



Please reply to:

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Date: 11 September 2018

Notice of meeting

Planning Committee

Date: Wednesday, 19 September 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)	S.M. Doran	N. Islam
H.A. Thomson (Vice-Chairman)	Q.R. Edgington	M.J. Madams
C. Barnard	T.J.M. Evans	S.C. Mooney
I.J. Beardsmore	M.P.C. Francis	D. Patel
S.J. Burkmar	A.L. Griffiths	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 - 25 July 2018** **5 - 20**
To confirm the minutes of the meeting held on 25 July 2018.
- 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) Planning Application: 18/01145/FUL Greeno Centre, Glebeland Gardens, Shepperton, TW17 9DH. **21 - 32**
 - b) Tree Preservation Order: TPO 259/2018 29 Vicarage Road, Sunbury-on-Thames, TW16 7QF. **33 - 36**
 - c) Tree Preservation Order: TPO 260/2018 171 Upper Halliford Road (Bugle Nurseries), Shepperton, TW17 8SN. **37 - 40**
- 5. Planning Appeals Report** **41 - 48**
To note details of the Planning appeals submitted and decisions received between 12 July 2018 and 7 September 2018.
- 6. Urgent Items**
To consider any items which the Chairman considers as urgent.

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**Minutes of the Planning Committee
25 July 2018**

Present:

Councillor R.A. Smith-Ainsley (Chairman)
Councillor H.A. Thomson (Vice-Chairman)

Councillors:

C. Barnard	T.J.M. Evans	M.J. Madams
I.J. Beardsmore	M.P.C. Francis	S.C. Mooney
S.J. Burkmar	A.L. Griffiths	R.W. Sider BEM
Q.R. Edgington	N. Islam	

Apologies: Apologies were received from Councillor S.M. Doran

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 S.A. Dunn	Item 161/18 - 18/00591/OUT - Bugle Nurseries, 171 Upper Halliford Road, Shepperton
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159/18 Minutes

The minutes of the meeting held on 27 June 2018 were approved as a correct record.

160/18 Disclosures of Interest

a) Disclosures of interest under the Members' Code of Conduct

There were none.

b) Declarations of interest under the Council's Planning Code

Councillors R.A. Smith Ainsley, H.A. Thomson, C. Barnard, S. Burkmar, Q. Edgington, T.J.M. Evans, M. Francis, A. Griffiths, N. Islam, M. Madams, S. Mooney, and R.W. Sider BEM reported that they had received correspondence in relation to application 18/00591/OUT – Bugle Nurseries, 171 Upper Halliford Road, Shepperton, but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillors Barnard, Francis and Sider declared that they had attended a presentation in respect of the Bugle Nurseries application and Councillor Sider also declared that he had visited the site.

Councillors R.A. Smith Ainsley, H.A. Thomson, C. Barnard, S. Burkmar, Q. Edgington, M. Francis, A. Griffiths, N. Islam, M. Madams, S. Mooney, and R.W. Sider BEM reported that they had received correspondence in relation to application 18/00836/FUL – 20 Bridge Street, Staines upon Thames, but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor Dunn, Ward Councillor, had received correspondence, attended a drop-in session and visited the site but had maintained an impartial role, had not expressed any views and had kept an open mind.

The Chairman advised that application b) 18/00529/FUL - Benwell House, Green Street, Sunbury on Thames, had been made by Spelthorne Borough Council and would be treated in the same way as any other application.

161/18 18/00591/OUT - Bugle Nurseries, 171 Upper Halliford Road, Shepperton

Description:

This outline application sought approval for the demolition of the existing buildings on site and the provision of 52 houses and flats and a 72 bed care home. The recommendation of the officers was to refuse the application.

Additional Information:

The Planning Development Manager advised the Committee that the applicant had submitted two letters and an email raising a number of points in response to the Committee report. The subsequent response to each of the points raised is set out below:

1. Due weight should be given the proposed open space located within the blue line on the site location plan.

Response

The open space, is not included within the application site and does not formally comprise part of the proposal subject to the planning application. Even if weight was given to the benefit of the open space, it is not considered that this (together with the other benefits – removal of the industrial uses and provision of new housing) would clearly outweigh the harm to the Green Belt in terms of inappropriate development, loss of openness, harm to the visual amenities of the Green Belt, and the conflict with 3 out of the 5 Green Belt purposes set out in the NPPF.

2. The proposed open space within the blue line could be protected by a Grampian Condition or Section 106 Agreement.

Response

The committee report acknowledged in paragraph 7.2 that a condition could be imposed (i.e. a Grampian condition) requiring the area of land outlined in blue to be provided as open space. A Section 106 Agreement could also be used to achieve the same purpose. However, as the open space does not form an integral part of the proposed development and is not within the application site, it is considered that the Council would not be able to refuse a future planning application to relax that condition or legal agreement on the loss of open space grounds.

3. The proposed development would not set a precedent for future similar proposals on other Green Belt sites.

Response

It is agreed that each planning application should be considered on its merits. However planning legislation requires that the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The site is within the Green Belt and the Committee report sets out the reasons why it is considered that the applicant has failed to demonstrate 'very special circumstances' that would clearly outweigh the harm to the Green Belt. As there is not a unique set of circumstances on this particular site, and given that we have a 5 year housing land supply, it is considered that granting planning permission would set a precedent for similar unacceptable schemes on other Green Belt sites in the Borough.

4. No reference has been made to the Stage 2 of the Green Belt Review which is currently underway.

Response

Stage 2 of the Council's Green Belt Assessment is yet to be completed. It is likely that the consultants (ARUP) will publish their initial report by the middle of September 2018. Local Area 39 also plays an important strategic function in separating a series of distinct towns and villages in the Borough and forms the essential gap between Ashford/Sunbury/Stanwell and Upper Halliford.

5. The reference to the applicant's "Call for Sites" submission is misleading, as it infers that the applicant's intention is to pursue development of the entire site.

Response

The Call for Sites submission proposed two potential development options – one to develop the whole site and one to develop part of the site, more in line with the proposed development. The comments made in paragraph 7.1 of the committee report are factual observations. They do not infer that the applicant has a long term intention to develop the entire site for housing.

6. The lack of amenity space for the block of flats should not form a reason for refusal at this outline stage

Response

It is recognised that this is an outline application and the final design, scale and position of the buildings are not formally agreed at this stage.

However, as the applicant has requested that access is a matter which should be determined at this stage, the access roads within the site are formally assessed at this stage. Taking into account the proposed access roads surrounding the indicative block of flats at the front of the site, there would be a relatively small area of remaining land available (approximately 36m x 28m) to accommodate the proposed block of 10 flats and its amenity space. The proposed reason for refusal (no. 3) shows that the applicant has failed to demonstrate, to the satisfaction of the LPA, how a minimum amenity space area of 225 sqm could be provided on this part of the site, even after discounting possible balconies from the figure. Any other open space provided on the site is likely to be too remote from the proposed flats to form usable garden space for these particular units.

7. The insufficient number of smaller dwellings should not form a reason for refusal at this outline stage.

Response

Whilst the final design, scale and position of the buildings are yet to be confirmed at this outline stage, the applicant has submitted a proposed accommodation schedule comprising 57 dwellings and their sizes (and a 72 bedroom care home) in the application form, and in the Design and Access Statement. The planning application is seeking approval for “*up to 57 dwellings*”. Whilst it is possible that the Reserved Matters application may propose a lesser number of units, it is considered necessary for the Council to assess the proposal based on the maximum number of dwellings proposed (i.e. 57) and their sizes, as set out in the accommodation schedule. The proposed reason for refusal (no. 2) as amended, reflects that the applicant has failed to demonstrate, to the satisfaction of the LPA, that there will be sufficient small dwellings to comply with our policy.

8. The application should not be refused on bat survey grounds. The Planning Committee can delegate to officers powers to apply the necessary condition once the final report has been issued.

Response

Secondary legislation set out in Circular 06/2005 requires that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the development is established before planning permission is granted. It is noted that a third bat survey is required to be carried out on 25 July 2018 and the issue remains unresolved. The issue cannot therefore be addressed by the imposition of a condition.

