I consider that it is a main issue in this case. The appellant had the opportunity to comment on these representations and I have taken his comments into account in determining the appeal.

Reasons

Street scene

5. No 72 is a detached two-storey house set in a pleasant tree-lined road largely comprising other two-storey houses of varied styles. The property abuts a linear park that crosses The Avenue and separates the appeal site from No 68 (there is no No 70). The appeal proposal involves demolishing the existing house and erecting two detached houses on the site.
6. The scheme would make more efficient use for residential purposes of previously developed land in a reasonably sustainable location. The density would be low but that appears to be characteristic of the road. The plot is roughly twice the width of most other properties in The Avenue. Its division to accommodate two houses would not, of itself, result in a pattern of development out of line with that generally prevailing in the road. While including rooms in the roof, the houses would be essentially two-storey in appearance and of broadly traditional design and materials that would not look out of place in comparison with the majority of other properties in The Avenue.
7. However, the site and its setting are not typical of most other properties in the road. It is in a prominent corner position and, like No 68, the existing house is set well behind the general building line on this side of the road, thereby providing a notably open and spacious entrance to the linear park. This is a highly visible and attractive feature in the street scene and is a focal point within the road. The fact that the distinctive siting of Nos 72 and 68 was originally for highway reasons, in connection with the since-abandoned relief road, does not detract from their current contribution to the character and appearance of the area.
8. The appeal proposal would result in substantial additional built form on the site set forward of the existing house. Although consistent with the general building line, it would significantly damage the open appearance of the site and the broad symmetry of the park entrance (taken with No 68). Moreover, the plot 2 house would present a long two-storey flank wall close to the park boundary, significantly closer than the relatively modest single-storey element currently in place. Notwithstanding the detailing and materials proposed, I consider that the house would be a dominant and visually intrusive feature from both the road and the park, damaging the appearance of both. I do not consider that existing vegetation or potential landscaping would be likely to mitigate the effect sufficiently.
9. I recognise that the separation distance to the park boundary would be broadly in line with the 1m specified in the SPG. However, that is a minimum figure and, given the bulk of building proposed and its setting, would not be sufficient in this case to safeguard the open character of this part of The Avenue and the relationship with the park. I appreciate that the spacious entrance to the park is not replicated on the other side of the road. That, to my mind, underlines its value. Similarly, I am aware that Nos 71 and 73 (and particularly the flank wall of the former) are close to the park boundary on that side. However, the flank wall of the plot 2 house would be of significantly greater scale; in any event, I do not consider the position of No 71 (or the fact that there are other houses in the road that extend to the side boundary) to be a justification for introducing a harmful feature on the appeal site.
10. While it appears that the site has no formal designation, the information before me is contradictory on whether the park itself is protected urban open space. Either way, however, it is clear that the park is a valued and well-used amenity and I note that there are plans to upgrade it. For the reasons given above, I consider that the setting and enjoyment of the park would be diminished by the proposals before me.

11. I conclude that the proposed development would have a materially harmful effect on the street scene and the character of the area. As such, it would conflict with the objectives of DPD Policy EN1.

Living conditions

12. The plot 1 house would be built adjacent to No 74 The Avenue. It appears that the proposal would meet the 45 degree guideline in the SPG, which seeks to avoid any unreasonable loss of natural light, sunlight and outlook to adjoining residential properties. The Council's concern is that, in the circumstances of this case, strict adherence to the guideline would be insufficient to safeguard the amenities of No 74, particularly in relation to the lounge at the front of the property.
13. As regards daylight and sunlight, the appellant submitted a study carried out with reference to Building Research Establishment guidelines. It is evident that the proposed house would reduce significantly the daylight and sunlight to the obscure-glazed windows in the flank wall of the lounge. However, the room's main window faces to the front; the study concludes that the loss of sunlight and daylight to that window would be minimal and that the room would continue to enjoy high levels of daylight and sunlight. On this basis, while acknowledging the loss to the side windows, it seems to me that the proposal would not have an unreasonable effect overall on daylight and sunlight reaching No 74's lounge.
14. As regards outlook, views of the house from the front windows of the lounge would be fairly oblique. The house would thus be visible but not overbearing from this perspective. However, the house would project forward of the front of No 74 by some 3.4m. The flank wall of the house would be directly opposite the door of No 74's glazed front porch. Although this includes the single-storey element, the effect of which could be mitigated to some extent by vegetation, the overall effect would be to dominate and enclose the area to the front of No 74 to a degree which I consider unacceptable.
15. On this basis, I conclude that the proposed development would have a materially harmful effect on the living conditions of the occupiers of No 74 The Avenue, with particular reference to outlook. As such, it would conflict with the objectives of DPD Policy EN1 and of the SPG mentioned above.

Conclusion

16. For the reasons given above and having regard to all other matters raised, including concerns raised by local residents, I conclude that the appeal should be dismissed.

Christopher Bowden

INSPECTOR