

PLANNING APPEALS

LIST OF APPEALS SUBMITTED BETWEEN 11 AUGUST AND 7 SEPTEMBER 2017

<u>Planning Application Number</u>	<u>Inspectorate Ref.</u>	<u>Address</u>	<u>Description</u>	<u>Appeal Start Date</u>
16/00972/FUL	APP/Z3635/W/17/3176144	Former Brooklands College, Church Road, Ashford	Planning application for the redevelopment of the site comprising the demolition of the existing buildings and the construction of new buildings between one and six storeys to accommodate 366 dwellings (use class C3), 619 sq. m (GIA) of flexible commercial floorspace (use classes A1, A2, A3, A4, A5, B1(a)) and 442 sq. m (GIA) of education floorspace (use class D1), provision of public open space and associated car parking, cycle parking, access and related infrastructure and associated works.	24/08/2017

APPEAL DECISIONS RECEIVED BETWEEN 11 AUGUST AND 7 SEPTEMBER 2017

Site	31 Glebeland Gardens, Shepperton
Planning Application No.:	16/01803/FUL
Proposed Development:	Erection of two storey side extension to existing dwelling to create a one bedroom maisonette.
Appeal Reference:	APP/Z3635/W/17/3167116
Appeal Decision Date:	27/07/2017

Inspector's Decision	Dismissed
Reason for Refusal	<p>The proposed development, by virtue of its design, size, bulk and mass including an undercroft parking area which provides a parking space below parking size standards and the inclusion of a supported part of the building to allow for access to the Right of Way represents an incongruous form of development and the overdevelopment of the site that would be detrimental to the character and appearance of the area and contrary to Policy EN1 and CC3 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).</p>
Inspector's Comments:	<p>The inspector identified the main issues as being the effect of the development on the character and appearance of the area and the adequacy of the proposed parking arrangements.</p> <p>The inspector noted the unified appearance of the terrace of properties in respect of the appearance, design and materials. While the proposal would resemble the other dwellings in the terrace in terms of width and window design at first floor level, the ground floor had a different design approach to allow for the right of way that crosses the site. An undercroft area would be provided for bins, cycle storage and car parking, with the upper floors supported on three columns. The Inspector commented that this design would contrast starkly with that of the other dwellings in the terrace, with the new dwelling also being conspicuous as the first property in the terrace. In addition it would not benefit from the front gardens that the other existing dwellings have and would be cramped by comparison. As such, the proposal would not make a positive contribution to the street scene and would therefore conflict with Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document 2009.</p> <p>The parking space provided was 4m which is below the standard size for a parking space. The Inspector also noted that there would be poor visibility and a larger car would block the pavement, inconveniencing pedestrians and manoeuvring would be difficult. He considered that the proposed parking space was of inadequate size and of poor design and conflicted with Policy CC3 of the CS&P DPD.</p> <p>The inspector concluded the proposal would have a significantly adverse effect on the character and appearance of the area and that the proposed parking arrangement would be unsatisfactory and the appeal was therefore dismissed.</p>

Site	10 Gloucester Crescent, Laleham
Planning Application No.:	16/01741/CPD
Proposed Development:	Certificate of Lawfulness for proposed hip to gable roof alteration, rear facing dormer and 4 no. roof lights in front elevation.
Appeal Reference:	APP/Z3635/X/17/3168974
Appeal Decision Date:	11/08/2017
Inspector's Decision	Dismissed
Reason for Refusal	The proposed hip to gable roof alteration and rear facing dormer would not constitute permitted development under the terms of Class B, Part 1, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 2015 as it would not be built entirely within the curtilage of the dwelling house. Moreover, there are discrepancies in the plans and they are considered not to accurately reflect what exists on the site. Consequently it is not possible to accurately calculate the volume of the proposed development.
Inspector's Comments:	The Inspector noted that the General Permitted Development Order 2015 (GPDO) permits certain development within the curtilage of a dwellinghouse. Class B relates to an addition or alteration to the roof and, subject to limitations including that the cubic content of the resulting roof space should not exceed the cubic content of the original roof space by more than 40 m ³ cubed in the case of a terraced house. The Inspector noted that there were discrepancies with the drawings and the 40 m ³ could well be exceeded. However he also noted that the proposed roof structure would extend over the boundary with the adjoining property. The GPDO specifically permits certain works 'within the curtilage of the dwelling house' and that the proposed works extended beyond the curtilage. He therefore concluded that the proposal was not permitted development.

