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Date: 27 February 2018

## Notice of meeting

### Planning Committee

**Date:** Wednesday, 7 March 2018

**Time:** **Call Over Meeting** - 6.45 pm

The Call Over meeting will deal with administrative matters for the Planning Committee meeting. Please see guidance note on reverse

**Committee meeting** – Immediately upon the conclusion of the Call Over Meeting

**Place:** Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames

### To the members of the Planning Committee

Councillors:

R.A. Smith-Ainsley (Chairman)	J.R. Boughtflower	M.P.C. Francis
H.A. Thomson (Vice-Chairman)	S.J. Burkmar	N. Islam
C.B. Barnard	R. Chandler	A.T. Jones
R.O. Barratt	S.M. Doran	D. Patel
I.J. Beardsmore	Q.R. Edgington	R.W. Sider BEM

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

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## **Call Over Meeting**

### **Guidance Note**

The Council will organise a meeting immediately prior to the Planning Committee meeting (a "Call Over") which will deal with the following administrative matters for the Committee:

- Ward councillor speaking
- Public speakers
- Declarations of interests
- Late information
- Withdrawals
- Changes of condition
- any other procedural issues which in the opinion of the Chairman ought to be dealt with in advance of the meeting.

The Call-Over will be organised by Officers who will be present. Unless there are exceptional circumstances, the meeting will be held in the same room planned for the Committee. The Chairman of the Planning Committee will preside at the Call-Over. The Call-Over will take place in public and Officers will advise the public of the proceedings at the meeting. Public speaking at the Call-Over either in answer to the Chairman's questions or otherwise will be at the sole discretion of the Chairman and his ruling on all administrative matters for the Committee will be final.

Councillors should not seek to discuss the merits of a planning application or any other material aspect of an application during the Call-Over.

## **Planning Committee meeting**

### **Start times of agenda items**

It is impossible to predict the start and finish time of any particular item on the agenda. It may happen on occasion that the Chairman will use his discretion to re-arrange the running order of the agenda, depending on the level of public interest on an item or the amount of public speaking that may need to take place. This may mean that someone arranging to arrive later in order to only hear an item towards the middle or the end of the agenda, may miss that item altogether because it has been "brought forward" by the Chairman, or because the preceding items have been dealt with more speedily than anticipated. Therefore, if you are anxious to make certain that you hear any particular item being debated by the Planning Committee, it is recommended that you arrange to attend from the start of the meeting.

### **Background Papers**

For the purposes of the Local Government (Access to Information) Act 1985, the following documents are to be regarded as standard background papers in relation to all items:

- Letters of representation from third parties
- Consultation replies from outside bodies
- Letters or statements from or on behalf of the applicant

## **AGENDA**

**Page nos.**

- 1. Apologies**  
To receive any apologies for non-attendance.
- 2. Minutes** **5 - 14**  
To confirm the minutes of the meeting held on 7 February 2018 (copy attached).
- 3. Disclosures of Interest**  
To receive any disclosures of interest from councillors under the Councillors' Code of Conduct, or contact with applicants/objectors under the Planning Code.
- 4. Planning Applications and other Development Control matters**  
To consider and determine the planning applications and other development control matters detailed in the reports listed below.

  - a) 18/00123/FUL - Benwell House, Green Street, Sunbury-on-Thames. **15 - 26**
  - b) 17/01759/RVC - Kenavon, Ferry Lane, Shepperton **27 - 50**
  - c) TPO 257/2017 - Open Space Outside 145-147 Manygate Lane, Shepperton **51 - 54**
- 5. Planning Appeals Report** **55 - 60**  
To note details of the Planning appeals submitted and decisions received between 26 January and 23 February 2018.
- 6. Urgent Items**  
To consider any items which the Chairman considers as urgent.

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**Minutes of the Planning Committee  
7 February 2018**

**Present:**

Councillor R.A. Smith-Ainsley (Chairman)

Councillors:

C.B. Barnard

S.J. Burkmar

D. Patel

R.O. Barratt

S.M. Doran

R.W. Sider BEM

I.J. Beardsmore

Q.R. Edgington

J.R. Boughtflower

M.P.C. Francis

**Apologies:** Apologies were received from Councillor H.A. Thomson, Councillor R. Chandler, Councillor N. Islam and Councillor A.T. Jones

**In Attendance:**

Councillors who are not members of the Committee, but attended the meeting and spoke on an application in or affecting their ward, are set out below in relation to the relevant application.

Councillor N. Gething – Application 17/01700/HOU – 27 St. Hilda’s Avenue, Ashford

**20/18 Minutes**

The minutes of the meeting held on 10 January 2018 were approved as a correct record.

**21/18 Disclosures of Interest**

**a) Disclosures of interest under the Members’ Code of Conduct**

Councillor R.A. Smith-Ainsley declared a conflict of interest on behalf of the Committee members for application 18/00061/DEM White House, Kingston Road, Ashford because it had been made by the Council.

**b) Declarations of interest under the Council’s Planning Code**

Councillor M. Francis reported that he had received correspondence in relation to application 17/01143/FUL and 17/01144/LBC - Staines Town Hall, Market Square, Staines-upon-Thames but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillors R.A. Smith-Ainsley, C. Barnard and R.W. Sider BEM. reported that they had received correspondence in relation to application 17/01634/FUL – 42 High Street, Shepperton but had maintained an impartial role, had not expressed any views and had kept an open mind. Councillor Barnard also declared that he had had discussions with residents of the ward regarding the application.

Councillors R.A. Smith-Ainsley, J. Boughtflower, S. Doran, Q. Edgington, D. Patel and R.W. Sider BEM reported that they had received correspondence in relation to application 17/01700/HOU but had maintained an impartial role, had not expressed any views and had kept an open mind.

**22/18 17/01143/FUL - Staines Town Hall, Market Square, Staines-upon-Thames**

**Description:**

This Application sought approval for change of use from pub/restaurant use (Use Class A3/A4) to 13 residential units comprising 2 no. studio flats, 6 no. 1-bed flats and 5 no.2-bed flats, and associated alterations.

**Additional Information:**

The Planning Development Manager informed the Committee that:

1. A consultation response was received from Thames Water raising no objection (a copy had been forwarded to the applicant). They requested the following informative was attached to the decision notice:

Informative

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)

2. A consultation response was received from the Crime Prevention Officer raising no objection (a copy had been sent to the applicant). He made security related comments, most of which were very detailed (e.g. laminated glazing, door locks) elements which are not normally covered

and enforced under the planning regulations. He also recommended a condition to be imposed requiring the redevelopment to achieve the Secured by Design Award. Whilst it was not considered reasonable to impose such a condition, it was proposed to add the following informative to the decision notice:

Informative

The applicant's attention is drawn to the ACPO/Home Office Secured by Design (SBD) award scheme, details of which can be viewed at [www.securedbydesign.com](http://www.securedbydesign.com)

3. Amended plans had been received showing the design and position of the proposed railings around the top of light well on the western elevation of the building. The proposed elevation drawing also showed the new platform lift. The Council's Conservation Officer raised no objection to the proposed railings. Condition 2 (drawing numbers) of both the planning application and listed building consent were amended accordingly:

Condition 2 (17/01143/FUL & 17/01144/LBC)

The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

THS/EX/100; /101; /102; /103; /104; /105; /200; /201; /202; /300 (x 2); /401 received 15 July 2017.

THS/PL/100; ~~/401 (x 2)~~; /102; /103; /105; /200; /201; ~~/202~~; /300; /301; /302; /303; /401; /500; /501; /502; /506; /900 received 15 July 2017.

THS/PL/202 Rev. C received 06 February 2018

THS/PL/101 Rev. B received 07 February 2018

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

4. With regard to the pair of blind arched windows in the southern rear elevation, the report referred to them being "blocked" whereas in fact they are "blind". Therefore the following paragraphs in the report were amended:
  - 3.4 The proposal involved the change from pub/restaurant use (Use Class A3/A4) to 13 residential units comprising 2 no. studio, 6 no. 1-bed and 5 no. 2-bed flats. The scheme will involve the installation of new internal walls and floors to enable the interior to be converted into 13 separate units. However, many of the proposed rooms on the upper floors will have full floor to ceiling room heights so to expose the original ceiling and its associated features. The existing basement will be used as an ancillary gym. The bin store will also be located in the basement. There will be very limited alterations to the external parts of the building. The main changes involve the existing blocked windows to be re-opened. ~~This include the re-opening of the~~ The large arched ~~blocked blind~~

windows on the southern riverside elevation **are to be opened**. In addition, the existing modern pedestrian ramp on the western side of the building is to be removed and alterations are to be carried out to the existing light well to provide more light to the ancillary gym. There will be no car parking spaces proposed. All of the units will be occupied as market housing.

7.12 The proposed changes to the exterior of the listed building will be minimal (mainly the re-opening of blocked windows, **opening of the blind arched windows in the rear elevation** and removal of the modern ramp) and are considered acceptable. It is also considered that the proposal will not adversely affect the setting of the existing listed buildings of the 2 no. telephone kiosks, the old fire station, and the other listed buildings in the area.

7.18 It is noted that 2 letters of objection have been received from the owner of the vacant piece of land to the rear of the building. Issues raised relate to the proposed ~~re~~-opening of the existing ~~blocked-up~~ **blind** windows in the rear elevation, the consequent overlooking, possible impact this could have on the potential redevelopment of the adjacent land, possible boundary infringements and access over the adjacent land during construction. Whilst the comments are noted, it is not considered that there are sufficient grounds to justify refusal on these grounds. The overlooking impact needs to be assessed in relation to the existing situation and the proposal's impact on the adjacent piece of vacant land will be very limited. The issues relating to the possible infringement of the boundary and access rights to the rear of the building are not planning matters and cannot be taken into consideration with these applications.

### **Public Speaking:**

In accordance with the Council's procedure for speaking at meetings, Anne Damerell spoke against the proposed development raising the following key points:

- Would prefer a community use but accepts this will not occur
- Conversion to flats will be an improvement
- Opening up of blind windows at the rear will be an improvement.
- Concern over no level access from the front of the building which could impede access for those with disabilities
- Query over storage of bikes
- Query over storage and access to refuse bins

In accordance with the Council's procedure for speaking at meetings, Danny Simmonds spoke for the proposed development raising the following key points:

- Building has been vacant since 2014, condition is now deteriorating
- Previous uses have not been successful
- Residential development is the only means to bring this building back to active use



- Will be a substantial benefit to Staines Town Centre
- Positive contribution to the Staines Conservation Area
- Will assist in meeting the Borough's housing requirements in a sustainable location

**Debate:**

During the debate the following key issues were raised:

- The Old Town Hall (OTH) has deteriorated
- This proposal is the only alternative to preserve the listed building which is an integral part of Staines
- Policy EN5 permits the LPA to apply policies in a more flexible way
- Concern about lack of parking
- Query over whether the clock will work again
- Concern over the lack of disabled access
- Lack of parking is ok in this particular case
- Two flats do not meet the technical standards
- It is a pity the OTH cannot be used for community purposes
- Signage should point to disabled access at the side of the building
- The new development should have "Town Hall" in its name
- Queries over access during a flood

**Decision:**

The Application was **approved** as per the recommendation in the Officer's report subject to the additional conditions and informatives above and the following two informatives agreed by the Planning Committee:

1. The applicant is requested to give consideration to providing disabled access to the front of the building. This is likely to involve a listed building consent application and will involve land currently within the ownership of Spelthorne Borough Council.
2. The applicant is requested to give consideration to restoring the existing clock as part of the proposals.

**23/18 17/01144/LBC - Staines Town Hall, Market Square, Staines-upon-Thames**

**Description:**

This Application sought Listed Building Consent for internal and external alterations to facilitate the conversion of the existing building to 13 flats.

**Additional Information:**

There was none.

**Public Speaking:**

This item was debated as part of the previous item 22/18.

**Debate:**

This item was debated as part of the previous item 22/18.

**Decision:**

The Application was **approved** as per the recommendation in the Officer's report.

**24/18 17/01634/FUL - 42 High Street, Shepperton**

**Description:**

This Application sought change of use from offices/bank to a mixed use of commercial units at ground floor level and to 3 no. residential flats above on first floor with balconies, erection of new second floor with 3 no. flats with balconies, erection of part single storey, part two storey rear extension and new windows and doors including new access to front.

