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17/00130/HOU
104 Avondale Avenue, Staines-upon-Thames, TW18 2NF

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Planning Committee

8 March 2017



Application No.	17/00130/HOU
Site Address	104 Avondale Avenue, Staines-upon-Thames, TW18 2NF
Applicant	Mr Patel
Proposal	Erection of an outbuilding (retrospective application) As shown on drawing no. 7050/1 received 25 January 2017
Ward	Riverside and Laleham
Called-in	The application has been called in by Cllr Saliagopoulos due to concerns over the impact on the character of the area in terms of its size and type of development

Application Dates	Valid: 25.01.2017	Expiry: 22.03.2017	Target: Under 8 weeks
Executive Summary	<p>This application seeks retrospective planning permission for the erection of an outbuilding which is situated near the western boundary of the rear garden of 104 Avondale Avenue. The outbuilding has a square footprint measuring 5.45m in width and depth. It has a hipped roof with a ridge height of 3.675m and a height of 2.9m to the eaves. The outbuilding is situated approximately 20m from the rear elevation of the dwellinghouse, and 1.85m from the northern, western and southern site boundaries. Planning permission is required as the outbuilding exceeds the height allowed for an outbuilding situated within 2m from the boundary which may be built under 'permitted development'. The design is not unusual for an outbuilding, and as it is situated a minimum of 17m from the nearest dwellinghouse, it is considered to have an acceptable impact on the amenity of adjoining residential properties and the character of the area.</p> <p>The proposal complies with Policy EN1 (Design of New Development) of the Spelthorne Borough Council Core Strategy and Policies DPD (2009).</p>		
Recommended Decision	Approve the application subject to conditions set out at Paragraph 8 of the Report.		

MAIN REPORT

1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- EN1 (Design of New Development)
- LO1 (Flooding)

2. Relevant Planning History

PLAN N/FUL/80/86 Erection of a two-storey flank extension to provide garage, W.C. and breakfast/utility room on the ground floor with additional bedroom accommodation over. Grant Conditional 02.04.1980
10/00522/HOU Erection of a single-storey rear extension. Grant Conditional 27.09.2010
10/00985/HOU Conversion of existing garage to form habitable room. Grant Conditional 01.03.2014

3. Description of Current Proposal

3.1 The application site is located on the western side of Avondale Avenue and is currently occupied by a two-storey semi-detached dwellinghouse. The area is characterised by a mixture of residential development. There are two storey flatted development parking to the rear to the north and south of the site beyond 106 Avondale Avenue whereas the eastern side of Avondale Avenue predominantly consists of detached houses. The rear of the site adjoins the rear gardens of Penton Avenue which is characterised by a mixture of bungalows and two storey houses.

3.2 This application seeks retrospective planning permission for an outbuilding that has been constructed in the rear garden of the property. The outbuilding has a square footprint measuring 5.45m in width and depth. It has a hipped roof with a ridge height of 3.675m and a height of 2.9m to the eaves. The outbuilding is situated approx. 20m from the rear elevation of the dwellinghouse at no. 104 Avondale Avenue, and 1.85m from boundaries to 102a-d Avondale Avenue to the north, 106 Avondale Avenue to the south and 47 and 49 Penton Avenue to the west. The outbuilding will have two windows and French doors in the east (front) elevation and an obscure glazed window in the north (side) elevation. The outbuilding is partitioned to provide one main room with separate storage and a WC. A letter was submitted with the application which states that while the outbuilding will be used by the whole

family, the main use of the outbuilding would be to provide a space for the applicants' daughter, who has learning disabilities, to practice dance and movement skills in a safe environment.

- 3.3 The Council was notified that building work was taking place in December 2016 and after inspecting the site and partially complete building the applicant was informed that planning permission was required. The reason that planning permission is required is that the outbuilding exceeds the height requirements of 'permitted development' under Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for an outbuilding situated within 2m of the property boundary.

4. Consultations

- 4.1 The following table shows those bodies consulted and their response.