Site	Petersfield Road Junction With Fenton Avenue, Staines-upon-Thames
Planning Application no.:	16/01940/T56
Proposed Development:	Removal of the existing 8m telegraph pole and installation of 10m alpha tower and pogona cabinet and associated development.

Appeal Reference:	APP/Z3635/W/17/3171672
Appeal Decision Date:	05/09/2017
Inspector's Decision	Allowed
Reason for Refusal	The proposed telecommunications mast, in view of its siting, height and bulk would appear visually intrusive in the street scene, and be unacceptably more harmful than the existing monopole. The proposal therefore does not comply with Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).
Inspector's Comments:	<p>The Inspector considered that the main issue was the effect of the proposal on the street scene.</p> <p>The Inspector noted that the proposed 10m tower would be close to an existing 8m telegraph pole which would be removed. He considered that the additional height and width of the proposed pole would not make it appear conspicuous in the context of the higher telegraph poles and street lighting columns already in the street. It would also be painted brown to resemble other telegraph poles and would be seen against other trees in a front garden and in the street. The equipment cabinet, set at the back of the pavement would not appear intrusive or out of place.</p> <p>The Inspector concluded that the proposal would not harm the street scene and there would be no conflict, in terms of siting and appearance, with Policy EN1 of the CS&P DPD and would accord with paragraph 43 of the National Planning Policy Framework.</p>

Site	Dockett Cottage, Towpath, Shepperton
Planning Application no.:	16/01941/FUL
Proposed Development:	Erection of a replacement 2 storey dwelling containing 3 bedrooms and a study together with associated alterations (existing dwelling, ancillary guesthouse and garage to be demolished)
Appeal Reference:	APP/Z3635/W/17/3172906

Appeal Decision Date:	05/09/2017
Inspector's Decision	Allowed
Reason for Refusal	The proposed development represents inappropriate development in the Green Belt for which no 'very special circumstances' have been demonstrated. It will diminish the openness of the Green Belt and give the locality a more urban character. Furthermore, the proposal is not considered compatible in size, scale and detailed design, including the use of materials with the traditional plotland character of the area and the scale of the adjoining properties. The proposal is therefore contrary to Policy GB1 of the Spelthorne Borough Local Plan 2001, Policy EN2 of the Core Strategy and Policies DPD 2009, and the Government's National Planning Policy Framework (Section 9 - Protecting Green Belt land).
Inspector's Comments:	<p>The Inspector considered that the main issues were 1) whether the proposed development represented inappropriate development in the Green Belt and 2) the effect on the character and appearance of the area.</p> <p>The Inspector acknowledged that the new house would have a larger floor area than the combined floor areas of the existing buildings on the site, but took into account that the proposed house would have a single form. It was considered that the reduction in the footprint of the proposed development, combined with the consolidation of three buildings into one would mitigate the effect of the additional floor area. The Inspector took account of the change to the overall height of the proposed house and its form and determined that it would not result in a materially larger building. The Inspector therefore concluded that it would not represent an inappropriate development in the Green Belt and would comply with LP Policy GB1.</p> <p>The Inspector considered that whilst the character of the area was influenced by older properties, there was also a variety of styles and sizes of more recently developed buildings. He determined that the size of the proposed development would be compatible with the traditional dwellings in Plotland and that the increased openness on the site would reflect the spaciousness between the surrounding dwellings.</p>