**Additional Information:**

The Planning Development Manager advised the Committee that:

Amended plans had been received showing a minor adjustment to the balcony by 5cm. Consequently, condition 3 should be amended to:

The development hereby permitted shall be carried out in accordance with the following approved plans and drawings: SITE LOCATION PLAN; 441-6; 441-7; 441-17; ; 441-1; 441-2; 441-3; 441-11; 441-19 and 441-12E received 23.10.2017 and **441-8I; 441-9I; 441-10I; 441-13F; 441-15F; 441-18D; 441-16G; received 07.02.2018.**

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

One late letter of objection had been received and signed by two residential properties raising the following points:

- Continued overlooking and loss of privacy;
- Inconsistency in planning decisions by the Council;
- Non-compliance with sections of the Design SPD and Policy EN1.

(Officer note: We are satisfied that the separation distances and relationship between the application site and the adjoining occupiers are satisfactory to avoid loss of privacy and overbearing, particularly with the screens provided to the balconies.

She also advised the Committee that the applicant had agreed to the following condition:

11): The ground floor commercial uses shall be restricted to Classes A1 and A2 purposes and for no other purposes within the Use Classes Order 1987 (or any subsequent amendments) without the approval of the Local Planning Authority.

Reason: To assess the impact of the proposed uses on the locality and preserve the vitality and viability of the Shepperton Town Centre.

**Public Speaking:**

In accordance with the Council's procedure for speaking at meetings, Sarju Shah spoke against the proposed development raising the following key points:

- Overlooking
- Concerns with impact of proposed balconies on the dwellings at the rear
- Lack of amenity space

In accordance with the Council's procedure for speaking at meetings, Maria Grant spoke for the proposed development raising the following key points:

- Complies with the Council's SPD
- A privacy screen is proposed at the rear
- Amended scheme overcomes the previous reasons for refusal; size of development has been reduced
- Has offered a condition restricting the ground floor to Classes A1 and A2.
- 10 parking spaces are proposed including two extra for the commercial uses
- Two disabled WCs are proposed on the ground floor
- The building has been empty for some time

In accordance with the Council's procedure for speaking at meetings, Councillor Barnard spoke as Ward Councillor raising the following key points:

- He called the application in due to concerns raised by residents to the rear
- The issues concerning the principle of development, odours, design and visual impact, parking and impact on the residents to the rear in terms of size and overlooking have all been addressed in the officer's report and by conditions.
- Disabled access and fire escape cannot be considered as part of this application.

**Debate:**

During the debate the following key issues were raised:

- Query over possible adverts
- Query over whether the windows can be changed without planning permission
- Overlooking concerns
- Shortfall in amenity space
- Class A3 use should be prevented
- Out of character with adjacent buildings which are much lower
- Allocated parking for commercial uses required

**Decision:**

The Application was **approved** subject to conditions as per the recommendation in the officer report, and subject to condition 4 being amended as follows:

Prior to the occupation of the development hereby permitted the balcony screens on the rear and flank elevations at first and second storey level shall be obscure glazed in accordance with details/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. These balcony screens shall thereafter be permanently retained as installed.

Reason:- To safeguard the privacy of the adjoining properties, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

**25/18 17/01700/HOU - 27 St Hilda's Avenue, Ashford**

**Description:**

This application sought approval for the erection of a part single storey, part two storey rear extension. It also involved the installation of a pitch roof to the side of the property and the creation of a covered seating area.

**Additional Information:**

The Planning Development Manager informed the Committee that:

3 late letters of representation had been received from the neighbouring property of 25 St Hilda's Avenue. Issues raised which were not included in the officer's report:-

- a) New sunlight assessment is flawed and falsely assumes north-west facing gardens when they are actually west/west-north-west facing. (Officer note: this assessment has not been referred to by officers as referred to in para 7.12)
- b) New sun path assessment shows conservatory overshadowed on 21<sup>st</sup> March at 3PM
- c) No 25 is situated to the north & received direct sunlight between 12:30 -1PM from the end of January (Officer note: in response to b and c, the light issue is assessed in the officer's report. In addition, a sun path assessment plan has been received from the applicant showing the impact on the sunlight on the neighbouring property. It shows the proposed extension does not cause a significant loss of light. This assessment together with a 3D drawing of the 45° vertical assessment were set to the objector at no. 25)
- d) States conservatories should not be treated the same as other extensions and they do not appear on the list of habitable rooms in the SPD (Officer note: this is addressed in the officer's report under para 7.6 on page 63).

**Public Speaking:**

In accordance with the Council's procedure for speaking at meetings, Ian Brimage spoke against the proposed development raising the following key points:

- The 45° vertical arc should be taken from the rear of the original property, not the rear of the conservatory which has been added.
- Loss of light
- The conservatory at No. 25 did not require planning permission

In accordance with the Council's procedure for speaking at meetings, Councillor Nick Gething spoke as Ward Councillor against the proposed development raising the following key points:

- Many issues of concern were raised by Nick Gething at the 10 January 2018 Planning Committee meeting
- Loss of light
- Will have a disproportionate impact on the neighbour

**Debate:**

During the debate the following key issues were raised:

- The conservatory is not a habitable room
- Paragraph 7.6 of the officer's report adequately describes how the proposal has been assessed.

**Decision:**

The Application was **approved** as per the recommendation in the Officer's report.

**26/18 18/00061/DEM - White House, Kingston Road, Ashford**

**Description:**

This Item was an application for Prior Approval to demolish the building and remove the resultant materials from the site.

**Additional Information:**

The Planning Development Manager informed the Committee that a letter had been received from the Gas Network company, Cadent raising detailed points. The letter had been forwarded onto the applicant.

**Public Speaking:**

There were no Public Speakers for this item.

**Debate:**

During the debate the following key issues were raised:

- It is a shame to lose the building which is prominent and of interest
- Query over whether the existing storage be kept inside the building

**Decision:**

The application was **noted** as per the recommendation in the Officer's report.

**27/18 Planning Development Management Performance Statistics**

**Description:**

The Planning Development Manager highlighted the Spelthorne's performance statistics against the Government's performance measures for Local Planning Authorities in the determination of planning applications for the period for 2017 and 2018.

**Resolved** to note the report.

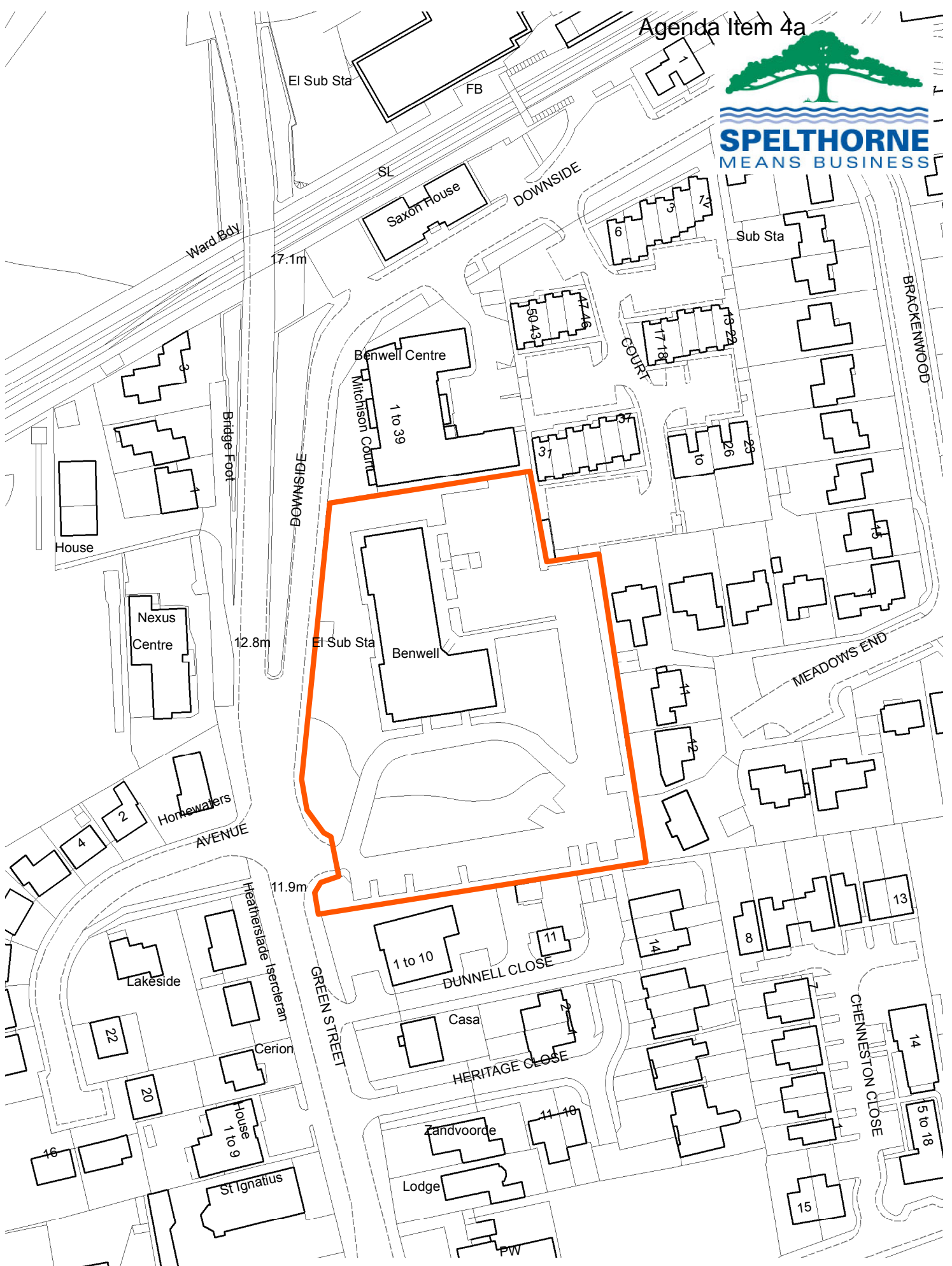
**28/18 Planning Appeals Report**

The Chairman informed the Committee that if any Member had any detailed queries regarding the report on Appeals lodged and decisions received since the last meeting, they should contact the Planning Development Manager.

**Resolved** that the report of the Planning Development Manager be received and noted.

**29/18 Urgent Items**

There were none.



18/00123/FUL - Benwell House.

Scale 1:1,250

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**Planning Committee**  
**7 March 2018**



<b>Application No.</b>	18/00123/FUL
<b>Site Address</b>	Benwell House, Green Street Sunbury On Thames TW16 6QS
<b>Applicant</b>	Spelthorne Borough Council
<b>Proposal</b>	Conversion of existing third floor roof space to provide six x 1 bed units, erection of dormers and other associated works.
<b>Ward</b>	Sunbury East
<b>Called-in</b>	N/A

<b>Application Dates</b>	Valid: 31.01.2018	Expiry: 28.03.18	Target: Under 8 weeks
<b>Executive Summary</b>	<p>The site is located in Sunbury-on-Thames and comprises a three storey purpose built office block constructed in the 1980s.</p> <p>It is located approximately 250m from Sunbury train station and has good road and rail links.</p> <p>Prior Approval was granted under Class O of the General Permitted Development Order to change the office building to a residential use in January 2018.</p> <p>The current application is for the conversion of the existing roof space to create six 1 bed units, installation of two dormer windows to each unit and alteration to the pitch of the feature roofs.</p> <p>The Borough has a need for this type of housing and the design is considered appropriate, with no material impact on neighbouring properties or the character of the surrounding area. The site is in an accessible location and the parking provision is adequate for the development proposed.</p>		
<b>Recommended Decision</b>	This application is recommended for Approval.		



## 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:

- SP2 (Housing provision)
- HO1 (Providing for New Housing Development)
- HO4 (Housing Size and type)
- HO5 (Density of Housing Development) EM1 (Employment Development) EN1 (Design of New Development)
- EN3 (Air Quality)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

### 2. Relevant Planning History

SUN/FUL/84/712	Erection of a three-storey office building of 30,000 sq ft (2,787 sq m) gross floorspace, together with 93 car parking spaces and a modified access; (b) the erection of a day centre for aged persons, with 20 car parking spaces; and (c) the erection of three-storey residential accommodation, comprising 25 No. 1-bed flats and 25 No. 2-bed maisonettes, with 75 car parking spaces.	Approved 21.11.1984
SPE/FUL/85/102	Erection of a three-storey office building with gross floorspace of 30,640 sq ft (2,846 sq m) excluding roof plant, together with 95 car parking spaces, a modified vehicular access and landscaping; and (B) a day centre with gross floorspace of 6,552 sq ft (609 sq m) excluding roof plant, together with 11 car parking spaces, a block of 10 garages with gross floorspace of 2,092 sq ft (194 sq m) and landscaping.	Approved 13.03.1985
92/00180/RVC	Relaxation of condition 10 of planning permission E/85/102 to allow a change of occupancy.	Approved 27.06.1992
17/01847/PDO	Prior Approval for the Change of Use from Office to Residential	Prior Notification Approved 15.01.2018

### 3. Description of Current Proposal

- 3.1 The application site comprises 1.98 acres (0.8 ha) on the east side of Green Street, approximately 0.2 miles from Junction 1 of the M3 motorway. It contains a purpose built 3 storey office building dating from the mid-1980s and is constructed of red brick on a yellow brick plinth under a false pitched roof of Roman half roll tiles.
- 3.2 The building received prior approval for a change of use from office to residential in January 2018, to provide fourteen 1 bed units and nineteen 2 bed units over the three floors.
- 3.3 This application is seeking the conversion of the existing roof space to provide six x 1 bed units, with the construction of eight new glazed, pitched roof dormers, amendments to two existing pitched roof dormers and other associated works.
- 3.4 The units would be accessed from a north / south corridor with five of the units facing west and one facing to the east.
- 3.5 There are 95 existing parking spaces within the site and the existing approved conversion to residential accommodation would require a maximum of 33 of these given the accessible location.
- 3.6 The existing site access to Green Street would be used to access the development and no changes to the vehicular or pedestrian access are proposed.