9. The proposal should be considered by the Planning Committee as appropriate under Paragraph 145g) of the NPPF 2018.

Response

This states that new buildings within the Green Belt are not inappropriate if the development is:

“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. “

It is considered that the development would have a significant greater impact on the openness of the Green Belt than the existing development and would cause substantial harm to the openness of the Green Belt.

10. Reference should be made to paragraph 136 of the NPPF 2018

Response

It is assumed that the applicant’s agent is referring to paragraph 138 and not 136. This relates to the drawing up or reviewing of Green Belt boundaries and the releasing of Green Belt land for development. This is not a matter for the Planning Committee in the determination of planning applications, this is a matter for the Local Plan Working Party, the Council’s Cabinet and Council in the consideration of the local plan review.

The Planning Development Manager also advised of the following updates to the report as a result of the National Planning Policy Framework (NPPF) 2018.

Paragraph 1.4

The advice contained within the National Planning Policy Framework (NPPF) 2012 ~~2018~~ is also relevant and consideration should also be given to the draft revised consultation NPPF.

Paragraph 7.3

National Planning Policy Framework (NPPF) ~~para 47~~ 59 - 61

Paragraph 7.4

(para ~~49~~ 75 of NPPF).

Paragraph 7.8

Para 14 ~~11~~(d) of the NPPF

Paragraph 7.9

In ~~March~~ **July** of this year, the Government launched the draft revised NPPF, ~~consultation proposals~~. This reaffirms the presumption in favour of sustainable development for plan making and decision taking (with some amended wording) and focuses on delivering housing through a plan led system.

Paragraph 7.13

Section 9 **13** of the NPPF

Paragraph 7.14

Paragraph ~~80~~ **134** of the NPPF sets out the five purposes of the Green Belt. It should also be noted that these purposes are also contained in the draft revised consultation NPPF

Paragraph 7.15

It is considered that the proposed dwellings, care home, roadways and other associated works constitute “inappropriate development” in the Green Belt. The proposal does not fit into any of the exceptions stipulated in Paragraphs ~~89~~ **145** and ~~90~~ **146** of the NPPF or in Paragraphs ~~144 and 145~~ of the draft revised consultation NPPF. It is recognised that part of the existing site comprises the industrial estate, and that Paragraph ~~89~~ **145** states that the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, does not constitute ‘inappropriate development’. Paragraph ~~144~~ of the ~~draft~~ revised consultation NPPF has amended the section relating to brownfield land in that it now reads:

Paragraph 7.16

Paragraph ~~90~~ **146** of the NPPF

Paragraph 7.17

Paragraph ~~87~~ **143** of the NPPF states that:

"~~As with previous Green Belt policy, Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.~~"

Paragraph 7.18

Paragraph ~~88~~ **144** of the NPPF states that:

*"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm **resulting from the proposal**, is clearly outweighed by other considerations."*

Paragraph 7.23

Paragraph ~~80~~ **134** of the NPPF

Paragraph 7.24

paragraph 80 134 of the NPPF

Paragraph 7.25

paragraph 80 134 of the NPPF

Paragraph 7.27

Paragraph 80 134 of the NPPF

Paragraph 7.28

paragraph 80 134 of the NPPF.....

.... Section 9 13 of the NPPF

Paragraph 7.31

~~The Government's core planning principles are set out in paragraph 17 of the National Planning Policy Framework 2012 (NPPF). There are 12 core planning principles, which the NPPF states should underpin both plan making and decision-making. One of these principles (8th bullet point) is:~~

~~*“Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*~~

Paragraph 7.97

The NPPF at para 14 11(d)

Amendments to the wording of the reasons for refusal and advice (pages 39 – 40)

Reason 1

Amend reference to the NPPF to refer to Section 13 not 9 and to refer to 2018 not 2012

Reason 2

It is recommended that the reason for refusal is amended as follows:

The proposal fails to ~~provide~~ demonstrate an adequate provision of smaller sized dwellings (one or two bedroom units) will be provided for which there is a need within the Borough. It is therefore contrary to Policy HO4 of the Council's Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on Housing Size, Type 2012.

Reason 4

Amend reference to the NPPF to refer to 2018 not 2012

Amendments to the advice note to read:

Decision Making: Working in a Positive and Proactive Manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of the NPPF. This included the following:-

- a) Provided 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 suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development and to improve the economic, social and environmental conditions of the area;
- d) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, James Good spoke for the proposed development and raised the following key points:

- Bugle Nurseries is an uncontrolled industrial and waste transfer site
- Reasons for refusal 2 and 3 are not relevant
- Reason for refusal 4 relating to bats can be dealt with by a standard demolition condition
- Committee report ignores benefit of dealing with land to the rear – removal of waste transfer station and bund
- Development at Bugle Public House was approved
- 50% affordable housing proposed
- 70 jobs in care home
- Lack of objections
- If approved, it will be referred to the Secretary of State

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

- Construction waste and mound would be removed, removing an eyesore
- Will improve land and street scene
- No remote possibility of land becoming decontaminated and improved otherwise
- Will provide desperately needed housing and affordable housing

In accordance with the Council's procedure for speaking at meetings, Councillor Dunn spoke as Ward Councillor for the proposed development and raised the following key points:

- Developer has consulted the local community
- Biggest concern is the existing site
- Proposal includes a road crossing to Upper Halliford Road
- It is an industrial site
- There is a telephone mast on green belt land at the rear
- Loss of an open view

Debate:

During the debate the following key issues were raised:

- Care home needed
- Need to look at long term effect of the impact of the decision
- 480% increase in footprint, 948% increase in floor space
- Preferable if planning application was for the whole site rather than part of it
- Appearance of houses is positive
- Housing needed
- Is strongly performing green belt
- We do have a 5 year housing land supply
- Not well performing green belt
- It is unusual that no one is complaining (note : one objection was received)
- Affordable housing proposed
- The waste transfer station will be removed
- Will clear up the contaminated site
- Is a good development
- Not strongly performing green belt
- Very comprehensive committee report
- Excellent consultation
- Complies with housing policies
- Precedent concerns / not a precedent
- This is not a review of the local plan, it cannot be taken out of the green belt
- Derelict site is not a reason to approve
- Uncontrolled site
- Too much building / building on land outside application site
- Traffic movements on site all day/night
- If approved, would set a dangerous precedent in the green belt
- Green Belt should be protected, this is inappropriate development
- Query over housing sites approved recently in the green belt

The Chairman requested that a recorded vote was taken on the motion to refuse the outline application. The voting was as follows:

FOR REFUSAL (7)	Councillors R.A. Smith-Ainsley, H.A. Thomson, I.J. Beardsmore, M. Francis, A. Griffiths, M. Madams and R.W. Sider BEM
AGAINST (3)	Councillors C. Barnard, T. Evans and S. Mooney
ABSTAIN (3)	Councillors S. Burkmar, Q. Edgington and N. Islam

Decision:

The application was **refused**, as per the Officer's recommendation, subject to the amendments to the wording set out above.

162/18 18/00529/FUL - Benwell House, Green Street, Sunbury On Thames, TW16 6QS

Description:

This application sought removal of the existing tile roof structure, refenestration of the existing third floor and construction of an extension comprising two, and part three, additional floors.

Additional Information:

The Planning Development Manager gave the following updates

The Committee report stated incorrectly that the property was in Ashford North and Stanwell South ward; it is located in Sunbury East ward.

The revised National Planning Policy Framework (NPPF) was issued by Government on 24 July 2018 after the publication of the Planning Committee agenda. There are no material changes in circumstances which would alter the recommendation of any of the planning applications on the agenda. This application for residential development refers to the need for and supply of housing and the amendments are set out as follows:

Reference to para 47 of the NPPF. Now paras. 59-61 of the NPPF 2018 which states:

59. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
60. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

61. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Reference to para 49 of the NPPF. Now Para 75 of the NPPF 2018 which states:

75. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.

Reference to para 14 of NPPF. Now Para. 11(d) of the NPPF 2018 which states:

"Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Amendments to Condition 5 to read as follows:

Prior to the occupation of any of the residential units hereby approved in respect of this planning application, an appropriate agreement shall be entered into to provide a minimum of 12 residential units which will be made available to persons who have a housing need or are on a low income insufficient to meet their housing needs which shall be rented at no more than 80% of the market rent and occupied by persons nominated by the Council pursuant to a Nomination Agreement.