The appeal decision below was omitted from the last appeals report

Site	124 Hawthorn Way
Enforcement Notice No.:	16/00095/ENF

Planning Breach:	Unauthorised extension including balcony
Appeal Reference:	APP/Z3635/C/17/3166804
Appeal Decision Date:	07/07/2017
Inspector's Decision	Split decision
Reason for serving the Enforcement Notice	The Extension and balcony have a poor relationship with and are visually obtrusive to neighbouring properties, resulting in significant loss of privacy, which will have an adverse impact upon the amenity of those properties, contrary to policy EN1 of the Spelthorne Core Strategy and Policies DPD 2009.
Inspector's Comments:	<p>The Inspector noted that at the hearing the Council confirmed it had no objection to the size, siting or design of the extension and overhanging roof, and the appeal was dealt with on this basis. The main issue was the effect of the balcony on the living conditions of neighbouring occupiers.</p> <p>The Inspector noted the appeal related to a mid-terrace property that has been divided into two flats. A rear extension had been erected measuring approximately 3.1 metres in depth, 2.7 metres in width and 2.2 metres in height. This was adjacent to the boundary fence of no. 126 Hawthorn Way, and an 'astro turf', a privacy screen and a barrier have been added to the flat roof. This created a balcony, which extended across the extension and a passage way. The balcony is accessed from the former bedroom, now a kitchen, via a pair of outwood opening French windows. From the balcony it is possible to look down a light well area of no.126 as well as into most of the garden area of that property. This is the case, even though the balcony contains a privacy screen. The Inspector commented it was also possible to see into the flank, clear glazed windows of the conservatory at no.126, although these were covered by blinds at the time of the visit. It was also possible to see into the rear bedroom of no.126 despite the privacy screen. Given the proximity of this window to the balcony, activities on the balcony were audible to the occupiers of this bedroom.</p> <p>The Inspector noted that a suggested condition in relation to a privacy screen would not address the potential harm from noise disturbance, and the balcony has resulted in a significant loss in privacy to no.126 given the position of the balcony, and the proximity to the bedroom window.</p> <p>The inspector did not raise concerns in regards to either noise disturbance or overlooking, in relation to no.122 Hawthorn Way.</p>

	<p>It was noted the Council's SPD on design states that the need to maintain privacy means that opportunities for balconies will be limited. With this in mind the appellant put forward personal circumstances to demonstrate why the development should be allowed. However, it was noted personal circumstances can change, whereas development would be permanent. Whilst the serious of these matters to the appellant were recognised, it was commented that they are insufficient to set aside the harmful impacts of the balcony on the living conditions of no.126 contrary to policy EN1. The Inspector gave this policy considerable weight as it is consistent with the NPPF, and the appeal failed to this extent.</p> <p>The extension however, was considered to be acceptable with a 2.2 metre modest height, and there were no objections to the proposed depth. This element of the scheme was not a matter of contention between the parties and accorded with policy EN1 and the Council's SPD on design. The appeal therefore succeeded to this extent.</p> <p>The Inspector commented that it was necessary to impose a condition to prevent the use of the roof of the extension as a garden/balcony, to protect the occupiers of neighbouring properties. A further condition was necessary requiring the submission of a scheme to prevent access to the roof of the extension.</p> <p>It was concluded that the appeal should succeed in part only by allowing the retention of the extension. Otherwise the notice was upheld with a correction and variation, and the refusal of planning permission on the other part (the balcony).</p>
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FUTURE HEARING / INQUIRY DATES

Council Ref.	Type of Appeal	Site	Proposal	Case Officer	Date
16/00972 /FUL	Public Inquiry	Former Brooklands College, Church Road, Ashford	Planning application for the redevelopment of the site comprising the demolition of the existing buildings and the construction of new buildings between one and six storeys to accommodate 366 dwellings (use class C3), 619 sq. m (GIA) of flexible commercial floorspace (use classes A1, A2, A3, A4, A5, B1(a)) and 442 sq. m (GIA) of education	PT/KW	TBC

Council Ref.	Type of Appeal	Site	Proposal	Case Officer	Date
			floorspace (use class D1), provision of public open space and associated car parking, cycle parking, access and related infrastructure and associated works.		