### 4. Consultations

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

Consultee	Comment
County Highway Authority	No objection subject to condition
Street Scene	No objection
Trees	No objection received

### 5. Public Consultation

- 5.1 68 neighbour letters were sent to surrounding properties and 1 letter of representation has been received that raised the following issues:
- None of the units are accessible or provide facilities for disabled people.
  - The lift does not extend to the third floor level

### 6. Planning Issues

- Principle

- Need for housing
- Housing Type, Size and Density
- Design and appearance
- Residential amenity
- Highways issues and parking

## 7. Planning Considerations

### Principle

- 7.1 Prior Approval for the change of use of this office building to residential was granted on 15<sup>th</sup> January 2018 because it meet the criteria for permitted development under Class O of the General Permitted Development Order 2015 (as amended).
- 7.2 The principle of residential development on the site has therefore been accepted and optimising land for housing accords with Government guidance.
- ### Need for housing
- 7.3 When considering planning applications for housing local planning authorities should have regard to the government's requirement that they boost significantly the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent with policies set out in the National Planning Policy Framework (NPPF) para 47.
- 7.4 Relevant policies for the supply of housing cannot be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable site (para 49 of NPPF).
- 7.5 The Council has embarked on a review of its Local Plan and accepts that the housing target in its Core Strategy and Policies DPD-Feb 2009 of 166 dwellings per annum is significantly short of its latest objectively assessed need of 552-757 dwellings per annum (Para 10.42 – Strategic Housing Market Assessment – Runnymede and Spelthorne – Nov 2015). In September 2017, the government produced a consultation paper on planning for the right homes in the right places. The proposals included a standard method for calculating local authorities' housing need and proposed a figure of 590 per annum for Spelthorne. On the basis of its objectively assessed housing need the Council is unable to demonstrate a five-year supply of deliverable sites.
- 7.6 However, the objectively assessed need figure does not represent a target as it is based on unconstrained need. Through the Local Plan review the Borough's housing supply will be assessed in light of the Borough's constraints which will be used to consider options for meeting need. Once completed, the Borough's up to date Strategic Land Availability Assessment will identify further opportunity sites for future housing development that can then be considered for allocation in the new Local Plan. This will also form the basis for a revised 5-year housing land supply figure.
- 7.7 Para 14 of the NPPF stresses the presumption in favour of sustainable development and that proposals which accord with a development plan should be approved without delay. When the development plan is absent, silent or relevant policies are out of date, permission should be granted unless *'any adverse*

*impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole or specific policies in this Framework indicate development should be restricted.'* This application must be considered having regard to the above requirements of Para 14 of the NPPF.

#### Housing type, size and density

- 7.8 Policy H04 of the CS&P DPD and the Council's Supplementary Planning Document (SPD) on Housing Size and Type seeks 80% of dwellings in development of 4 or more units to be 1 or 2 bed in size. This is to ensure the overall dwelling stock meets the demands that exist within the Borough, including the greater demand for smaller dwellings. The provision of an additional six x 1 bed units to the thirty three 1 and 2 bed units already proposed under the prior approval would help to meet this need and therefore the proposed dwelling mix is considered to be acceptable.
- 7.9 The government's technical Housing Standards indicate minimum internal floor space standards for different sizes of dwelling. All of the six units proposed exceed these standards and would therefore provide a suitable level and form of accommodation.
- 7.10 Although Policy HO5 of the CS&P DPD sets out general guidance on density, it excludes the conversion of existing buildings. However, it does recognise that higher densities may be appropriate in suitable areas where non-car based modes of travel are accessible. In this case, the density for the whole development once complete would be 49 units per hectare and this is considered to be appropriate.

#### Design and Appearance

- 7.11 Policy EN1 of the CS&P DPD, which is supported by the Supplementary Planning Document on the 'Design of Residential Extensions and New Residential Development', requires a high standard of design and sub point (a) requires new development to demonstrate that it 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"*
- 7.12 The design of the proposed dormer windows is compatible with the architecture of the building and subservient to the overall scale of the roof.
- 7.13 The reduction of the roof pitch on the west elevation makes no material impact to the overall design or appearance of the building.

#### Residential Amenity

- 7.14 Policy EN1 (b) requires that new development "achieves a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight, sunlight, or overbearing effect due to bulk, proximity or outlook".
- 7.15 The closest property to the east is over 33 metres away (31 metres to the boundary) and to west, over 46 metres away (40 metres to the boundary). Due to

the distances involved and the landscape screening it is considered that the proposal would have no material detrimental impact in respect of overlooking or loss of privacy to the surrounding properties.

#### Highway Issues and Parking

- 7.16 A Transport Assessment was submitted with the application for Prior Notification which determined that the site is accessible by non-car modes of transport, being located within walking and cycling distance of day to day facilities and public transport services.
- 7.17 There is a southbound bus stop directly outside the site and a northbound stop, 130 metres south of the site. The Sunbury rail station is 250 metres north of the site, which provides two services an hour to Shepperton and London Waterloo.
- 7.18 The addition of six 1 bed units would have no material impact on the traffic generation to and from the site and based on TRICS data the site would still generate fewer trips than the previous office use.
- 7.19 The site currently provides 95 parking spaces and the Council's Supplementary Planning Guidance (SPG) on Parking Standards would require a further 8 parking spaces in addition to the minimum 47 spaces required for the 33 units proposed under the approved Prior Notification.
- 7.20 Given the sustainable location, a lower parking provision could be accepted, however adequate parking is available on site.
- 7.21 No changes to either the existing pedestrian or vehicular accesses are proposed and all servicing can be achieved within the site.
- 7.22 The County Highway Authority's assessment regarding the likely net additional traffic generation, access arrangements and parking provision concludes that the application would not have a material impact on the safety and operation of the adjoining public highway.

#### Other Matters

- 7.23 One of the representations refers to the lack of accessibility for disabled persons. There is no reasoned justification to support the statement that the units are inaccessible or that they do not provide facilities for disabled people. It is acknowledged that a lift is not provided to the proposed new floor of residential accommodation but this is not a reason for the proposal to be refused on planning grounds.

### **8. Conclusions**

- 8.1 The proposal is acceptable in principle and would address the need for additional housing within the Borough.
- 8.2 The size and type of units of units proposed would meet the Borough's stated requirements.

- 8.3 The proposal would have no material impact on the surrounding road network and adequate parking provision is available.

## 9. Recommendation

The application is recommended for approval subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:-.This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The extension hereby permitted must be carried out in facing materials to match those of the existing building in colour and texture.

Reason:-.To ensure a satisfactory external appearance in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

3. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings: 1294/PL/01, 1294/PL/10, 1294/PL/11, 1294/PL/20, 1294/PL21, 1294/PL/22, and 1294/PL/23.

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

4. The development hereby approved shall not be occupied until facilities for the secure, covered storage of bicycles has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason:-.The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2012 and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

## 10. Informatives

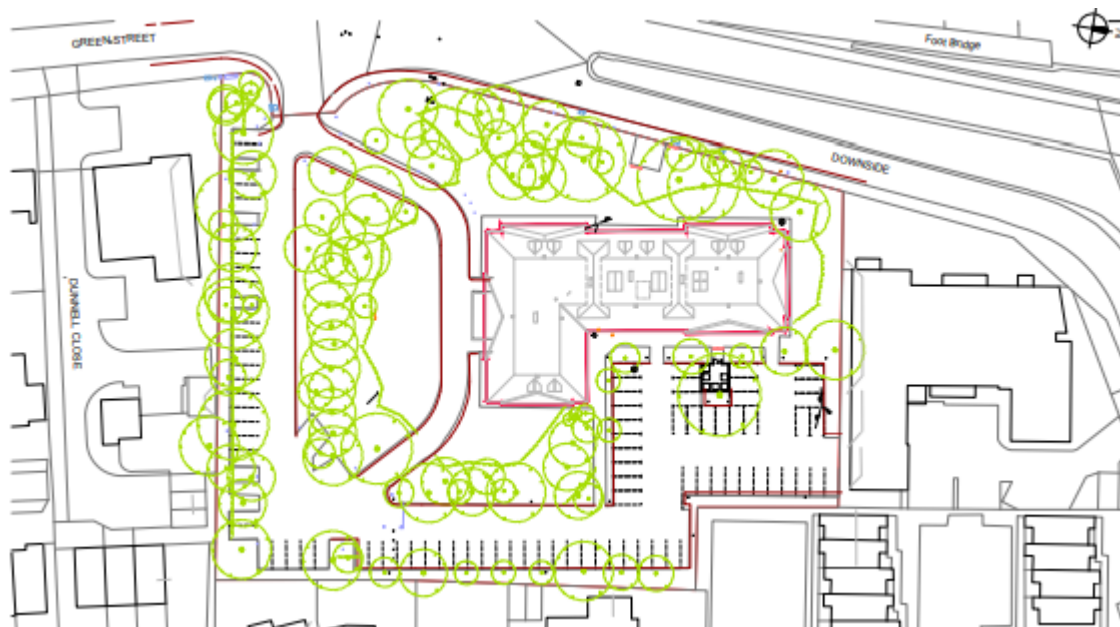
1. The Town and Country Planning (Development Management Procedure) (England) Order 2015 Working in a positive/proactive manner. In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:-
  - a. Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
  - b. 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.

c. Have proactively communicated with the applicant through the process to advise on progress, timescales or recommendation.