Reason:

To provide an appropriate level of affordable housing and to comply with the terms of the planning permission.

Amendments to the advice note to read:

Decision Making: Working in a Positive and Proactive Manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of the NPPF. This included the following:-

- a) Provided 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 suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development and to improve the economic, social and environmental conditions of the area;
- d) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation

Public Speaking:

There were no public speakers for this item.

Debate:

During the debate the following key issues were raised:

- Due to its location, there is no significant impact
- A good level of affordable housing is provided
- Too big/high
- Concern about the design which would be out of keeping

Decision:

The application was **approved** as per the Officer's recommendation.

163/18 18/00836/FUL - 20 Bridge Street, Staines upon Thames, TW18 4TW

Description:

This application sought approval for the demolition of the existing building and the erection of a four storey building comprising of 8 self-contained flats and associated cycle parking.

Additional Information:

The Planning Development Manager gave the following updates:

The revised National Planning Policy Framework (NPPF) was issued by Government on 24 July 2018 after the publication of the Planning Committee agenda. There were no material changes in circumstances which would alter the recommendation of any of the planning applications on the agenda. This

application for residential development refers to the need for and supply of housing and the amendments are set out as follows:

Reference to para 47 of the NPPF. Now paras. 59-61 of the NPPF 2018 which states:

59. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
60. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
61. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Reference to para 49 of the NPPF. Now Para 75 of the NPPF 2018 which states:

75. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.

Reference to para 14 of NPPF. Now Para. 11(d) of the NPPF 2018 which states:

"Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Amendments to the advice note to read:

Decision Making: Working in a Positive and Proactive Manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of the NPPF. This included the following:-

- a) Provided 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 suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development and to improve the economic, social and environmental conditions of the area;
- d) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation

Public Speaking:

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

- Have amended the scheme since the last application was refused by the Planning Committee
- Have removed top floor flat from the scheme
- Have provided greater details on materials

Debate:

During the debate the following key issues were raised:

- Both previous reasons for refusal have been addressed
- Good to see amended plan
- Residents' comments have been considered seriously
- Concern over appearance

Decision:

The application was **approved** as per the Officer's recommendation.

164/18 TPO 258/2018 - Sunbury Conservative Club, Green Street, Sunbury-on-Thames, TW16 6RA

Description:

This Tree Preservation Order sought to protect the Lime tree because of its 'significant contribution to the visual amenities of the locality'.

Additional Information:

There was none.

Public Speaking:

There were no Public Speakers.

Debate:

No key planning issues were raised.

Decision:

The Tree Preservation Order was **confirmed without modification**.

165/18 Development Management Performance Report

The Chairman informed the Committee that if any Member had any detailed queries regarding the report, they should contact the Planning Development Manager.

It was **resolved** that the report of the Planning Development Manager be received and noted.

166/18 Planning Appeals Report

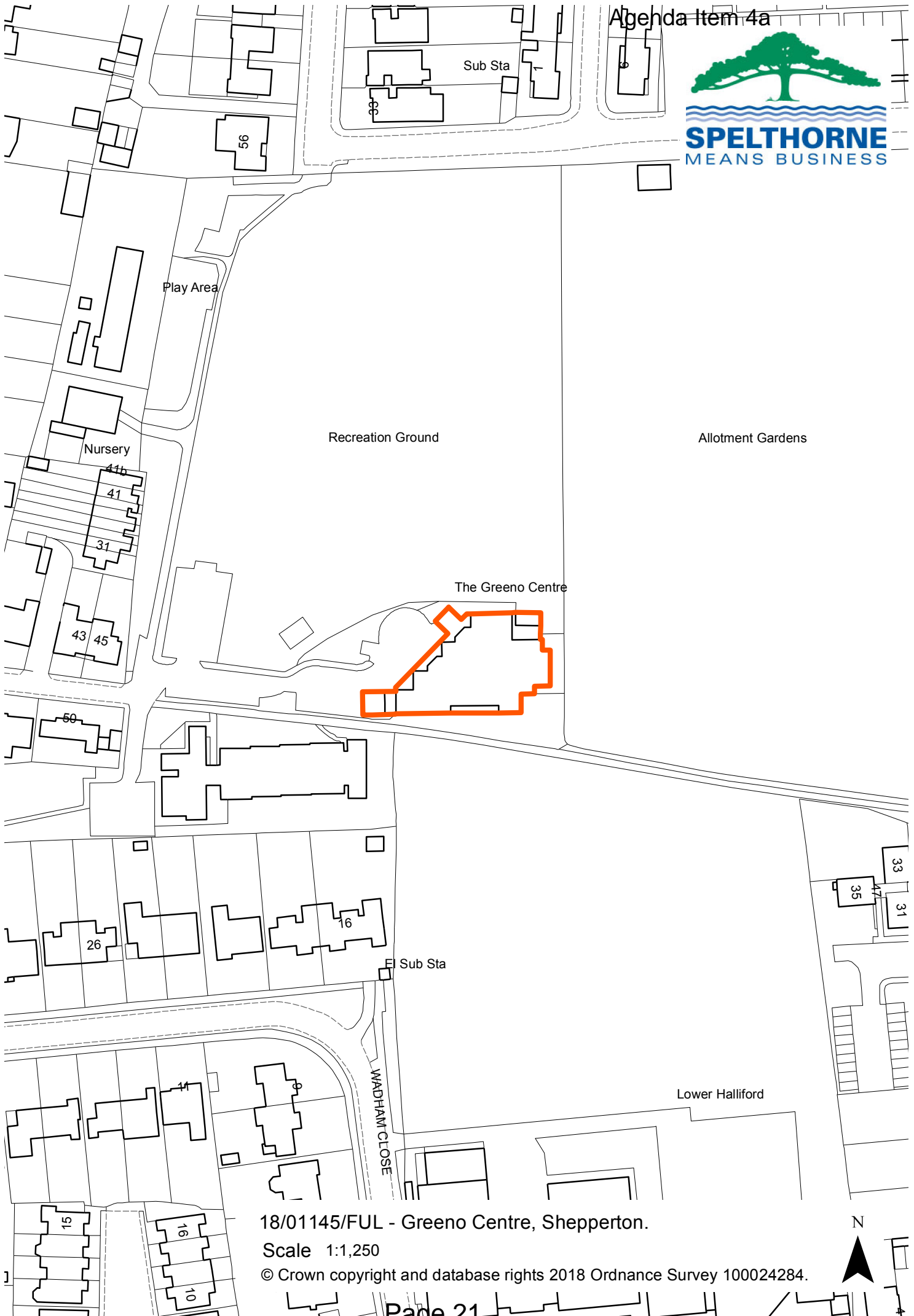
The Chairman informed the Committee that if any Member had any detailed queries regarding the report on Appeals lodged and decisions received since the last meeting, they should contact the Planning Development Manager.

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

167/18 Urgent Items

There were none.

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18/01145/FUL - Greeno Centre, Shepperton.

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Planning Committee

19 September 2018



Application No.	18/01145/FUL
Site Address	Greeno Centre, Glebeland Gardens, Shepperton, TW17 9DH
Applicant	Spelthorne Borough Council
Proposal	Erection of a single storey side/rear extension on North Eastern side of existing building.
Ward	Shepperton Town
Called-in	N/A
Officer	Matthew Clapham

Application Dates	Valid: 13/08/2018	Expiry: 08/10/2018	Target: Under 8 weeks
Executive Summary	<p>This application site relates to a detached building, the Greeno Centre, used as a Day Centre for the elderly. This building is located within the Glebeland Gardens recreation ground, which is owned by the Borough Council and is designated as Protected Urban Open Space (PUOS). The recreation ground comprises an open area of grass and two areas of play/exercise equipment and car parking areas for the use of both clients of the Day Centre and the open space. The site is also designated as Common Land.</p> <p>The proposal seeks to add a single storey extension to replace an existing enclosed area of hardstanding that has previously been used by the Greeno Centre as an external 'well-being' area.</p> <p>The principle of extending the Day Centre has already been established in this part of the recreation ground and the extension is considered acceptable. It is not considered that there would be any adverse impacts upon the Protected Urban Open Space or the amenity of adjoining residents or users of the open space.</p> <p>The issue regarding Common Land is not a planning matter, rather a matter for the Councils Legal Department.</p>		
Recommended Decision	This planning application is recommended for approval, subject to conditions.		

