

## **PLANNING APPEALS**

### **LIST OF APPEALS SUBMITTED BETWEEN 4 SEPTEMBER AND 5 OCTOBER 2017**

<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>
17/00020/H OU	APP/Z3635/D/ 17/3178783	14 Birch Grove Shepperton	Erection of a pitched roof over the existing single storey side extension to create additional habitable accommodation with in the roof.	04/09/2017
17/00546/F UL	APP/Z3635/W /17/3182309	217 Staines Road West, Sunbury On Thames	Erection of 1 bed detached bungalow, with associated parking and amenity space.	25/09/2017

### **APPEAL DECISIONS RECEIVED BETWEEN 4 SEPTEMBER AND 5 OCTOBER 2017**

<b>Site</b>	Willowmead, Dunally Park, Shepperton
<b>Planning Application No.:</b>	17/00412/HOU
<b>Proposed Development:</b>	Erection of a part two storey part single storey front extension.
<b>Appeal Reference:</b>	APP/Z3635/D/17/3176995
<b>Appeal Decision Date:</b>	19/09/2017
<b>Inspector's Decision</b>	Allowed
<b>Reason for Refusal</b>	It is considered that the proposal by reason of its scale, height and design would have an unacceptable impact on the character of the area, appearing obtrusive in the street scene, 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 April 2011.
<b>Inspector's Comments:</b>	The Inspector allowed the appeal. He considered that the angles to the pitched roofs over the extension would match that of the original property and the use of matching materials would also help to integrate the extension to the original building. Furthermore, although the proposal would greatly change the appearance of the dwelling, he considered the scale and height of the extension would not be disproportionate to that of the original dwelling and would accord with that of the additions of neighboring dwellings. He also did not consider that a common property design or architectural style existed in the road. As a result he considered the proposed extension would not appear unduly large in relation to either the host property or in the street scene and that the development would have an attractive appearance that would readily assimilate into the varied design approaches in the road.

Site	The Paddocks, Rear of 237-245 Hithermoor Road, Stanwell Moor,
Enforcement Ref.:	16/00025/ENF
Breach:	Material change of use of the land to a mixed use comprising the stationing of a caravan for residential purposes and the keeping of horses.
Appeal Reference:	APP/Z3635/C/16/3151477
Appeal Decision Date:	27/09/2017
Inspector's Decision	<p>Allowed and enforcement notice quashed subject to conditions including:-</p> <ul style="list-style-type: none"> <li>• When premises cease to be occupied by Mr. Gavin Gates and family, or at the end of 5 years, whichever shall first occurs, the residential use shall cease.</li> <li>• No more than one caravan shall be stationed at one time.</li> </ul> <p>Caravan sited must comply with British standard relating to acoustic properties of walls, ceilings and ventilation of caravans.</p> <ul style="list-style-type: none"> <li>• Stables shall be used only for the stabling of horses kept solely for the enjoyment of and incidental to the residential occupation of the</li> </ul>

	<p>site occupiers for the duration of the permission or crease of the residential use.</p>
Reason for serving the notice	<p>Planning permission was refused for the retrospective siting of the caravan and its use for residential purposes (changing the use of the land), in particular because the site is located within the high noise contour area, given its close proximity to Heathrow airport.</p>
Inspector's Comments:	<p>It was agreed that the Council could not demonstrate a five year housing land supply when assessed against the latest Strategic Housing Market Assessment. Para 49 of NPPF explains that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Para 14 is therefore engaged which requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole, or specific policies in the framework indicate development should be restricted.</p> <p>The Inspector considered the main issues were the effect of development on living conditions of occupants given the noise implications due to the proximity of Heathrow airport and whether any other material considerations exist in favour of the development.</p> <p>With regards to noise, the Inspector had no dispute that external noise levels from aircraft on certain runways patterns exceed those considered to be reasonable. She noted there would be a conflict with policy EN11, as harm would arise from the outdoor living environment of users of the site, which is no different to those experienced by existing properties nearby. She acknowledged that the purpose of the policy is to restrict additional units which would in turn increase the number of residents living within the high noise contours area. Therefore the Inspector agreed that the development was contrary to Policy EN11.</p> <p>She then looked at other considerations which included the applicant and his young family residing on site. The applicant's partner has lived in caravans all her life, with a cultural aversion to bricks and mortar therefore suitable alternative accommodation for the family would be within a mobile home. There was no evidence of suitable alternative park accommodation offered by the Council. The Inspector noted that if they were forced to leave, they would have to unlawfully station the caravan in the mother-in-law's garden which would still be within the high noise contour zone. In addition the best interest of the children to ensure a stable permanent and suitable home along with the failure of policy to deliver sufficient housing needed to be taken into consideration.</p>

The Inspector noted that ‘...given the conflict with the development plan and the nature of the harm, I find the adverse impacts would significantly and demonstrably outweigh the benefits of granting a permanent permission, when assessed against the policies in the Framework taken as a whole. Nevertheless given the lack of a five year housing land supply, the absence of alternative accommodation and the best interests of the children, it is considered that a temporary planning permission would be a proportionate response, until such time as the housing land supply position has been addressed.’

Because the Council’s emerging plan is likely to be adopted in 2021, a 5 year condition was considered to be most appropriate.

For these reasons the Inspector concluded that the appeal should succeed and temporary planning permission will be granted.

#### **FUTURE HEARING / INQUIRY DATES**

<b>Council Ref.</b>	<b>Type of Appeal</b>	<b>Site</b>	<b>Proposal</b>	<b>Case Officers</b>	<b>Date</b>
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 floorspace (use class D1), provision of public open space and associated car parking, cycle parking, access and related infrastructure and associated works.	PT/KW	20-23 February 2018