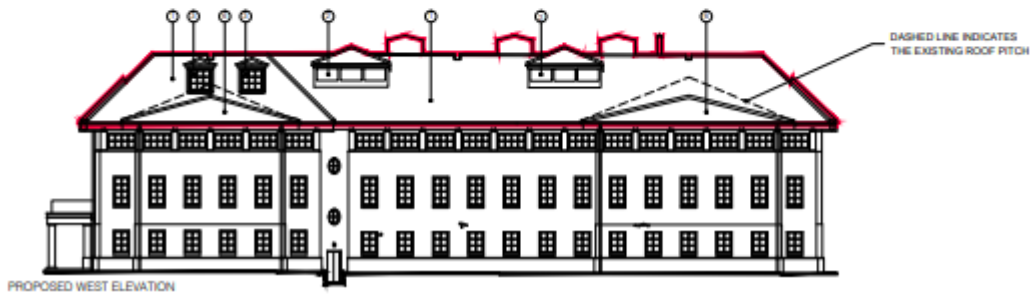
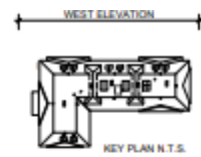
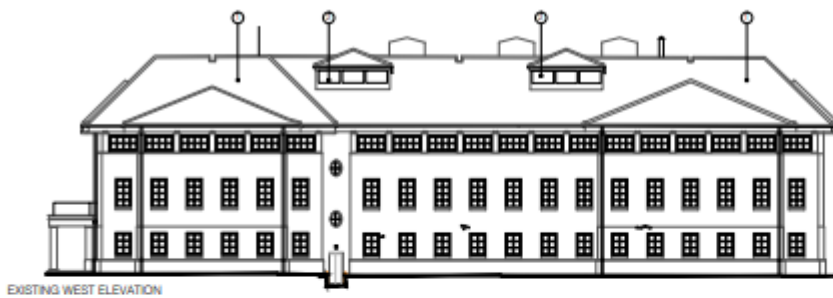
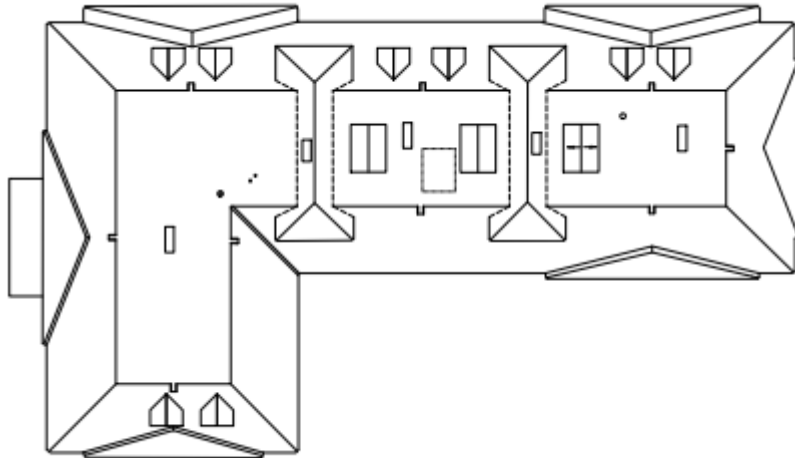
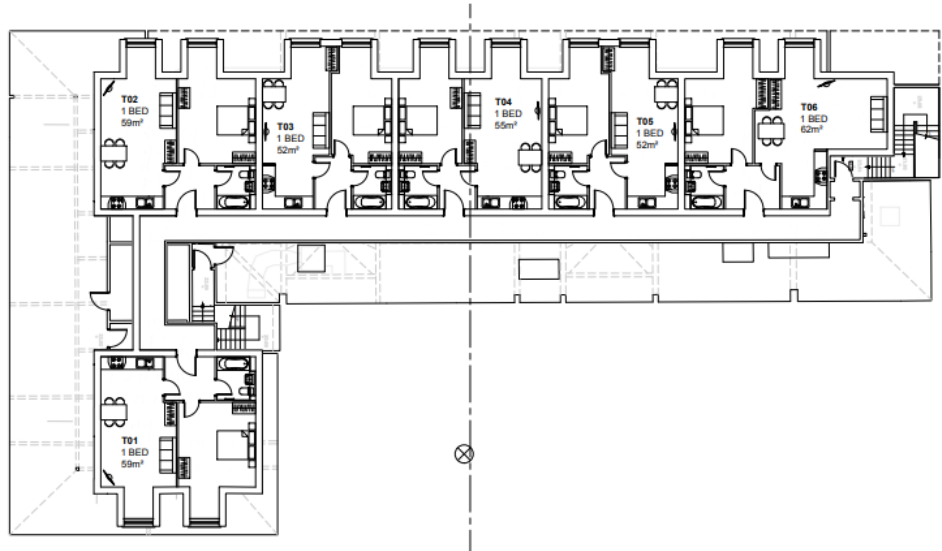
2. Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Full details of the charge, how it has been calculated and what happens next are set out in the CIL Liability Notice which will be sent separately.

If you have not already done so an Assumption of Liability notice should be sent to the Council as soon as possible and before the commencement of development.

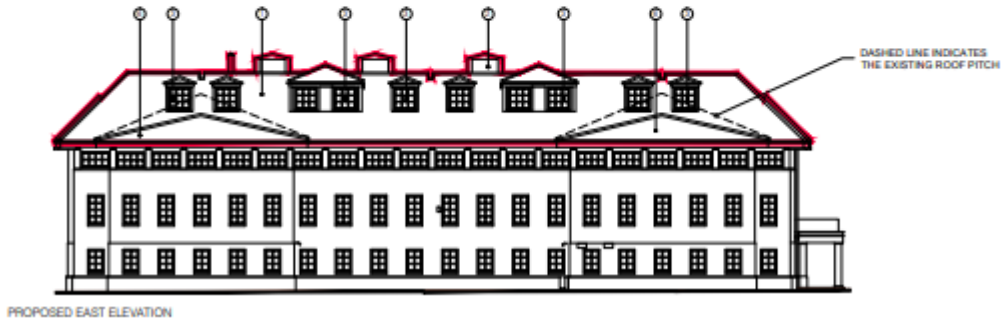
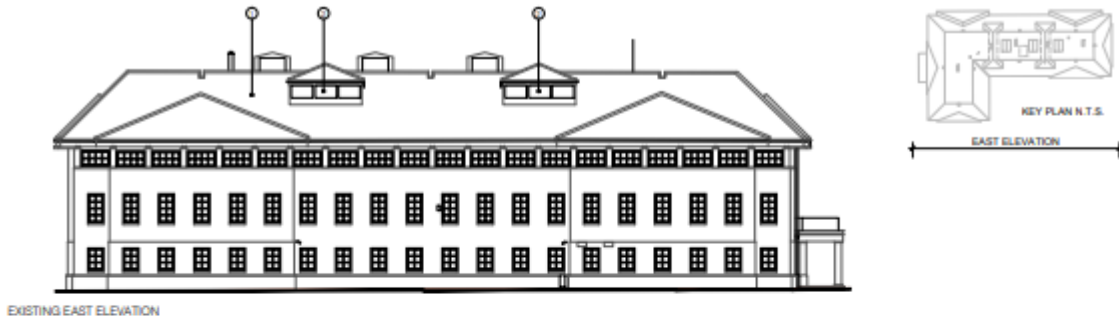
Further information on CIL and the stages which need to be followed is available on the Council's website. [www.spelthorne.go.uk/CIL](http://www.spelthorne.go.uk/CIL).



SCHEDULE OF ACCOMODATION:			
No.	NUMBER OF BEDROOMS	BED SPACES	GIA (m <sup>2</sup> )
T01	1B	2P	59m <sup>2</sup>
T02	1B	2P	59m <sup>2</sup>
T03	1B	2P	52m <sup>2</sup>
T04	1B	2P	55m <sup>2</sup>
T05	1B	2P	52m <sup>2</sup>
T06	1B	2P	62m <sup>2</sup>







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17/01759/FUL - Kenavon, Ferry Lane.

Scale 1:1,250

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# Planning Committee

07 March 2018



<b>Application Nos.</b>	17/01759/RVC		
<b>Site Address</b>	Kenavon, Ferry Lane Shepperton		
<b>Proposal</b>	Variation of PA16/01210/FUL Condition No. 7 (approved plans) to substitute approved plans for submitted ones showing an increase in height of dwelling, and realignment on plot and other external alterations including decking with screening and installation of obscurely glazed and non-opening windows to existing blank dormers on the southern flank elevation.		
<b>Applicant</b>	Mr Eddie Rourke		
<b>Ward</b>	Shepperton Town		
<b>Call in details</b>	The application has been called in by Cllr Barnard following neighbour concerns about the impact on amenity		
<b>Case Officer</b>	Kelly Walker		
<b>Application Dates</b>	Valid: 15/11/2017	Expiry: 10/01/2018	Target: Extension of time agreed.09/03/2018
<b>Executive Summary</b>	<p>This planning application seeks the retention of the replacement dwelling as built with differences compared to the previously approved scheme under ref 16/01210/FUL. The current application is for a variation of Condition 7 (plan numbers) of that permission, to allow the substitution of plans showing an increase in height of the dwelling, increase in size of dormers realignment on the plot and other external alterations including decking with screening and installation of obscurely glazed and non-opening windows to existing blank dormers on the southern flank elevation.</p> <p>The scheme is considered to be an acceptable form of development. Compared with the approved scheme, the changes are acceptable in terms of the design and the impact on the character of the area and on the amenity of neighbouring residential properties. The scheme accords with policies on Green Belt and flooding.</p>		
<b>Recommended Decision</b>	This planning application is recommended for approval		

## 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:

- SP1 (Location of Development)
- LO1 (Flooding)
- CO2 (Provision of Infrastructure for New Development)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC3 (Parking Provision)

1.2 The following saved policy in the Borough Local Plan 2001 is considered relevant to this proposal:

- GB1 (Green Belt)

1.3 Also relevant are the following Supplementary Planning Documents/Guidance:

- SPD on Design of Residential Extensions and New Residential Development 2011
- SPD on Flooding July 2012

### 2. Relevant Planning History

16/01210/AMD	Non-Material Amendment agreed to include increase height of central ridge sloping from all sides by 0.37m.  Non-Material Amendment agreed to include one obscure glazed roof lights to each side elevation. Approved 07.09.2017
16/01210/FUL	Erection of replacement chalet style bungalow following demolition of existing. Grant conditional 29.11.2016
15/01315/FUL	Erection of replacement chalet style bungalow following demolition of existing. Withdrawn 25.01.2016

04/00767/FUL      Erection of a replacement dwelling with accommodation within the roof space and erection of an attached garage following demolition of existing bungalow and garage  
Grant Conditional 26.10.2004

*(Officer note: this planning permission was not implemented)*

04/00267/FUL      Erection of a replacement dwelling with accommodation within roof space and erection of an attached garage following demolition of existing bungalow.  
Application Refused 28.05.2004

SPE/FUL/84/794    Erection of a single-storey front extension measuring 26 ft. 10 ins (8.2 m) by 11 ft. 8 ins (3.55 m) to form master bedroom and dining room/bedroom.  
Grant Conditional 08.05.1985

### **3. Description of Current Proposal**

- 3.1 This planning application seeks permission for a variation to the previous approval (ref 16/02010/FUL) for a replacement dwelling. Many of the changes on the submitted plans have already taken place although there are also some new alterations proposed. The changes that have taken place include an increase in height to the ridge, increase in height to the eaves, and an increase in size of dormers facing the access road and realignment of the dwelling. Changes proposed which have not yet been carried out include the provision of obscurely glazed non-opening (above 1.7m internal floor level) windows in the southern facing dormers, the installation of decking to the rear with screening to sides, installation of solar panels and the installation of 3 no flood voids which have not been provided but were shown on the approved plans.
- 3.2 The site is located on the western side of Ferry Lane in Shepperton and is a rectangular plot occupied by a detached dwelling. The immediate area consists of land within the Green Belt and there are 8 individual dwellings. This particular plot fronts Ferry Lane with another dwelling to the north at The Uppings and another 3 to the south, including Ambleside across an access road which separates the two. There are an additional 3 dwellings to the rear of the subject site accessed via the access road to the south. The dwellings are a mixture of bungalows and chalet style bungalows with some accommodation in the roof space and some have first floor dormers. The original dwelling at the site was a relatively low level bungalow. Recently a new dwelling has been built in its place with accommodation in the roof space served by side facing dormers, following the approval of planning permission 16/01210/FUL. However as noted it has not been built strictly in accordance with the approved plans; hence this current application.
- 3.3 The site is located within the Green Belt and within the functional flood zone 1 in 20 year flood event (Zone 3b).

## Background

- 3.4 As set out in the planning history, planning permission was approved on 29 November 2016 for a replacement dwelling (ref 16/01202/FUL). This particular proposal was raised up from the ground level due to the flooding requirements and had accommodation in the roof space served by side facing dormers. Non-Material Amendments to the approved scheme were subsequently agreed on 7 September 2017 to provide 2 no. obscurely glazed roof lights, one on each side, and an increase in the height of the tallest ridge sloping in from all sides by 0.37m. Following complaints received from the adjoining neighbours, the planning enforcement officer inspected the site. It became evident that the scheme was not being built strictly in accordance with the approved plans, and following a number of site visits by the planning enforcement officer and planning officers, the applicant was requested to submit a new planning application to regularise what had in fact been built.
- 3.5 The original submission of 16/01210/FUL did not include dormer windows in the proposal. During the processing of the application, the design was amended to reduce the height of the main ridge and include the installation of 4 no. side facing dormers. Letters were sent out to neighbours to inform them of the additional information. However, unfortunately it appears that these letters did not arrive at the neighbouring properties. This application was assessed and approved on 29.11.2016. An error was made in the officer's delegated report when referring to the dormer windows in that the southern and northern elevation were transposed. Notwithstanding this, the approved plans are considered to be acceptable in planning terms.
- 3.6 It should be noted that it is not illegal when a development is not built strictly in accordance with approved plans but it is done at the applicant's risk (see 3.7 below). When changes are made which do not comply with the approved plans the Local Planning Authority (LPA) has to make an assessment of whether or not those changes are acceptable and they have to do so on the basis of whether they would be acceptable when assessed against planning policy. It is also important to note that officers should not take into account the fact that work has taken place without planning consent.
- 3.7 Government advice in the National Planning Practice Guidance (NPPG) states that enforcement notices should:

*“only be issued where the local planning authority is satisfied that it appears to them that there has been a breach of planning control and it is expedient to issue a notice, taking into account the provisions of the development plan and any other material considerations.”*

The key phrases are ‘*expedient*’ and ‘*provisions of the development plans and any other material considerations*’.