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:
- CO1 (Providing Community Facilities)
 - EN1 (Design of New Development)
 - EN4 (Provision of Open Space and Sport and Recreation Facilities)
 - EN8 (Protecting and Improving the Landscape and Biodiversity)

2. Relevant Planning History

16/00785/FUL	Alterations and extension to existing car parking area to provide 18 additional car parking spaces together with associated works including the provision of 10 Cycle Parking Bays.	Granted 21.9.2016
12/01473/FUL	Refurbishment of Greeno Day Centre to Accommodate the Surrey County Council 'well being' centre to include a single storey extension to provide a corridor and lift shaft to the first floor on the eastern side elevation.	Granted 01.02.2013
12/00982/FUL	Erection of a brick wall, railings and gate to A height of 2.2m to enclose a newly created paved patio/garden area and alterations to include new French door to access patio.	Granted 22.10.2012
86/00742/FUL	Erection of a day centre for the elderly, with public meeting rooms and access made from the existing public car park.	Granted 26.02.1986

3. Description of Current Proposal

- 3.1 The application site is a detached building used as a day centre for the elderly. It is located within the Glebeland Gardens Recreation Ground, which is owned by the Council and is designated as Protected Open Urban Space. The recreation ground comprises an open area of grass and two areas of play / exercise equipment.
- 3.2 This proposal seeks to provide a single storey extension, measuring overall 8m by 8.3m, on the north eastern elevation of the building largely on the site of an existing outdoor area of hardstanding enclosed by a wall and railings. The building on its eastern side is in close proximity to the boundary of the recreation ground which adjoins allotments. The proposed extension effectively replaces an existing area of hardstanding enclosed by a wall and railings

approved under planning approval 12/00982/FUL. The extension is single storey and matches the design and appearance of the existing building, with similar red brick and tiles, with a pitched roof.

- 3.3 A copy of the proposed elevations of the extension is attached as an Appendix.

4. Consultations

The following table shows the consultee and the response.

Consultee	Comment
Environmental Health (contamination)	No response to date.

5. Public Consultation

- 5.1 32 letters of notification were sent out to neighbouring properties. No letters of objection have been received at the time of writing this report, although one letter has pointed out an error on the address shown on the application form, which was amended at the validation stage in terms of neighbour letters.

6. Planning Issues

- Design and appearance
- Impact on Protected Urban Open Space
- Impact on neighbouring properties
- Common Land

7. Planning Considerations

Design and Appearance

- 7.1 Policy EN1 of the CS&P DPD requires a high standard in the design and layout of new development and that new development should respect the character of the area in which it is situated.
- 7.2 The extension has been sympathetically designed to match and respect the design and style of the existing building to which it will be attached, with a similar style of roof design to the existing building and with a lower ridge height. The northern elevation shows an expanse of patio doors. There are a number of large full length windows on this elevation already and they are considered acceptable and would allow for good levels of daylight. Subject to the walls and tiles being of similar materials to the existing building so as to blend in with the existing building, it is not considered that the proposal would have any adverse impacts upon the character and appearance of the area or the existing building.

Impact on Protected Open Urban Land

- 7.3 The whole of the application site and the adjoining recreation ground is designated as Protected Urban Open Space. Policy EN4 seeks to retain this open space in the urban area. This application seeks to extend the Day Centre over an existing external hardstanding area that

is separated from the recreation ground by a wall/railings, as approved under 12/00892/FUL. The area is located in a corner area of the Greeno site close to the eastern side boundary with allotments located on the other side of the boundary. It would only be visible by users of the recreation grounds to the north of the Centre. The area of land is currently available for use by the users of the Centre.

- 7.4 The area of land subject to this application is very small compared to the whole area of the recreation ground and is located in the corner of the grounds and the Greeno building. Therefore the extension is not considered to have any significant detrimental impacts upon this area that is already developed and used by the Centre and the proposal is considered to comply with Policy EN4.

Impact on Neighbouring Properties

- 7.5 The proposed extension is located some distance away from the nearest residential properties and would not be directly visible from these properties. As such, it is not considered that there would be any adverse impacts upon the residential amenity enjoyed by any adjoining dwellings. To the east are allotments and to the south is Halliford School and no significant impacts are considered to result to these properties.

Common Land

- 7.6 Policy EN8 of the Spelthorne Core Strategy and Policies Development Plan Document (CS&P DPD) states that the Council will safeguard the Borough's Common Land and protect its recreational value. However, it is noted that the building is a public and community asset for use by local residents. Furthermore, the area in question has already been developed. Notwithstanding Policy EN8, the protection and enclosure of Common Land is strictly controlled by non-planning legislation. The Council will in addition to obtaining planning consent, need to ensure all aspects of it comply with Common Land legislation. The Council's Legal Department is already dealing with this issue.

Local Finance Considerations

- 7.7 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. In this instance there are no financial benefits to the Authority, although the extension will provide improved facilities for users of the Centre.

Other Matters

- 7.8 With regards to parking, there are currently 47 parking spaces on site. The proposal is unlikely to significantly increase the number of people

using the centre. In this instance, it is likely that a significant number of users of the centre will not make their own way to the Centre but as part of the role of the premises, a number of users are dropped off via Council operated minibuses or other people's vehicles. In addition, there is a public car park adjoining the site which provides additional parking spaces. Bus Services also run along Shepperton High Street. As such, it is not considered that there would be any significant impacts in terms of parking.

8. Recommendation

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

1327/PL/009; 1327/PL/006; 1327/PL/002; 1327/PL/005; 1327/PL/004;
1327/PL/003; 1327/PL/008; 1327/PL/007; 1327/PL/010 received 7.8.2018
and 1327/PL/001 rev A received 13.8.2018

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

3. 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.

INFORMATIVES

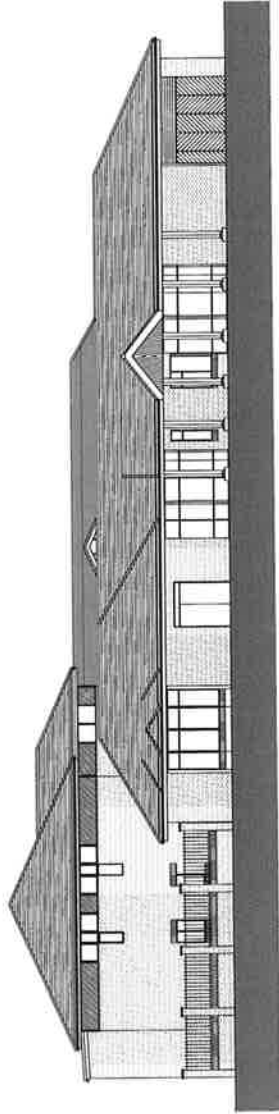
1. Working in a positive/proactive manner

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:-

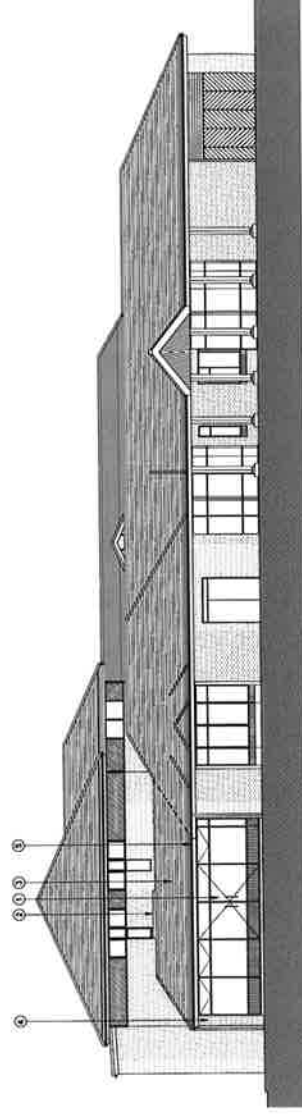
- a) Provided pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered;
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