Consultee	Comment
Environmental Health	No objection but requests that an informative is attached to the decision notice

5. Public Consultation

- 5.1 Five letters of notification were sent out to neighbouring properties. At the time of writing two letters of representation have been received. The following concerns have been raised:

- Work started in November 2016 and stopped in December 2016
- Size and height of the outbuilding
- Overbearing impact
- Overlooking
- Questions regarding the future use of the outbuilding

6. Planning Issues

- Design and appearance
- Impact on neighbouring properties

7. Planning Considerations

Design and Appearance

- 7.1 Policy EN1(a) of the Core Strategy and Policies Development Plan Document 2009 ('the Core Strategy') states that the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated and pay due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
- 7.2 When a site visit was conducted for the outbuilding, the external walls and roof had been built, but the building was not yet substantially complete. The walls are faced in red brick with a similar appearance to the brick of the main building and many other houses in the area and the roof is hipped and tiled to match the main building. The internal partitions, WC, doors and windows had

not yet been installed but the submitted drawings show a two windows and French doors in the front elevation facing no. 104 Avondale Avenue.

- 7.3 The outbuilding is situated in the western corner of the site, approx. 21.5m to the rear of the main house and approx. 40m from Avondale Avenue and approx. 39m from Penton Avenue to the rear. Whilst the roof extends above the boundary fences and the outbuilding is visible from the neighbouring gardens it will not be readily visible from the street and is therefore not considered to have an impact on the streetscene.
- 7.4 It is considered that the outbuilding complies with the requirements of Policy EN1(a) and that it is in keeping with the character of the area. Whilst a letter of representation has informed that the new structure is taller than the previous outbuilding on the site it is not significantly taller than the neighbouring garages serving nos. 102a-d Avondale Avenue situated immediately north of the proposal. The internal floorspace, measuring 4.9m by 4.9m is not an unusual size for an outbuilding. The outbuilding will be subdivided to provide a main space with separate storage and a WC, however this is not unusual for an outbuilding. The outbuilding is faced in brick with a hipped tiled roof to match the materials of the main dwellinghouse. It is therefore considered that it is in proportion and in keeping with the main dwellinghouse and the character of the area.

Impact on Adjoining Properties

- 7.5 Policy EN1(b) of the Core Strategy states that the Council will require proposals for new development to demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.
- 7.6 The outbuilding is situated 1.85m from the boundaries to 47 and 49 Penton Avenue to the west and 106 Avondale Avenue to the south. It is also situated 1.85m from the boundary to the communal parking area and garages serving 102a-d to the north. The nearest dwellinghouse is no. 47 Penton Avenue, situated approx. 17m to the rear of the outbuilding.
- 7.7 Third party representatives have raised concern that the height and size of the outbuilding will have an overbearing impact and overlook neighbouring properties. With a height of 2.9m to the eaves and a ridge height of 3.9m the outbuilding will be visible from neighbouring gardens, however, the roof is hipped and slopes away from the boundaries to reduce its impact and is not considered to be overbearing. In addition, it is located between 17m and 27m from the surrounding residential properties which is a significant distance and sufficient to avoid an overbearing impact or loss of light to those neighbouring dwellings. Whilst the development exceeds the height allowed under permitted development for outbuildings situated within 2m of the boundary, it is not considered to have any adverse impact on the amenity of neighbouring properties. An objection has also been raised on privacy grounds, however, the proposed windows will be at ground floor and views across neighbouring properties will be screened by the boundary fences. Furthermore, the outbuilding is situated at the far end of the rear garden and is located a substantial distance away from the neighbouring dwellinghouses. It is therefore considered that the proposal complies with the requirements of Policy EN1(b) of the Core Strategy.

- 7.8 It is also worth noting that if the outbuilding was reduced slightly in size to be set in an additional 15cm from the north, south and west boundaries an outbuilding with an eaves height of 2.5m and dual pitched roof with a ridge height of up to 4m could have been constructed without planning permission. If the roof height was reduced to 2.5m an outbuilding with a larger footprint but flush against the boundary could also be constructed as permitted development. It is therefore not considered that refusal can be justified on amenity grounds.
- 7.9 Whilst the impact on the amenity of neighbouring properties is acceptable, it is recognised that concern has been raised about the future use of the building. As indicated earlier, the main use of the outbuilding will be to provide a space for the applicants' daughter, who has learning disabilities, to practice dance and movement skills in a safe environment which is considered ancillary to the main dwellinghouse. Furthermore, outbuildings may not be used as a separate dwelling without express permission by the Local Planning Authority, however, in order to safeguard the amenity of the neighbouring properties it is considered appropriate to impose a condition to restrict its use.

Conclusion

- 7.10 It is considered that the design and style of the outbuilding is acceptable and after careful consideration it is not considered that it would result in any significant adverse impacts upon the residential amenity of adjoining properties. Accordingly, the application is recommended for approval.

8. Recommendation

- 8.1 GRANT subject to the following conditions:

1. That the outbuilding hereby permitted be used only for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for any form of primary living accommodation.