Nevertheless, if a development is not built in accordance with the approved plans, this is done at the developer's own risk and if it is considered to be unacceptable, the unauthorised development could be the subject of enforcement action. Indeed, the Local Planning Authority has taken enforcement action where this has happened elsewhere in the borough.

- 3.8 During the course of this current application 17/01759/RVC, a number of site visits were undertaken by officers and measurements were taken of the height of the gable and eaves of the building and its dimensions and setting out. Following a plethora of communication with the applicants, amended plans have now been submitted to show what has been built on site. As such this report will identify the changes, comparing what has been built to the previously approved scheme under ref 16/01202/FUL (and the non-material amendment) and an assessment of these changes will be made.
- 3.9 Any previous decisions are a material planning consideration and must be given substantial weight in any future decisions at the same site. An assessment of the changes and any harm this causes, compared to the approved scheme must be made and the expediency of taking enforcement action. The fact that much of this application is retrospective should not take into account when assessing the planning merits that the work has taken place without consent.
- 3.10 Site layout and elevation plans are provided as an Appendix.

### **Proposal**

- 3.11 The current application is for a variation of condition 7 (plan numbers) of ref 16/01210/FUL, to allow the substitution of plans for ones showing an increase in height of the dwelling, larger dormers, realignment on the plot and other external alterations including decking with screening and installation of obscurely glazed and non-opening windows to existing blank dormers on the southern flank elevation. This is discussed in more detail below.

## **4 Consultations**

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

<b>Consultee</b>	<b>Comment</b>
County Highway Authority	No objection
Environment Agency	Raised no objection to the replacement dwelling subject to conditions

## **5. Public Consultation**

Letters of objection have been received from 3 neighbouring properties. Reasons for objecting include:-

- Letters referring to amended plans were not received by neighbours during the previous application
- Unhappy with the planning process and construction
- Pre -application advice suggested dormers were not acceptable
- Previous applications at the site refused
- Windows on southern side dormers are now to be installed – object to this
- Dormers should have been tile hung like the roof instead of lead



- Southern dormers are wider than approved by 600mm – no action was taken when neighbours pointed this out when they were being constructed. This is not as a result of insulation as stated
- Object to any windows of any kind in these dormers.
- Object to the height of the property
- Concerns about the raising of ground level as shown on the plans, purely done to make the building appear less tall, this amount of material was not removed from site and the garden level was not touched. Also there is a condition that requires no rising of ground levels. Raising ground level will increase flood risk.
- Property is now 1.2m taller than Ambleside. It should be reduced in height in line with all other properties in Ferry Lane
- Boundary line has changed due to the building being sited incorrectly, now only 0.8m from side boundary but should be 1m in policy
- Decking is too high and will cause overlooking to neighbours
- No action taken despite concerns raised, not taken seriously
- Plans have been persistently incorrect and construction works continued
- Increase in height means glazing would have a greater impact on privacy.
- Overbuilt, overbearing and ugly out of scale for the plot and out of character with neighbouring properties
- Dormers are not in keeping with the usual style of the area
- Overlooking from side facing dormers and decking
- Screening from decking will be large, ugly and imposing – was not included on last application so should not be allowed to add to this one.
- Should not have allowed clearly glazed windows on northern elevation - mistake in the officer's report
- Developer was asked to change the position of windows back in August but he decided not to
- Plans still incorrect and inaccuracies in submitted planning policy statement

## 6. **Planning Issues**

- Principle of the development
- Ground levels
- Design and appearance.
- Residential amenity
- Flooding
- Renewable energy

## 7. **Planning Considerations**

### Principle of the development

- 7.1 In terms of the principle of development, a replacement dwelling has already been approved at the site and the current will be acceptable provided the differences between the built forms compared with the previously approved scheme do not result in significant harm.

### Note on Ground level -

- 7.2 The applicants have noted that following the removal of hardstanding at the site and the removal of some material for the purposes of building, the current ground level on site is some 0.375m lower than the previous ground level at the site at the maximum point, and as such they will be providing more material on site in order to bring the ground level back to its original height at 10.380m above sea level (ordnance survey datum) as shown on the submitted plans. Consequently, it was considered necessary for the applicant to show on their plans the existing lower ground level at the site and also the proposed finished ground level. Neighbours dispute this amount of ground level raising, they consider it is excessive and should only be approx. 150mm. There is the presence of an area of concrete at a higher level, along with the position of the northern boundary fence which shows evidence that the ground level has been lowered. The ground levels along Ferry Lane vary and each site does not have the same ground level, as such it is difficult to tell for certain where the original ground level was at the application site. In addition is unlikely to have been flat across the site. The Council's Building Control Officer has been to the site and notes that he did see some lowering of ground level, which is common practice in order to prepare the ground for foundations and construction machinery. The applicants have also provided a street elevation plan which has been surveyed and shows the relationship of the subject house as built, to the neighbouring properties. It is important to note that this relationship will not change even if the ground level does.
- 7.3 The changes will be referred to and addressed to see how the amendments as built differ from the approved scheme and the impact this has from a planning consideration perspective. The approved plans showed the finished floor level (FFL) to be some 11.4m above ordnance survey datum, however the Environment Agency (EA) require this to be at 11.7m and as such this means that in order to accord with this condition, the FFL needed to be raised some 0.3m. This is the level the property has been built at and is shown on the submitted plans.

### Changes from the approved scheme

7.4 1. Increase in main ridge height (running from front to back)

The tallest part of the roof form is 7.4m to the finished ground level, compared to the height of 6.77m agreed as a minor amendment, an increase of 0.63m. This tallest point slopes in from all sides and is positioned some 4m in from the side of the dwelling. The approved scheme had a ridge height on the main roof running from the front to the back of the property of some 6.428m. The actual height on site of this main ridge and as shown on the submitted plans is some 7.18m from the existing lower ground level on the site and some 6.98m from the re-instated ground level. This is a difference of some 0.552m. (This has been measured on site by officers). This in turn means that the eaves level is also higher with the approved scheme, being some 3.5m in height and the current proposal, as built at some 4.3m from the current ground level and some 3.99m from the re-instated ground level. This is a difference of 0.49m.

7.5 2. Increase size of dormers/addition of obscure glazing non opening windows

The southern facing dormers have been constructed larger than the approved scheme. The approved dormers were shown to be some 2.1m in width and they have been constructed at 2.66m in width as shown on the submitted plan. The height of each of the dormers has also increased from the approved 1.3m to 1.64m, a difference of 0.34m. The size of the actual windows on the northern elevation remain the same as approved. The southern dormers were previously approved blank (without windows) and although materials for the roof tiles and brick work were agreed, the dormers have been constructed using lead which is a different material to the main roof and appear at odds with it. As such it was requested that this issue be addressed by changing the materials of the dormers on the southern elevation so that they are finished in tiles to match the main roof. However, in order to improve the appearance, the applicant has provided plans to show that they intend to install non opening (above 1.7m internal floor level), obscurely glazed windows in these blank dormers, which would also ensure no overlooking is created

7.6 3. Realignment of the dwelling on the plot

The approved plans showed the dwelling to be located centrally within the site and set in approx.1.4m from the southern boundary with the access road and also approx.1.4m to the northern boundary with The Uppings. The dwelling as built has been constructed closer to the southern boundary and further away from The Uppings and now has a distance of some approx. 0.9m to the southern boundary and approx. 2m from the northern boundary with The Uppings. As a result, the property is in fact now closer to the dwelling to the south and further away from the property to the north compared with the approved scheme.

**Design and appearance**

7.7 Policy EN1a of the CS & P DPD 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, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.”

7.8 1. Increase in main ridge height

As noted above, compared with the approved house, the scheme as built has a ridge height on the main roof running from the front to the back of the property which is 0.552m taller in height and a higher eaves level of 0.49m. The main roof slopes in from the sides and the property is set in some distance from the side boundaries (approx. 2m from the northern boundary and 0.9m from the southern boundary at its closest). The tallest part of the roof form will be 7.4m to the finished ground level, compared to the height of 6.77m agreed as a non material amendment, an increase of 0.63m. This tallest point slopes in from all sides and is positioned some 4m in from the side of the dwelling. The dwelling continues to be of a design in keeping with neighbouring properties, and

although clearly taller than neighbouring properties, it will not be detrimental to the street scene, as such it is considered to be acceptable in terms of the visual impact and on design grounds conforming to policy EN1.

7.9 2. Increase size of dormers/addition of obscure glazing non opening windows

The southern facing dormers are 2.66m in width compared with the approved dimension of 2.1m, a difference of 0.56m. The height of each dormer has increased by 0.34m but the actual windows in the northern elevation remain the same size. Although larger, the southern facing dormers are still considered to be in proportion with the roof and are not a dominate feature and the increase in height is minimal. The introduction of the windows on the southern dormer will improve their appearance. As such it is considered that the changes to the dormers are not significant in terms of visual harm and the amended scheme is considered to accord with policy EN1 on design. The design scale and therefore the visual appearance is considered to be acceptable.

7.10 3. Realignment of the dwelling on the plot

The dwelling as built has been built closer to the southern boundary and further away from The Uppings and now has a distance of approximately. 0.9m to the southern boundary and approximately 2m to the northern boundary with The Uppings at the closest point. As a result, the property is in fact now closer to the property to the south and further away from the property to the north in comparison with the approved scheme. Although the subject property is now closer to the property to the south at Ambleside, there is an access road between the dwellings. The 1m set in as set out in the SPD concerns full 2 storey development which this is not and aims to prevent a terracing within the street scene which would not occur in this particular case. In addition the roof slopes away from the sides and neighbouring properties and as such gaps between the dwellings are retained and in keeping with the character of the area.

Although taller than neighbouring properties, the property retains the design and built form of the approved scheme and no significant harm is caused to the character of the area. As such this proposal has no greater impact compared to the approved scheme and conforms to policy EN1.

- 7.11 Therefore it is considered that the current scheme although different and taller than the previously approved scheme, continues to pay due regard to the surroundings. Consequently, the proposal would continue to make a positive contribution to the street scene conforming to policy EN1.

Impact on neighbouring residential properties

- 7.12 Policy EN1b of the CS & P DPD states that:

*“New development should 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.”*

7.13 The Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) sets out requirements to safeguard residential amenity.

7.14 The SPD in para 3.6 acknowledges that '*most developments will have some impact on neighbours, the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.*' It sets out minimum separation distances for development to ensure that proposals do not create unacceptable levels of loss of light, be overbearing or cause loss of privacy or outlook.

7.15 1. Increase in main ridge height

The approved scheme had a ridge height on the main roof running from the front to the back of the property of some 6.428m. It has been built at a height of 6.98m and this is a difference of some 0.552m. (This has been measured on site by officers). This in turn means that the eaves level is also higher with the approved scheme being some 3.5m and as built approx. 0.49m higher. This part of the roof is located some 2m from the boundary with The Uppings and some 0.9m to the southern boundary with Ambleside, the latter having an access road between the 2 dwellings. The tallest part of the roof form will be 7.4m to the finished ground level, compared to the height of 6.77m agreed as a minor amendment, an increase of 0.63m. This tallest point slopes in from all sides and is positioned some 4m in from the side of the dwelling. The building is set in some 4m to the northern boundary and 2.2m at the shortest distance to the southern boundary. The main roof slopes in from the sides and given the fact that property is set in some distance from the side boundaries it is not considered that this increase in height will have a significant impact on the amenity of neighbouring properties compared with the approved scheme. As such, the increase in height is considered to have an acceptable relationship with neighbours conforming to policy EN1.

7.16 2. Increase size of dormers/addition of obscure glazing non opening windows

The southern facing dormers have been constructed 0.56m wider and all dormers are 0.34m taller than the approved scheme however the windows in the northern dormers remain the same size. The taller and wider dormers themselves will not have a greater impact on the amenity of neighbouring properties (the combined effect is discussed further below). The introduction of non-opening obscurely glazed windows, that do not open (below 1.7m internal floor level) and cannot be viewed out of, which can be imposed by condition, will ensure that no overlooking or loss of privacy will be created. As such the proposal will have no greater impact on the amenity of neighbouring properties compared to the approved scheme. The proposal is therefore considered to accord with Policy EN1 and will have an acceptable impact on neighbouring dwellings.

7.17 3. Realignment of the dwelling on the plot

The realignment of the dwelling results in the property being closer to the property to the south and further away from the property to the north in

comparison with the approved scheme. Although the property is now closer to the property to the south at Ambleside, there is an access road between the dwellings and the proposal will continue to have an acceptable relationship with it, despite it being taller, with the roof sloping away from the boundary. As such the proposal will not have a significant impact on the amenity of the occupants of this dwelling.