MATERIAL KEY

- ① NEW DOUBLE DOORS AND FULL HEIGHT SASH WINDOWS
- ② NEW SKYLIGHT
- ③ ROOF TILES TO MATCH EXISTING
- ④ BRICKWORK TO MATCH EXISTING
- ⑤ GUTTERING, SOFFIT & FACIA TO MATCH EXISTING



EXISTING NORTH ELEVATION
SCALE 1:100



PROPOSED NORTH ELEVATION
SCALE 1:100



GREENO DAY CENTRE - SHEPPERTON

EXISTING & PROPOSED NORTH ELEVATIONS

Drawn By	MC	Checked By	NT	Authorised By	NT	Reviewed By	Rev Auth By
Date	27/07/2018	Scale	1:100 @ A1	Drawing No	1327 / PL / 009	Rev date	Rev

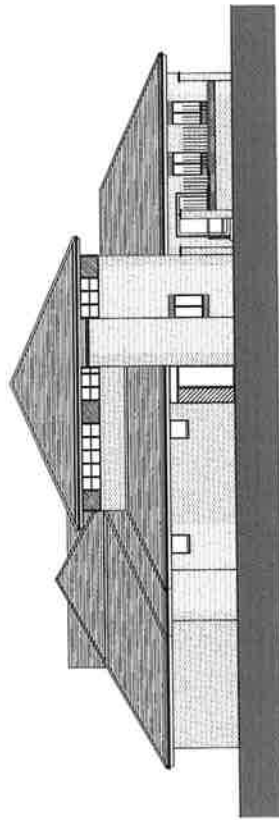
1 Castle Yard Richmond
 Surrey TW9 1PF
 T: +44 (0) 20 8312 3000
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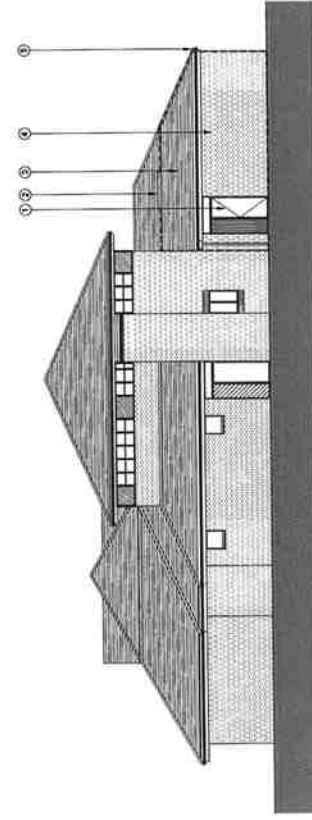


MATERIAL KEY

- ① NEW DOORWAY
- ② NEW SKYLIGHT
- ③ ROOF TILES TO MATCH EXISTING
- ④ BRICKWORK TO MATCH EXISTING
- ⑤ GUTTERING, SOFFIT & FASCIA TO MATCH EXISTING



EXISTING EAST ELEVATION
SCALE 1:100



PROPOSED EAST ELEVATION
SCALE 1:100



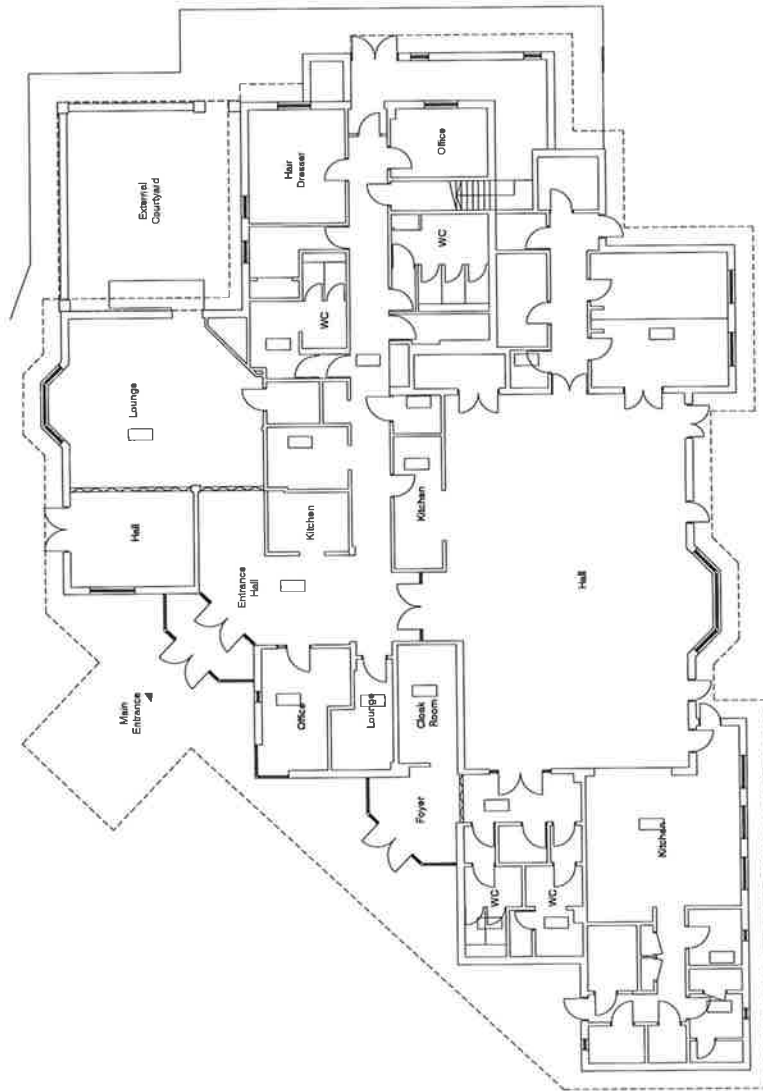
GREENO DAY CENTRE- SHEPPERTON

EXISTING & PROPOSED EAST ELEVATIONS

Drawn By	Checked By	Authorised By	Reviewed By
MC	NT	NT	Ray
Date	Scale	Drawing No	Rev. Date
27/07/2018	1:100 @ A1	1327 / PL / 008	

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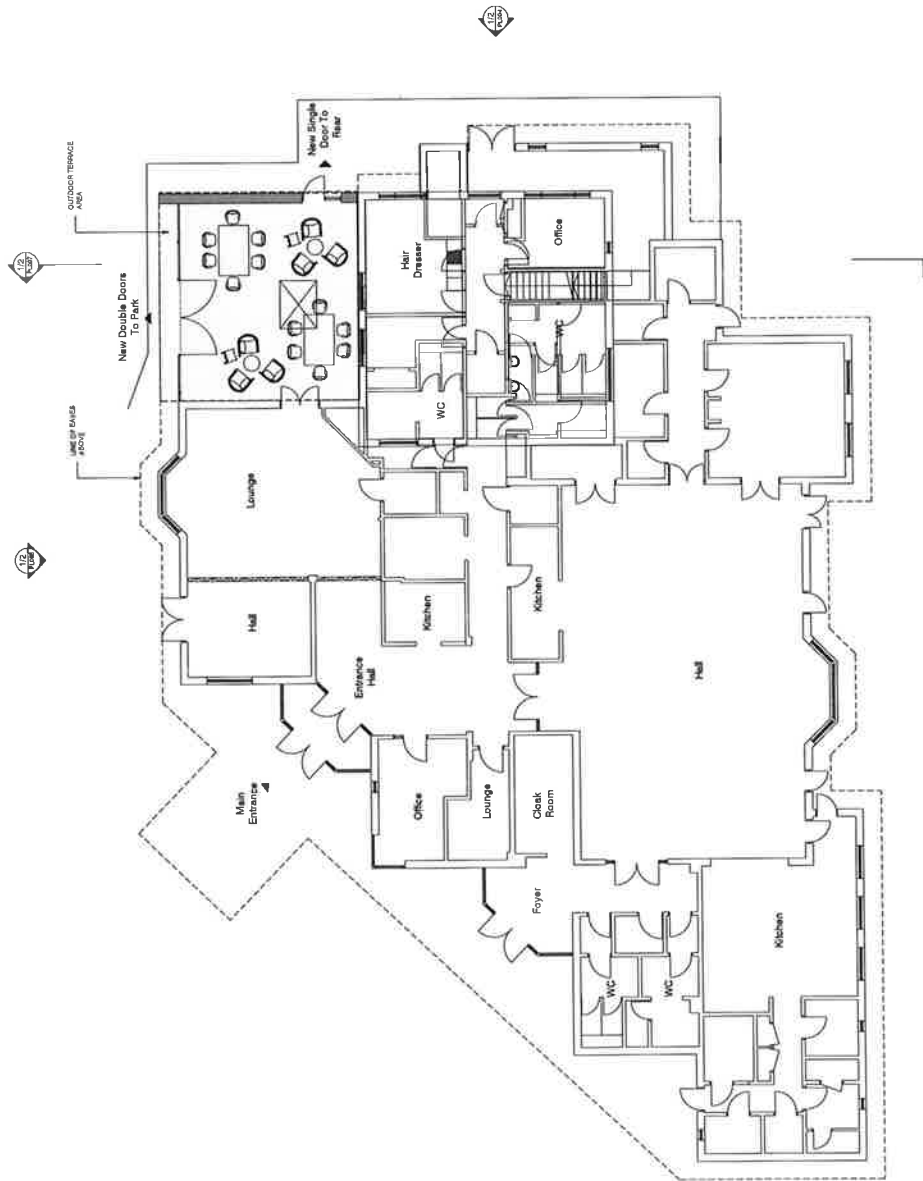