Reason: To safeguard the amenity of the surrounding dwellings and the character of the locality.

2. The outbuilding hereby approved shall be constructed and maintained in accordance with the following approved drawings: 7050/1 received 25 January 2017.

Reason: For the avoidance of doubt and in the interest of proper planning.

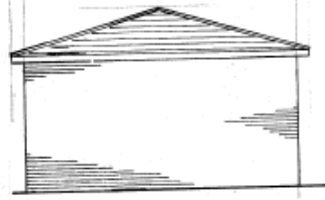
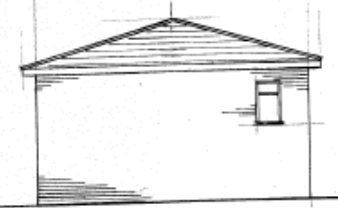
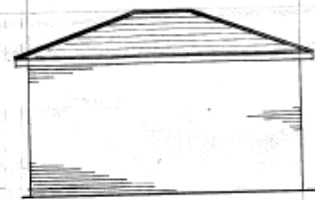
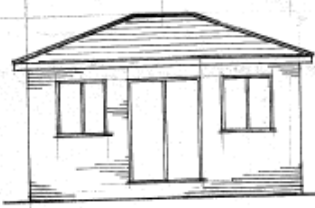
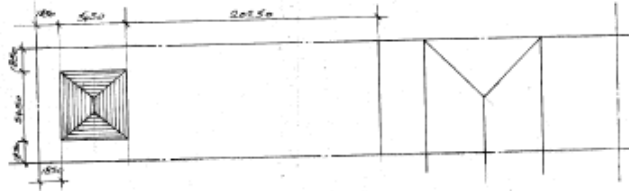
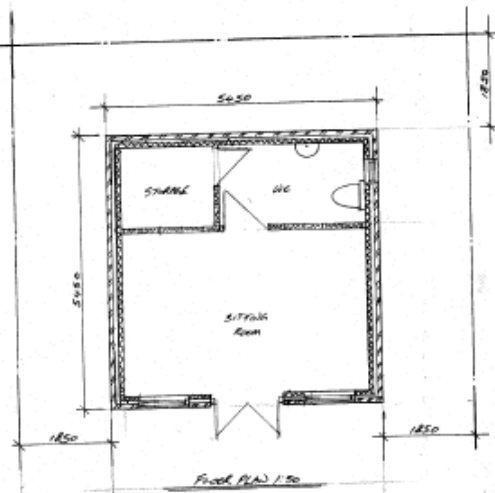
8.2 Informatives

1. This property lies in an area where radon may affect between 1 to 3% of homes at or above the Action Level. The Radon Action Level is the recommended limit for the activity concentration of radon in UK homes. Its value, expressed as the annual average radon gas concentration in the home is 200 Bq m⁻³. This information is taken from the Indicative Atlas of Radon in England and Wales published in November 2007 by the Health Protection Agency and the British Geological Survey. The information available to Spelthorne Borough Council is indicative and not definitive. The estimated radon potential for an individual home can be obtained via an online search on the new UK Radon website, www.ukradon.org. A valid postal address and postcode is required and there is a charge of £3.90 (incl VAT) for each property search. If the property is confirmed by the search to have a 1% probability or more of being above the Action Level,

existing homes should have radon measurements carried out. Radon concentrations at or above the Action Level of 200 Bq m⁻³ should be reduced to as low as reasonably practicable. New homes built within affected areas should be constructed with precautions against radon.

2. In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the National Planning Policy Framework. This included the following:
 - a) Provided feedback through the validation process including information on the website to correct identified problems to ensure that the application was correct and could be registered.
 - b) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

SCALE BAR



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17 OCT 1985

PLAN 17/00130/001
 (NATIONAL CASE)
 17/00130

ANS COMBINED - 17/00130/001



17/00130



ALL THE REGISTERED LAND CONTAINING
 IN THIS PLAN IS SHOWN TOGETHER WITH
 ALL THE LAND BOUNDARY THEREIN
 AS SHOWN ON THE PLANS AND
 AS MORE PARTICULARLY ASSUMED
 IN THE PROPERTY REGISTRY

Client	MR. PATEL
Job Title	106 AVONDALE AVENUE STAINES TW18 2NP
Drawing Title	OUTBUILDING PLANS AND ELEVATIONS 17/00130
Scale	AS SHOWN
Date	JANUARY 1987
County	A.P.
Drawn By	TOSHI