- 7.18 The combination of the increase in ridge height, increase in eaves height, increase in size of dormers and the realignment of the building within the plot needs to be addressed. The increase in height results in the bottom of the dormer windows being located at a height of 5.2m compared to the previously approved 4.9m, some 0.3m higher than previously approved. However, the realignment of the subject dwelling results in the northern facing dormer windows being located further away from the boundary with The Uppings than the approved scheme. The dormers are set in 1m from the roof edge and this part of the roof is some 4.2m from the northern boundary at the closest point. As such, the dormers will be located at least 5.2 m from the boundary compared to the previous 4.6m. As a result of these changes comprising a 0.3m increase in the height of the position of the windows and a 0.6m increase in the distance from the northern side boundary compared with the approved scheme, it is considered that the impact will be acceptable compared with the approved scheme and as such no significant harm is caused as a result of the changes. The proposal therefore conforms to Policy EN1.
- 7.19 Therefore it is considered that the current scheme although different to the previously approved scheme, does not have a significantly greater impact on the amenity of neighbouring properties compared to the approved scheme and consequently, the proposal continues to have an acceptable relationship with neighbouring properties conforming to policy EN1.

#### Installation of decking and screening

- 7.20 The installation of decking to the rear of the dwelling forms part of this proposal but did not form part of the previous application. It is raised above ground level (as is the dwelling) but has a step down from the back of the property and will measure 6.5m wide and 4m in depth from the rear of the dwelling. It will be raised above the existing ground level by some 1.5m and from the re-instated ground level by some 1.3m in height with screening to both sides to ensure no overlooking or loss of privacy to the neighbouring properties. The screen will be located on the decking, with a height of some 1.8m and be a total height of 3.1m above the finished ground level on the site. This will ensure someone standing on the decking cannot see over the side into the rear gardens of the neighbouring properties. Given the fact that the dwelling and therefore the decking and screening will be set in some 4.3m from the northern elevation with The Uppings, and that there are a number of outbuildings to the side of The Uppings located along the common side boundary, the screening will have an acceptable impact on the amenity of the occupiers of The Uppings. The screening will be set in from the southern boundary by a lesser amount, some 2.2m, but the access way is located between properties. Although there is a tall hedge on the boundary with Ambleside this may not remain in perpetuity and as such the screening is required to ensure no overlooking is caused in the future. The rear boundary is located over 15m from the end of the decking and

as such the proposal is considered to have an acceptable impact on the amenity of the property to the rear of the site. Given the relationship, it is not considered that the screening will be significantly overbearing on the occupiers of the neighbouring properties. It is considered that although the decking and screening is raised and as such will be visible from the access road and partly visible from Ferry Lane, it will not be prominent in the street scene and has an acceptable impact on the visual amenity of the area, in particular as it is set in from the boundary and only 4m in depth. As such the decking and screening are considered to be acceptable in both design terms and have an acceptable impact on the amenity of neighbouring properties, conforming to Policy EN1.

### **Green belt**

- 7.21 Saved Local Plan. Policy GB1 states that appropriate development within the Green Belt comprises limited extensions, alterations or replacement dwellings. This is also evident in the NPPF which states that replacement buildings are appropriate provided the new building is in the same use and are not materially larger than the one it replaces. Policy EN2 of the Core Strategy also covers replacement dwellings in the Green Belt. It states that replacement dwellings will only be acceptable if they do not significantly change the scale of the original building, regardless of the size of the plot. As such the principle of a replacement dwelling is acceptable provided it does not significantly change the scale of the original building.
- 7.22 The approved scheme provided a replacement dwelling that would result in a significant increase in scale from the original building, which is evident in the elevations with the increase in height and bulk in comparison to the original dwelling on site in particular to provide accommodation at first floor level. However some of this increase in height is due to the property being raised further from ground level as a consequence of the site's location within the flood plain. As such the approved proposal was considered to be inappropriate development within the Green Belt. However, given that permission had been given for a new dwelling ref 04/00767/FUL (albeit before the NPPF but when the GB1 policy existed), the approved dwelling was comparable to the scale of that 2004 approved scheme and ultimately of a better design. In addition, the dwelling was raised up to take account of the current flood plain levels. Therefore, very special circumstances were considered to exist and the approved plans were acceptable in Green Belt terms. The changes proposed in this current application including an increase in the height of the property and increase in size of dormers is not, in itself, considered to materially increase the scale of the dwelling compared with the approved scheme. Therefore the proposal including the decking, is considered to be acceptable in Green Belt terms and conform to policy EN2, saved Local Plan GB1 and the NPPF

### **Flooding**

- 7.23 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne. The site is located within Flood Zone 3a, which has a high probability of flooding with a 1

in 20 year chance of flooding. However a replacement dwelling is acceptable on flooding grounds provided it results in an improved situation at a time of flood. The principle of the dwelling was agreed with the 2016 planning permission. The applicant has submitted a Flood Risk Assessment and the dwelling is raised above the ground level with voids beneath to allow flood water to flow beneath the building. It is noted that 3 of the voids shown on the approved plan have not in fact been installed. The applicant has provided amended plans to show these voids being installed.

- 7.24 The Environment Agency have raised no objection to the scheme given the betterment compared to the original dwelling on this site which was at a lower level. The decking is also floodable and acceptable on flooding grounds. Conditions will continue to be attached to the consent to ensure no raising of ground level and no storage of spoils and also to ensure the voids that have not been installed currently are inserted within an acceptable time frame. Accordingly, the application complies with the requirements of Policy LO1 of the CS&P DPD. If ground levels are raised from the original ground level on site, then this would be contrary to the raising of ground level condition.

### **Renewable Energy**

- 7.25 Policy CC1 of the CS & P DPD states that the Council will require residential development of one or more dwellings to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources unless it can be shown that it would seriously threaten the viability of the development.
- 7.26 As part of the discharge of condition application the applicant submitted an Energy Statement, which considers various renewable energy options for the site, concluding the use of solar panels reduction of at least 10% can be achieved. The Councils Sustainability Officer has been consulted and raises no objection. Accordingly, the renewable energy proposals are acceptable, subject to the imposition of a condition as these have not yet been installed on the dwelling but have been shown on the most recently submitted plans

### **Other Matters**

- 7.27 Although many points have been raised with the previous application and some of these have been addressed above, it is important to note that the application has previously been approved and is a material planning consideration.
- 7.28 With regard to the position of a boundary this not a planning matter but a civil issue.

### **Conclusion**

- 7.29 Although it is regrettable that the subject dwelling has not been built in accordance with the approved plans, as previously noted it is not illegal to do so and this should not be taken into account in the consideration of this proposal. Although there are some differences with the proposed scheme



compared to the previously approved scheme, these are not considered to significantly greater and the scheme continues to be acceptable in terms of design and visual impact and on the amenity of neighbouring properties. The scheme also continues to be acceptable on flooding and green belt grounds and as such the application is recommended for approval.

## **8. Recommendation**

8.1 GRANT subject to the following conditions:

1. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that Order) no extensions or outbuildings shall be erected to the residential development hereby permitted without the prior planning permission of the Local Planning Authority.

Reason:- In the interest of the amenity of neighbouring properties, flooding and Green Belt

2. There shall be no raising of existing ground levels on the site other than in accordance with the approved plans.

Reason:-.To facilitate the free passage of flood water in times of flooding in accordance with policies SP1 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

3. No spoil or materials shall be deposited or stored on that part of the site lying within the area of land liable to flood.

Reason:-.To facilitate the free passage of flood water in times of flooding in accordance with policies SP1 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

4. Prior to the occupation of the building the solar panels shall be installed as shown on the submitted plans in accordance with the report that has been submitted and agreed by the Local Planning Authority which includes details demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The solar panels shall be implemented and thereafter retained and maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

Reason:-.To ensure that the development is sustainable and complies with Policies SP7 and CC1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

5. The development hereby permitted shall be carried out in accordance with the following approved plans

FL01 – 04 Rev J and FL01 – 03 Rev J rec 29.01.2018, FL01 – 01 Rev S and FL01 – 02 Rev K rec 20.02.2018

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

6. Prior to the occupation of the building a survey report detailing ground conditions of the site shall be submitted to and approved in writing by the Local Planning Authority. Where made ground or contamination is encountered a scheme to investigate, assess and remediate contamination risks shall be agreed in writing with the Local Planning Authority, and shall be carried out in accordance with the agreed details and timetable.

Reason: - To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

7. Prior to the occupation of the development hereby permitted the proposed first floor dormer windows on the southern elevation shall be obscure glazed and be non-opening to a minimum height of 1.7 metres above internal floor level in accordance with details/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. These windows shall thereafter be permanently retained as installed.

Reason:- To safeguard the amenity of neighbouring residential properties in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009

- 8 That no further openings of any kind be formed in the northern and southern flank elevation(s) of the proposed development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:- To safeguard the amenity of neighbouring residential properties in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

9. Prior to the occupation of the building the obscured screens on the raised terrace shall be installed with obscure glazing in accordance with detail/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. These screens shall be permanently retained as installed.

Reason:- To safeguard the amenity of neighbouring residential properties in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

10. Prior to the occupation of the building, the flood water open voids shall be fully implemented in accordance with the approved plans and permanently retained as installed.

Reason: - To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage in accordance with Policies EN2 and LO1

## 1.1 INFORMATIVES TO APPLICANT

- 1 Article 2 (3) Development Management Procedure (Amendment) Order 2012 Working in a positive/proactive manner  
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 NPPF. This included the following:-

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.

- 2 Practical advice on how to reduce flood damage to your property is available in a free document entitled "Preparing for Floods" (February 2002) - a comprehensive guide to help homeowners and small businesses to improve the flood resistance of their homes and premises. The guidance contains advice on both simple, low-cost measures to limit damage to valuables as well as suggestions on building alterations and designs that help keep water or reduce damage if flood water enters. The guide is aimed at homeowners, small businesses, planners and developers.

Copies of "Preparing for Floods" is available free of charge from the Environment Agency 24 hour "Flood line" on 0845 988 1188, or on our website: <http://www.environment-agency.gov.uk/floodline>.

The Environment Agency's Flood Maps provide a general overview of areas of land in natural floodplains and therefore potentially at risk of flooding from rivers. To find out more information about whether your property lies within the floodplain, investigate the Agency's website: <http://www.environment-agency.gov.uk> and browse under the "What's in your backyard?" pages. Additional information on the Flood Maps can also be found on the site. Alternatively, contact the Environment Agency's Flood line on 0845 988 1188.

The Environment Agency recommends that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance can be found in the Environment Agency Flood line Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188. Reference should also be made to the Office of the Deputy Prime Minister publication 'Preparing for Floods'.

- 3 Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Full details of the charge, how it has been calculated and what happens next are set out in the CIL Liability Notice which will be sent separately.

If you have not already done so an Assumption of Liability notice should be sent to the Council as soon as possible and before the commencement of development.

Further information on CIL and the stages which need to be followed is available on the Council's website. [www.spelthorne.go.uk/CIL](http://www.spelthorne.go.uk/CIL).

4. Historically land across Spelthorne has been subjected to extensive mineral extraction, with subsequent infilling of the resultant voids. Excavations during some development works have encountered fill materials where records have not previously identified a history of extraction / infilling.
- To confirm ground conditions at the application site minimum requirements of the survey are as follows:
- The excavation of 2 -3 trial holes to a depth of 1.00mbgl. This can be done by hand or with a small digger
  - At least one location beneath the footprint of the proposed dwelling and another one to two holes within the proposed rear garden and other associated landscaped areas.
  - An inspection to be made of the ground conditions and confirm the absence or otherwise of any made ground / fill materials at this property, their thickness and extent.
  - Photographs shall be taken of each exploratory position including all associated soil arisings (soils excavated and placed to the side of the hole as works progress).
  - Where different soil horizons are encountered (i.e. topsoil to 0.40mbgl overlying a layer of sandy gravel to 0.60mbgl with stiff clay to the base of the excavation (c.1.00mbgl)) appropriate written logs will be required to detail the depths, thickness and description of the materials encountered.
  - A scale plan (such as the site layout plan) indicating the location of the exploratory positions in relation to the proposed property and a photograph taken across the site detailing the soils and arisings.
  - The information, logs and photographs can be submitted to us in a simple letter report.
  - If made ground materials are encountered during the excavations soil sampling and assessment of contamination risks will be required to be undertaken by a suitably qualified person.