GREENO DAY CENTRE - SHEPPERTON

EXISTING GROUND FLOOR PLAN

Down By	Checked By	Authorised By	Revised By	Rev. Attn By
M/C	NT	NT		
Date	Scale	Drawing No	Rev. Code	Rev
27/07/2018	1:100 @ A1	1327 / PL / 002		





GREENO DAY CENTRE- SHEPPERTON

PROPOSED GROUND FLOOR PLAN

Drawn By	Checked By	Authored By	Revised By
MC	NT	NT	
Date	Scale	Drawing No.	Rev
27/07/2018	1:100 @ A1	1327 / PL/005	



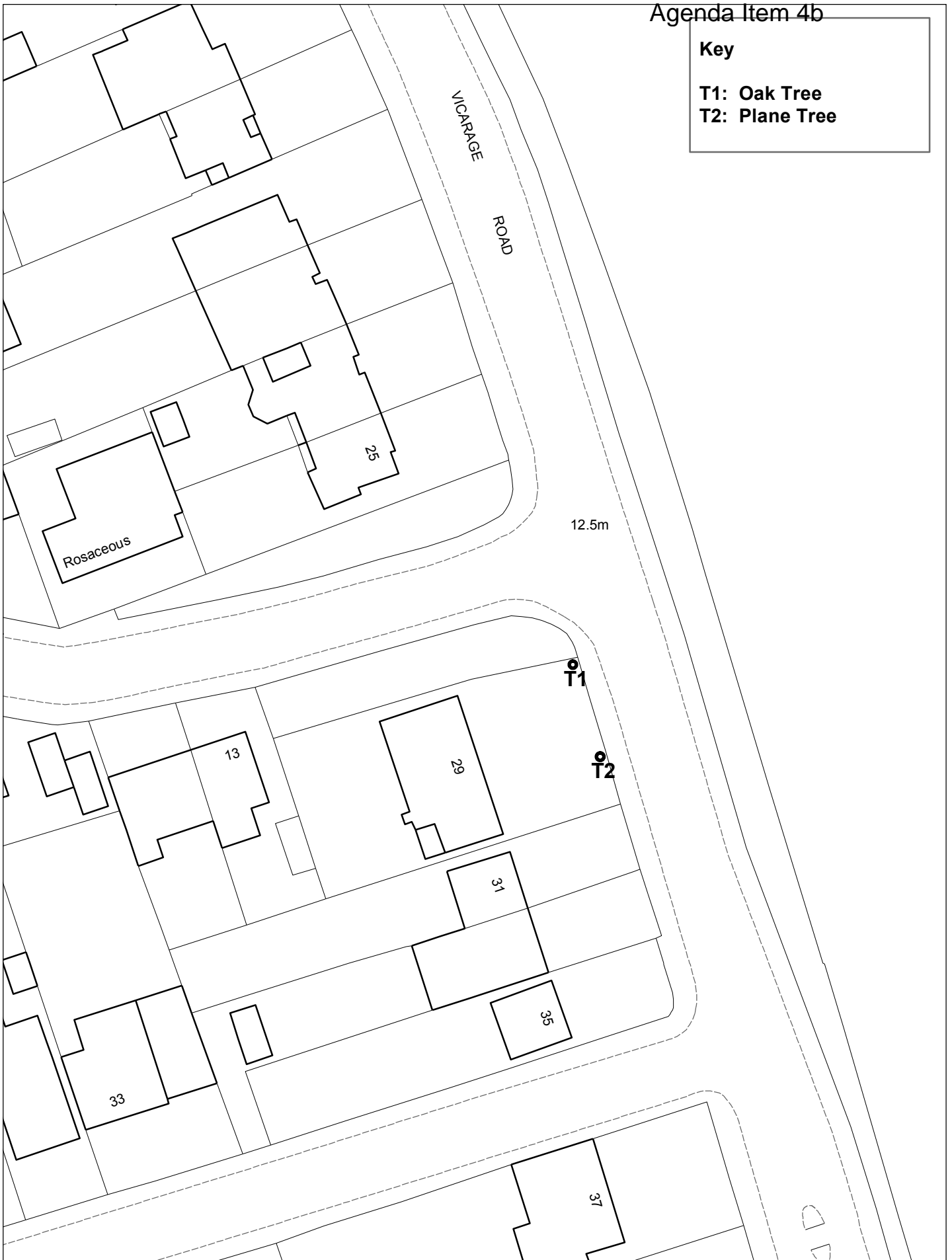
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Key

- T1: Oak Tree**
- T2: Plane Tree**



TPO 259/2018
29 Vicarage Road,
Sunbury-on-Thames, TW16 7QF



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Scale: 1:500

Date: 13 June 2018



	Tree Preservation Order
TPO No.	TPO 259/2018
Site Address	29 Vicarage Road, Sunbury-on-Thames, TW16 7QF
Date Served	13 June 2018
Expiry Date	13 December 2018
Ward	Sunbury Common
Executive Summary	Confirmation of TPO 259/2018
Recommended Decision	Confirm without modification

MAIN REPORT

1. Details of Order

- 1.1 On 13 June 2018 Tree Preservation Order 259/2018 was served with immediate effect to protect one Oak and one Plane tree on this site.

2. Background

- 2.1 The trees are located in the front garden of 29 Vicarage Road, Sunbury-on-Thames, which is situated on the corner of Vicarage Road and The Rowans.
- 2.2 Following receipt of planning application 18/00629/FUL for change of use from residential (C3) to Day Nursery (D1) with associated alterations to vehicular access and parking, the Council's Tree Officer assessed the trees. He found them to be mature and healthy with no obvious defects and felt that the trees value in the street scene warranted their retention. He therefore recommended that a TPO should be made to ensure their long term protection.
- 2.3 A TPO was therefore served to protect the Oak and Plane trees because of their 'significant contribution to the visual amenities of the locality'.
- 2.4 Although the planning application did not show the trees to be removed the Tree Officer felt that there was a significant threat to their viable retention. The planning application has subsequently been refused following an objection by Surrey Highways on lack of viable on-site parking and vehicle turning provision.

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.