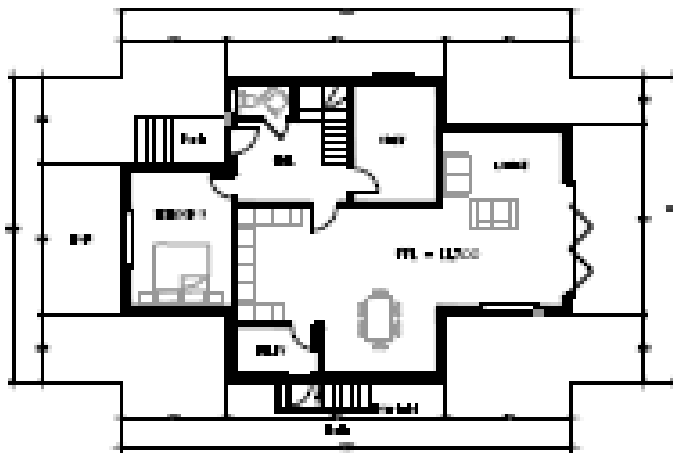
Made ground refers to non natural / notable fill materials – fragments of brick, concrete, metal, plastic, timber, glass, and ashy materials. Evidence of contamination is identified by either visual (staining of soil or sheens on groundwater (if encountered)) or olfactory means (organic, tarry, hydrocarbon / petrochemical odours). In the event that materials of this nature are discovered during the survey, you are advised to contact us for further guidance

5. This development is situated within 250 metres of a current or historic landfill site or gravel pit. A gas impermeable membrane should be incorporated within the structure along with a ventilated sub floor area. Any services entering/leaving the structure should be located above the gas impermeable membrane or alternatively, adequate seals will need to be provided if the membrane is to be breached. The details of the gas impermeable membrane and with particular attention to the joins with any existing structure and seals around any services, plus details of the sub-floor ventilation should be submitted to the Local Planning Authority for approval prior to the works being carried out.

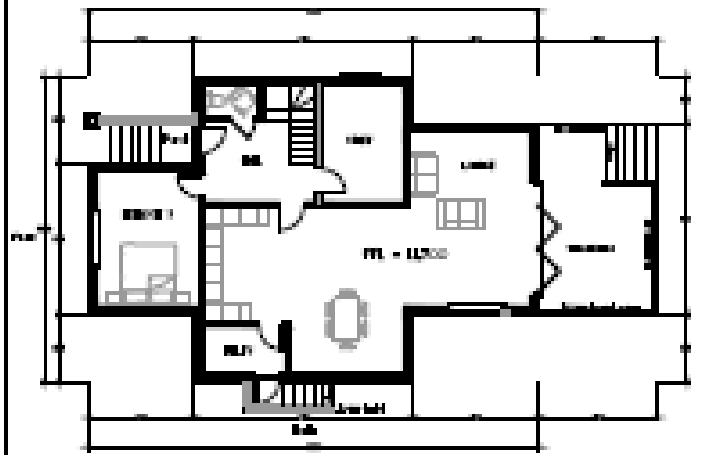
On completion, documentation (such as photographs, inspection reports, etc) shall be submitted to the Local Planning Authority to demonstrate that the gas impermeable membrane has been installed in accordance with the approved plans. Condition (94A) shall not be discharged until such documentation has been received and approved.

The applicant is advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences.

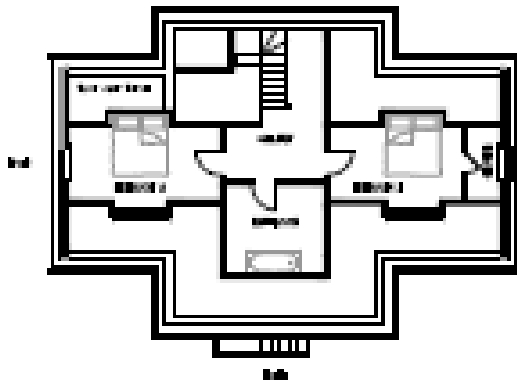




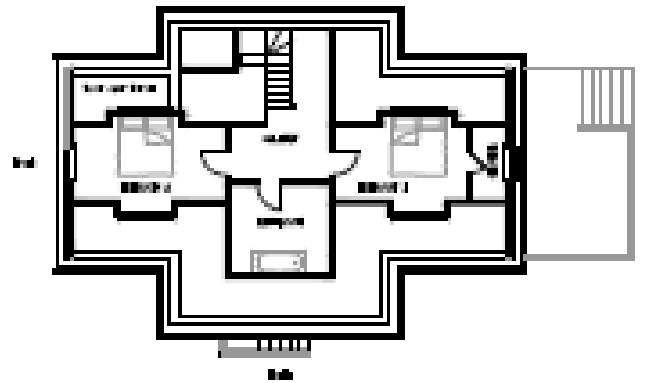
Approved Ground Floor Plan - 16/011610/AM0 - 04th September 2017  
 Square area = 12700 sq metres (1344 sq feet)



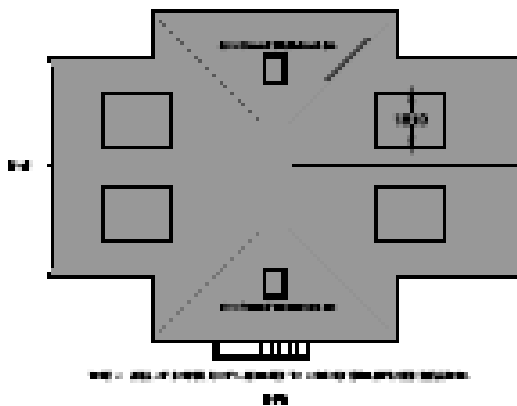
Proposed Ground Floor Plan  
 Square area = 12700 sq metres (1344 sq feet)



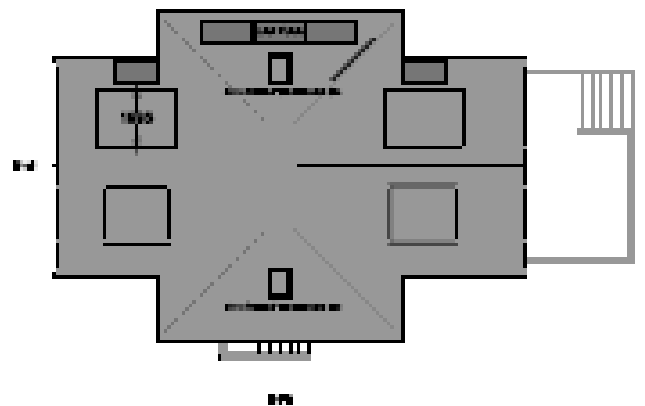
Approved First Floor Plan - 16/011610/AM0 - 04th September 2017  
 Square area = 6480 sq metres (698 sq feet) - At 1500mm high ceiling



Proposed First Floor Plan  
 Square area = 6480 sq metres (698 sq feet) - At 1500mm high ceiling



Approved Roof Plan - 16/011610/AM0 - 04th September 2017



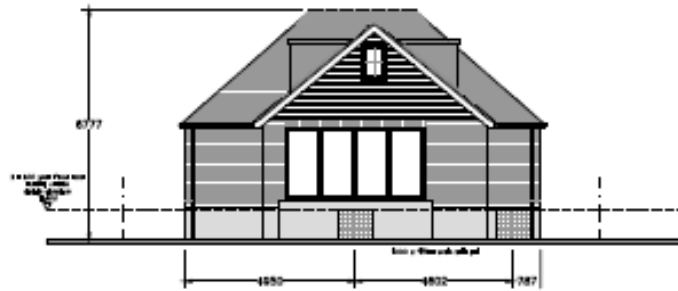
Proposed Roof Plan

Approved Elevations (with material minor amendment)



Front Elevation

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Rear Elevation

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North Side Elevation

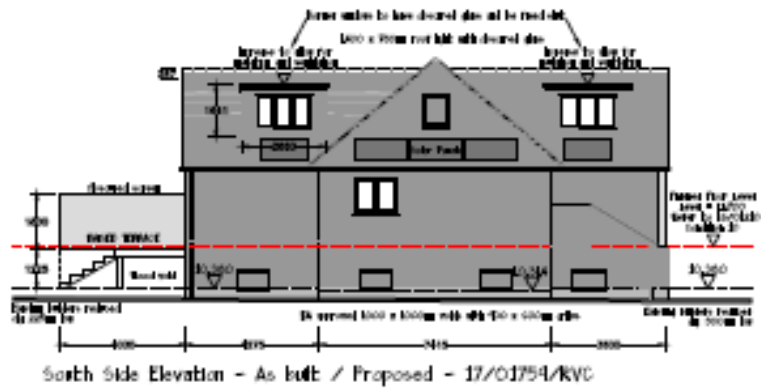
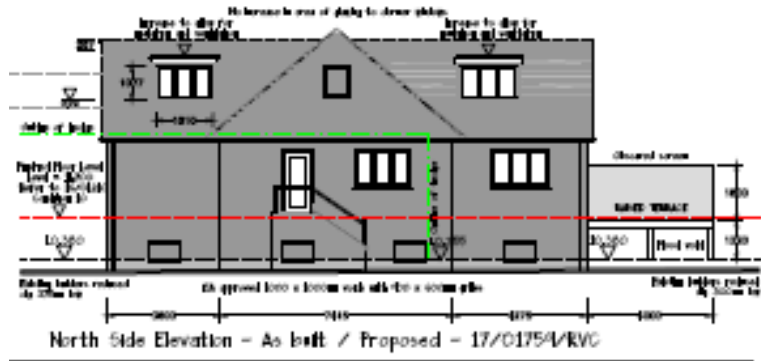
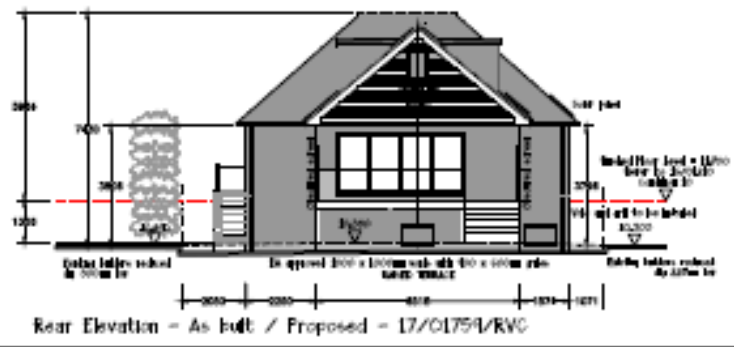
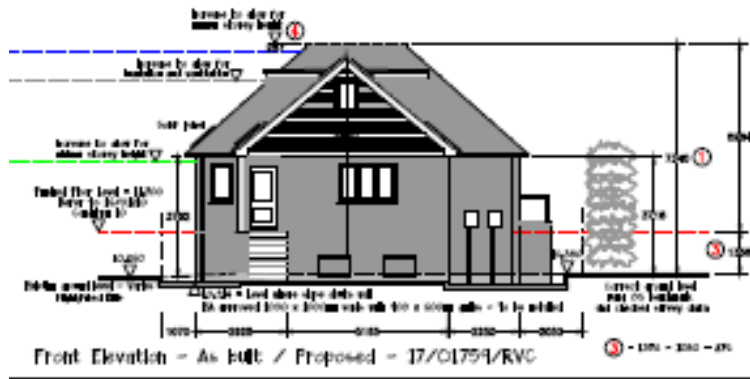
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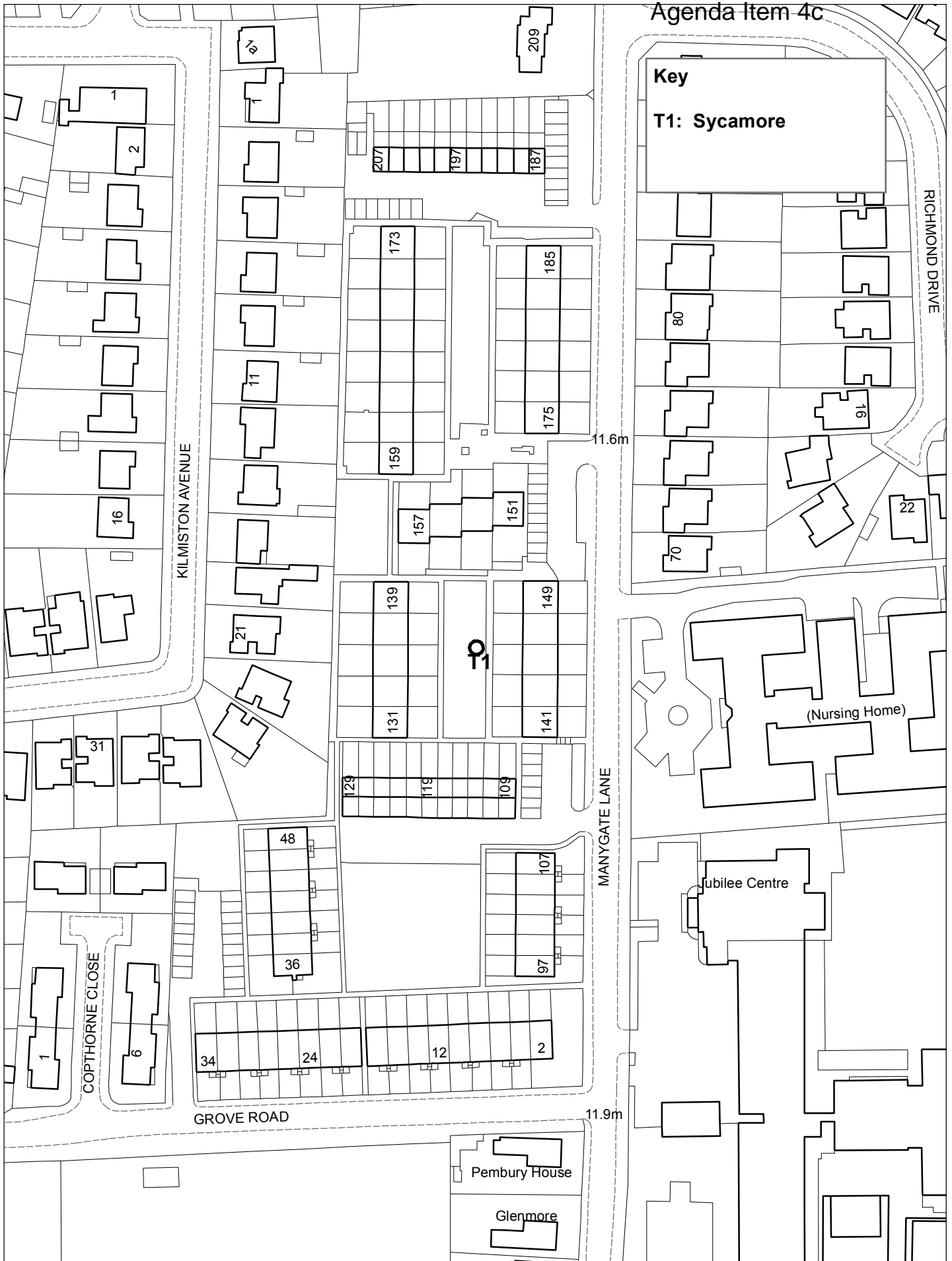
South Side Elevation



Proposed elevations







TPO 257/2017

Open space outside 145/147 Manygate Lane, Shepperton TW17 9EP.



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Scale: 1:1,250

Date: 24 October 2017



	<b>Tree Preservation Order</b>
<b>TPO No.</b>	TPO 257/2017
<b>Site Address</b>	Open space outside 145-147 Manygate Lane, Shepperton, TW17 9EP
<b>Date Served</b>	24 October 2017
<b>Expiry Date</b>	24 April 2018
<b>Ward</b>	Shepperton Town
<b>Executive Summary</b>	Confirmation of TPO 257/2017
<b>Recommended Decision</b>	Confirm without modification

## MAIN REPORT

### 1. Details of Order

- 1.1 On 24 October 2017 Tree Preservation Order 257/2017 was served with immediate effect to protect one Sycamore tree on this site.

### 2. Background

- 2.1 The Sycamore is located on open space outside 145-147 Manygate Lane, Shepperton. Following receipt of application 17/01444/TCA submitted by NSL Tree Services to reduce the crown on the east side by a maximum of 1.2 meters and to balance the crown by removing the lowest limb projecting over the lawn to the west, the Council's Tree Officer assessed the tree. He found the tree to be mature and healthy with a balanced crown and no obvious defects. He considered that the work proposed would leave the tree with an unbalanced crown and therefore recommended that a TPO should be made.
- 2.2 A TPO was therefore served to protect the Sycamore because of its 'significant contribution to the visual amenities of the locality'.
- 2.3 Since the TPO was served a revised application has been received to prune the tree. This application is yet to be determined.

### 3. Third Party Representations

- 3.1 As required under the legislation all affected parties were served with copies of the Tree Preservation Order. No representations have been received.

**4. Recommendation**

- 4.1 Tree Preservation Order 257/2017 relating to 145/147 Manygate Lane, Shepperton be confirmed without modification.

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**PLANNING APPEALS****LIST OF APPEALS SUBMITTED BETWEEN 26 JANUARY AND 23 FEBRUARY  
2018**

<b><u>Planning Application Number</u></b>	<b><u>Inspectorate Ref.</u></b>	<b><u>Address</u></b>	<b><u>Description</u></b>	<b><u>Appeal Start Date</u></b>
17/01374/HOU	APP/Z363 5/D/17/318 8533	18 Longford Avenue Stanwell	Roof extension including the raising of ridge height, hip to gable roof alterations and rear facing dormer to create accommodation in roof space with roof lights in front elevation.	01/02/2018
17/01265/HOU	APP/Z363 5/D/17/319 1732	34 Guildford Street Staines-upon-Thames	Construction of a roof extension changing the hipped roof end to a gable, the construction of a rear mansard extension, the addition of two roof lights in the front roof slope, the removal of the rear chimney stack and the construction of a part two storey, part single storey rear extension.	01/02/2018
17/01156/PDH	APP/Z363 5/D/17/318 4544	17 Hannibal Road Stanwell	Single storey rear extension measuring 6 metres beyond the rear wall of the original dwellinghouse measuring a maximum height of 2.975 and a height to the eaves of 2.825 metres.	15/02/2018
17/00813/HOU	APP/Z363 5/D/17/318 6267	Willow Hayne Pharaohs Island Shepperton	Erection of a two storey side extension including veranda and associated terrace above, the erection of a single storey detached outbuilding, decking, swimming pool and associated works.	15/02/2018

**APPEAL DECISIONS RECEIVED BETWEEN 26 JANUARY AND 23 FEBRUARY  
2018**

<b>Site</b>	Hamilton's Pitch, Sheep Walk, Shepperton
<b>Planning Application No.:</b>	Retention of existing hardstanding, temporary standing of two residential caravans, associated vehicles and equipment, and tipping of top soil to enable landscaping
<b>Proposed Development:</b>	Retention of existing hardstanding, temporary standing of two residential caravans, associated vehicles and equipment, and tipping of top soil to enable landscaping.
<b>Reasons for Refusal</b>	<ol style="list-style-type: none"> <li>1. The development represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will result in the site having a more urban character, will diminish the openness of the Green Belt and conflict with the purposes of including land within it. In particular, it would not comply with the Green Belt purposes: to prevent neighbouring towns merging together; and to assist in safeguarding the countryside from encroachment. It is therefore contrary to Policy GB1 of the Spelthorne Borough Local Plan 2001, Policy HO7 of the Core Strategy and Policies DPD 2009, and Section 9 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2012.</li> <li>2. The site is located within Flood Zones 2, 3a and 3b and is entirely surrounded in the wider area by Zones 3a/3b, and the provision of the residential caravans which are a 'highly vulnerable development' would be inappropriate and would place the new occupants at unacceptable risk from flooding. Furthermore, the applicant has failed to demonstrate that the import of topsoil to create the proposed landscape strip will not have an adverse impact on flood risk. The development is therefore contrary to Policy LO1 of the Core Strategy and Policies DPD 2009, the Supplementary Planning Document on Flooding 2012, and Section 10 of the National Planning Policy Framework 2012.</li> <li>3. The siting of the residential caravans, laying of hardstanding and other associated development results in a loss of vegetation in this rural location, would be visually intrusive, and would cause significant harm to the character and appearance of this rural area, contrary to Policies HO7 and EN1 of the Core Strategy and Policies DPD 2009.</li> </ol>
<b>Appeal Reference:</b>	APP/Z3635/W/17/3176212



<b>Appeal Decision Date:</b>	14/02/2018
<b>Inspector's Decision</b>	The appeal is dismissed
<b>Inspector's Comments:</b>	<p>The Inspector considered that the change of use of the land to the temporary standing of two residential caravans, associated vehicles and equipment and other associated development would be unacceptable in the Green Belt. He regarded the proposal to constitute '<i>inappropriate development</i>' in the Green Belt and therefore unacceptable in principle. He also considered that the scheme would cause a harmful reduction in the openness of the Green Belt, as well as, unacceptable encroachment into the countryside. Moreover, he stated that the development would introduce to the site a relatively cluttered and intrusive appearance of caravans, vehicles and other paraphernalia and considered that this would cause considerable harm to the rural character and appearance of the appeal site and its surroundings.</p> <p>In terms of flooding, the Inspector noted that the site is located within an area liable to flood, and that the Government's planning guidance identifies caravans and mobile homes to be within a '<i>Highly Vulnerable</i>' category. He considered that the principle of introducing caravans in this location would be unacceptable and would harm the living conditions of existing and future occupiers by reason of flood risk and so undermine the wider considerations of public safety.</p> <p>The Inspector considered that there were some factors that weighed in favour of the development. These included the best interests of the children, the other personal circumstances of the occupants, and the absence of a 5-year supply of sites in the Borough for travellers/travelling showmen. However, he did not consider that this would clearly outweigh the overall scale of harm that the development would cause, and that '<i>very special circumstances</i>' did not exist to justify the proposal.</p>

<b>Site</b>	55 Cherry Orchard, Staines-upon-Thames
<b>Planning Application No.:</b>	17/00463/FUL
<b>Proposed Development:</b>	Demolition of existing building, store and garage and the erection of a replacement three storey building comprising 4 no. 2 bed apartments, with car parking, amenity space and landscaping.
<b>Reason for Refusal</b>	The proposal is considered to represent an overdevelopment of the site with excessive housing density, inadequate and poor quality amenity

	<p>space, poor design, and with the building being excessive in height, bulk and scale. The development fails to have sufficient regard to the character of the area, will be visually obtrusive and not make a positive contribution to the street scene, contrary to Policies EN1 and HO5 of the Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.</p>
<b>Appeal Reference:</b>	APP/Z3635/W/17/3182051
<b>Appeal Decision Date:</b>	05/02/2018
<b>Inspector's Decision</b>	Appeal allowed, applicant's request for an award of costs against the LPA refused.
<b>Inspector's Comments:</b>	<p><u>Planning Appeal</u></p> <p>The Planning Inspector determined that the main issues were the effect of the development on the character and appearance of the area and whether or not the proposal would provide an adequate standard of living accommodation, having particular regard to private outdoor space.</p> <p>The Inspector considered that there were a number of larger properties in the vicinity and the design respected the character of the area. In conclusion, the Inspector considered that the proposal would represent a high standard of design that would respect its surroundings and make a positive contribution to the character of the area and therefore complied with Policy EN1. By meeting the requirements of this policy, the policy also accords with Policy HO5 (Density), which permits higher density development in accessible locations.</p> <p>The Inspector noted that the amount of outdoor amenity space roughly accords to the Council's guidelines and was a useable area. A balcony is provided to one flat and the site is easily accessible to the Leisure Centre and Staines Park nearby. Therefore, for these reasons, the amount of outdoor amenity space would be acceptable and would provide an adequate standard of amenity for future occupiers.</p> <p>Therefore, it was concluded that the proposal complied with Policies EN1 and HO5, together with Council Design Guidelines (SPD), the Inspector allowed the appeal.</p> <p><u>Costs Application</u></p> <p>The Inspector determined that no unreasonable behaviour occurred in respect of the Council's decision that the proposal was contrary to Policies EN1 and HO5 of the Core Strategy and that the process coming to this decision was reasonable.</p>

In refusing the proposal, the Council considered that the scheme would be visually intrusive, out of character and failing to provide adequate private outdoor space. While the Inspector did not find in favour of the Council judgement, it was not considered that the Council behaved unreasonably. The Inspector noted that the Officer's report did not explicitly refer to housing land supply, the main issues related to the character and appearance of the area and Policy EN1 on design. This conclusion was based on the Planning Officers professional judgement and was supported by clear reasons and that given the fundamental difference of opinion regarding design, there is no evidence to suggest that the appeal process could have been avoided.

Therefore, no unreasonable behavior resulting in unnecessary expense in the appeal process and therefore an award of costs was not justified.

#### FUTURE HEARING / INQUIRY DATES

Council Ref.	Type of Appeal	Site	Proposal	Case Officers	Date
16/00323/ENF/A	Public Inquiry	Land rear of Gleneagles Close, Stanwell	The material change of use of the land from agricultural land to a timber and fencing builder's merchants/business with associated storage of materials in connection with that use.	RJ	17 - 19 April 2018
17/00952/TPO	Hearing	Land outside Linley Riverside Road Staines-upon-Thames	TPO09/STA - T38 - Plane tree - Fell due to concerns about safety, branches overhanging neighbouring property and that the tree is out of proportion with surroundings	ST	TBC

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