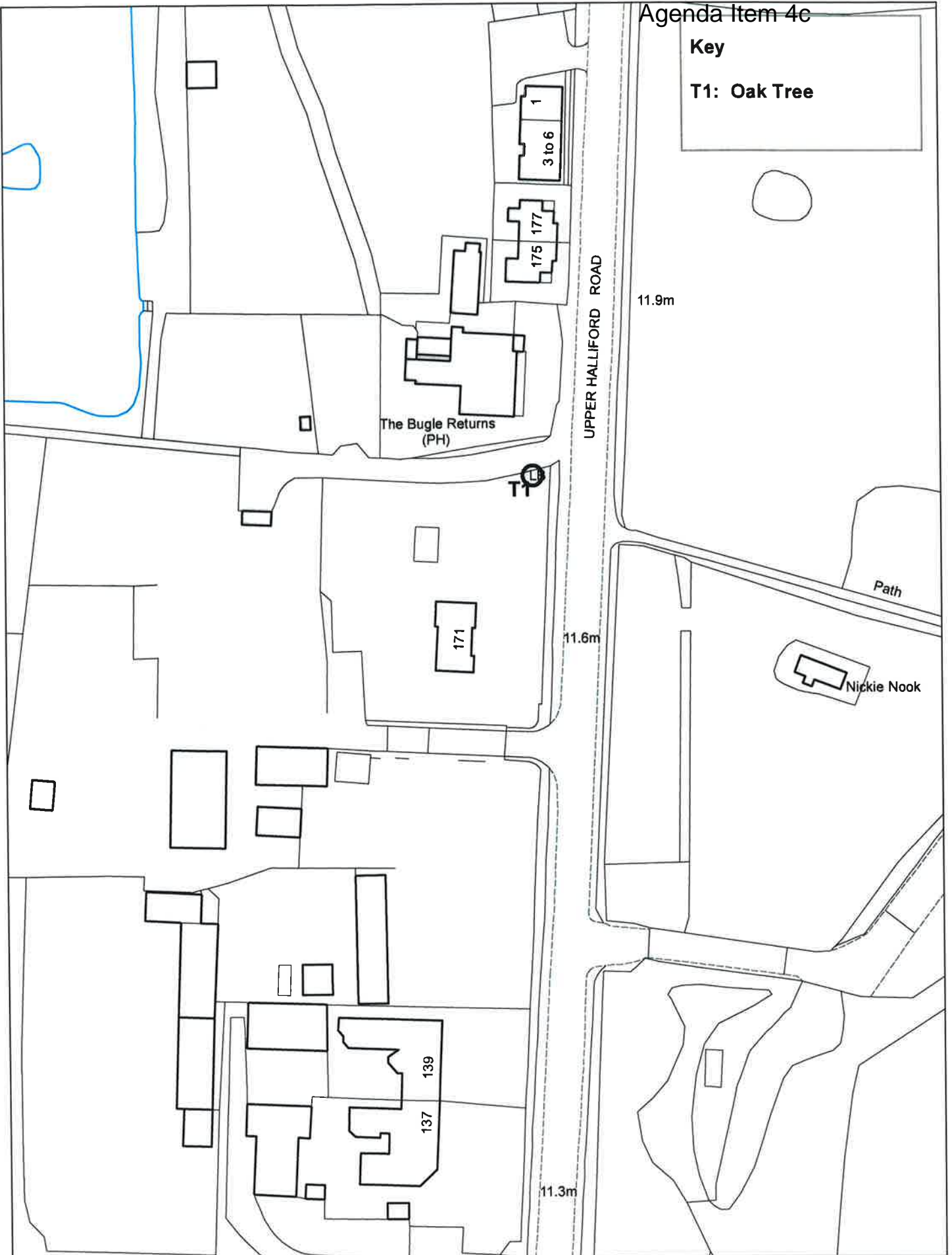
4. Recommendation

- 4.1 Tree Preservation Order 259/2018 relating to 29 Vicarage Road, Sunbury-on-Thames be confirmed without modification.

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Key

T1: Oak Tree



TPO 260/2018

171 Upper Halliford Road (Bugle Nurseries)
Shepperton TW17 8SN



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Scale: 1:1,000

Date: 5 July 2018



	Tree Preservation Order
TPO No.	TPO 260/2018
Site Address	171 Upper Halliford Road (Bugle Nurseries), Shepperton, TW17 8SN
Date Served	5 July 2018
Expiry Date	5 January 2019
Ward	Halliford and Sunbury West
Executive Summary	Confirmation of TPO 260/2018
Recommended Decision	Confirm without modification

MAIN REPORT

1. Details of Order

- 1.1 On 5 July 2018 Tree Preservation Order 260/2018 was served with immediate effect to protect one Oak tree on this site.

2. Background

- 2.1 The tree is located at the front north-eastern corner of 171 Upper Halliford Road (Bugle Nurseries), Shepperton.
- 2.2 Following receipt of an outline planning application (18/00591/OUT) for the demolition of existing buildings and redevelopment of the site for a residential-led development comprising up to 57 dwellings and a 72 bed care home, the Council's Tree Officer assessed the tree. He found it to be mature and healthy with no obvious defects and felt that the tree's value in the street scene warranted its retention. He therefore recommended that a TPO should be made to ensure its long term protection.
- 2.3 A TPO was therefore served to protect the Oak tree because of its 'significant contribution to the visual amenities of the locality'.
- 2.4 Although the planning application did not show the tree to be removed the Tree Officer felt that there was a significant threat to its viable retention. The planning application was subsequently refused at Planning Committee on 25 July 2018.

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 260/2018 relating to 171 Upper Halliford Road (Bugle Nurseries), Shepperton be confirmed without modification.

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PLANNING APPEALSLIST OF APPEALS SUBMITTED BETWEEN 12 JULY 2018 AND 7 SEPTEMBER 2018

Planning Application Number	Inspectorate Ref.	Address	Description	Appeal Start Date
18/00025/HOU	APP/Z3635/D/18/3203974	Cockaigne Sandhills Meadow Shepperton	Conversion of roofspace at rear of property to form habitable accommodation to include a hip to gable extension and the installation of roof lights in the western roof slope.	06/08/18
18/00270/HOU	APP/Z3635/D/18/3205760	Oakford Park Road Shepperton	Erection of an extension to the eastern elevation of the property (following demolition of existing eastern element), including additional habitable accommodation in the roof space and a ground floor extension, the installation of an eastern facing dormer and southern gable (including balcony), a roof extension including a western facing dormer, a ground floor extension and balcony in the western elevation, and associated works including decking at the southern elevation.	06/08/18
17/01126/FUL	APP/Z3635/W/18/3198128	Beulah Penny Lane Shepperton	Change of use of garages to a mixed use of garages and holiday accommodation.	22/08/18
17/01837/FUL	APP/Z3635/W/18/3207714	83 Thames Side Staines-upon-Thames	Retrospective application for the retention of landing stage for boat mooring.	28/08/18

APPEAL DECISIONS RECEIVED BETWEEN 12 JULY 2018 AND 7 SEPTEMBER 2018

Site	24 Darby Crescent, Sunbury On Thames
Planning Application No.:	17/01861/HOU
Proposed Development:	Erection of a single storey side extension following removal of existing garage, a loft conversion and extension to create a habitable first floor, including the installation of two dormers within the front and rear elevations, a hip-to-gable alteration and the raising of the ridge, and alterations to openings in the northern flank elevation.
Reason for Refusal	As a result of siting location and proximity to the rear boundary, the proposed rear facing dormers would provide unacceptable opportunities for overlooking into rear window and door openings and the garden area of no.21 Ivy Close, and would have an unacceptable impact upon the residential occupiers of this dwelling. The proposal would therefore be contrary to the objectives of policy EN1, of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009) and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development (April 2011).
Appeal Reference:	APP/Z3635/D/18/320289
Appeal Decision Date:	15/08/2018
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The Inspector identified that the main issue was the effect of the proposal upon the living conditions neighbours. It was noted that the appeal property was a detached bungalow with a rear garden that is very restricted by local standards. A two storey detached property lies to the rear, which the Inspector commented has an average sized amenity area.</p> <p>The Inspector noted that the proposed dormers would be some 4-5 metres away from the rear boundary. It was considered that the dormer windows would provide very straightforward viewing towards the rear elevations of the property behind by reason of height, proximity to the boundary and the fact the face to face distance between the two homes would be about 16 metres. There would therefore be considerable opportunities for overlooking into both the rear garden and the</p>

	fenestration of rear facing rooms of this dwelling, which would lead to an unacceptable loss of privacy.
	It was therefore concluded that the appeal scheme was contrary to policy EN1, the Councils SPD on Design and the NPPF, and the appeal was dismissed.
	It was noted that the appellant had commented that vegetation had been removed from a neighboring property which may have assisted restricting views. However, the Inspector commented that they would have been very reluctant to rely upon vegetation with windows so close to the boundary, as this can die.

Site	49 Heathcroft Avenue, Sunbury-on-Thames
Planning Enforcement No.:	17/00136/ENF
Planning Breach	The unauthorised erection of a single storey detached dwelling.
Reasons for serving the Enforcement Notice	The single storey residential dwelling has an unacceptable impact upon the character of the area and detracts from the surrounding building pattern. The scheme introduces an incongruous feature within the surrounding landscape and represents an overdevelopment of the site. The one bedroom unit is considered to provide insufficient habitable accommodation leading to a harmful impact upon the occupiers of the unit. The scheme is therefore contrary to policy EN1 of the Core Strategy and Policies DPD 2009, and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.
Appeal Reference:	APP/Z3635/C/17/3191508
Appeal Decision Date:	21/08/2018
Inspector's Decision	The appeal is dismissed and the enforcement notice as corrected is upheld.
Inspector's Comments:	<u>Ground [A]</u> The Inspector identified two main issues on in relation to ground [a] of the appeal:

- The effect of the dwelling on the character and appearance of the area.
- Whether suitable living conditions had been provided for existing and future occupiers, having regard to internal floor space.

The Inspector noted the property is situated in an area which is largely comprised of two storey dwellings of a similar scale and style, arranged in rectilinear plots of similar substantial size. It was commented that the dwelling is of a very modest scale compared to those surrounding, and occupies a plot that is more limited in size. The Inspector also noted the dwelling was sited on a 'backland' plot at variance to the established building pattern. Whilst outbuildings were located at the rear of neighbouring properties, there was little to support the appellants assertion that there are a significant number of outbuildings in the locality being used as dwellings. Accordingly the Inspector considered that the dwelling is entirely at odds with the established building patterns and is an alien urbanizing feature in its surroundings. The dwelling was therefore found to have an unacceptable impact upon the character of the area and did not accord with policy EN1, and was also inconsistent with the NPPF.

In terms of living conditions, the Inspector noted that the dwelling was laid out as two reasonably modest sized rooms, with an en-suite shower and toilet as well as a kitchen/living area containing a sofa bed. The 31m² floor area was significantly below the 37m² minimum for a one bedroom, one person dwelling with a shower room, as set out within the Government's Technical Housing Standards (THS). Moreover, the bedroom size is above the minimum size capable of providing two bed spaces according to the THS, without any internal or external alterations. The Inspector therefore considered it appropriate to apply the 50m² minimum floor area requirement for a one bedroom, two person dwelling set out in the THS. The substantial shortfall in floor area reinforced the Inspector's view that the dwelling has a cramped and restricted living space, and therefore does not provide suitable living conditions for its existing and future occupiers. It was therefore considered that the dwelling did not accord with policy EN1 in this regard.

The Inspector concluded that the dwelling does not accord with the Development Plan and is inconsistent with the Framework. The appeal therefore failed on Ground [A].

Ground [B]

The appellant also appealed on ground [b] concerning whether the matters alleged in the enforcement notice had occurred as a matter of fact. The appellant stated that there had not been a breach of planning control as the building had been erected as a garage under permitted development legislation. The appellant further argued that the breach was a material change of use rather than the erection of a dwelling. The Inspector commented that no firm evidence had been submitted to support the claim that the dwelling was formed by conversion rather than

being erected with the express purpose of occupation as a dwelling. It was therefore concluded on the balance of probability that the operational development alleged in the enforcement notice had occurred as a matter of fact and ground (b) of the appeal failed.

Ground [C]

The appellant appealed on ground [c] that the matters alleged in the enforcement notice do not constitute a breach of planning control. The Inspector acknowledged that the Council had granted a Certificate of Lawful Development (LDC) at the site in December 2015. However, the building erected at the property is materially different in terms of its height and roof form to that of the garage granted in the LDC. Therefore even if the building had been erected as a garage, it could not have been permitted by Class E of the General Permitted Development Order. Furthermore express planning permission would have been required for a new dwelling and none was granted. The appeal therefore failed on ground [c].

Ground [F]

The Inspector noted within ground [f] the appellant suggested as an alternative to demolition of the structure, the structure could be retained as a garage. The Inspector commented that legislation does not provide for the grant of planning permission in the appeal, other than in circumstance where it would be for the whole or part of the matters alleged in the enforcement notice. As the erection of a garage does not compromise part of the alleged breach or planning control in the enforcement notice, it cannot form part of the deemed planning application rising from ground [a] of this appeal. The Inspector also noted that the Council has also not had the opportunity to consider the merits of the structure as a garage. As such this suggestion did not represent an obvious alternative to the requirements of the enforcement notice.

This ground concerns whether the steps required by the enforcement notice exceed what is necessary to remedy the breach of planning control. The Inspector noted that the enforcement notice was issued as a result of the impact on the character and appearance of the area and the living conditions for future occupiers. The notice requires the demolition of the dwelling. The appellants suggested alternative of retaining the structure as a garage was not possible in this appeal, and as such reducing the requirements of the enforcement notice for anything other than demolition would not fulfil the purpose of restoring the land to its condition before the breach took place. Consequently the appeal failed on ground [f].

Ground [G]

This ground concerns the time given to comply with the enforcement notice. The Council specified a period of 6 months. The Inspector noted that there was not firm evidence to suggest the occupiers would find it difficult to find suitable alternative accommodation or that a builder

could not be secured in this time period. The appeal therefore also failed on ground [g].

Site	49 Heathcroft Avenue, Sunbury-on-Thames
Planning Application No.:	17/01175/FUL
Proposed Development	Retention of single storey 1 no. 1 bedroom detached dwelling, including the erection of single storey rear extension, and associated parking and amenity space.
Reason for Refusal	<p>The dwelling and proposed extension by virtue of layout and plot size, has an unacceptable impact upon the character of the area, and detracts from the surrounding building pattern. The scheme introduces an incongruous feature within the surrounding landscape, and represents an over development of the site contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document (February 2009), the Design of Residential Extensions and New Residential Development Supplementary Planning Document (April 2011).</p> <p>The proposed one bed unit is considered to provide insufficient habitable accommodation leading to a harmful impact upon the occupiers of the unit, contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document (February 2009), the Design of Residential Extensions and New Residential Development Supplementary Planning Document (April 2011) and the Department of Communities and Local Government Technical Housing Standard - nationally described space standard (March 2015).</p>
Appeal Reference:	APP/Z3635/W/18/3193139
Appeal Decision Date:	21/08/2018
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>This application sought planning permission for the retention of the dwelling subject to the enforcement notice, as well as for the erection of an extension to the rear of the dwelling.</p> <p>As with the enforcement appeal, the Inspector identified two main issues:</p> <ul style="list-style-type: none"> - The effect of the dwelling on the character and appearance of the area.

- Whether suitable living conditions had been provided for existing and future occupiers having regard to internal floor space.

The Inspector commented that the rear extension proposed to the dwelling would not in any way address the unacceptable harm to the character and appearance of the area caused by the dwelling. Consequently the proposal failed to accord with Policy EN1.

The proposed extension would increase the internal floor area of the dwelling to around 38 m² and would allow for a slightly enlarged living room. However, the Inspector commented that the proposal would not result in a significantly less cramped and congested living area.

It was noted the extended dwelling would exceed the Technical Housing Standards minimum floor area requirement for a one bedroom, one person dwelling with a shower room. However, it would fall short of the THS 50 m² minimum recommendation for a one bedroom, two person dwelling due to the size of the bedroom. The significant shortfall in floor area of the extended dwelling compared to the THS requirement reinforced the Inspector's view that the extended dwelling would have a cramped and restricted living space and would not provide suitable living conditions. It was therefore concluded that the proposal would not accord with the development framework and the appeal was dismissed.

