

PLANNING APPEALS

LIST OF APPEALS SUBMITTED BETWEEN 1 DECEMBER AND 22 DECEMBER 2017

<u>Planning Application Number</u>	<u>Inspectorate Ref.</u>	<u>Address</u>	<u>Description</u>	<u>Appeal Start Date</u>
17/00485/FUL	APP/Z3635/W/17/3185519	4 Ethel Road Ashford	Erection of a part single storey, part two storey rear extension and a first floor side extension over the existing garage. Conversion of the garage to habitable room and associated internal alterations to create 2 no. self-contained semi-detached dwellings.	20/12/2017
17/00752/FUL	APP/Z3635/W/17/3186575	243 Thames Side, Chertsey	Erection of a detached two storey dwelling and associated wheelchair access (following division of plot).	20/12/2017

APPEAL DECISIONS RECEIVED BETWEEN 1 DECEMBER AND 22 DECEMBER 2017

Site	3 Corsair Road Stanwell
Planning Application No.:	17/00696/HOU
Proposed Development:	Erection of single storey side extension.
Appeal Reference:	APP/Z3635/D/17/3181883
Appeal Decision Date:	6 December 2017
Inspector's Decision	The appeal is dismissed.

<p>Reason for Refusal</p>	<p>The proposed extension, by reason of its location and scale, would over dominate the host building, creating a pair of unbalanced semi-detached bungalows. The proposal would not pay due regard to the scale, proportions, building lines and layout of adjoining buildings and land, and would be out of keeping with the character of the area to the detriment of the street scene of Corsair Close and Road, contrary to Policy EN1 of the Core Strategy and Policies DPD the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development.</p>
<p>Inspector's Comments:</p>	<p>The Inspector considered that the development would have an unacceptable impact on the character and appearance of the area. He noted the recent approval of an extension to the attached property at No. 1 but commented that it is narrower and more proportionate to the host dwelling, is in a less prominent and visually sensitive location than the subject dwellings proposal and therefore is materially different to the proposal, as such it does not serve to justify a larger extension at no 3.</p> <p>He noted that the area has a variety of designs of semi-detached bungalows, but they retain a degree of symmetry and balance, particularly in terms of their front elevations and overall widths, which he stated forms an important part of the character of the area. The Inspector noted that the bungalows on the opposite side of Corsair Close have a degree of asymmetry but retain a balance in terms of width and scale and no. 5 has not been extended towards the corner. As such, the same sense of openness that exists at the junction of Corsair Road and Close is maintained.</p> <p>The Inspector noted that the development would result in a significant increase in the width of the dwelling and an associated reduction in space to the side of the building. He quoted the Council's SPD that only exceptionally allows extensions which exceed 2/3rd the width of the host building and no exception circumstances exist to allow this large extension.</p> <p>He went on to say that <i>'...the extension would not appear as a complimentary or subordinate addition to the street scene. Rather, its excessive width would be viewed as being disproportionate and unduly dominant in comparison to the host dwelling. The resulting width of the building and small gap to the boundary would ensure the building as whole would appear unduly intensive in relation to its plot size.'</i> He also noted that this <i>'...negative impact on local character would be exacerbated by the sites prominent corner location. With the sizeable reduction in the gap to the side being evident from vantage points, detracting from the prevailing character of the junction and the relationship with the building line of dwellings along Corsair Close.'</i> He concluded that in addition the largely balanced and symmetrical appearance of the bungalows would also be undermined by the development.</p>

Site	217 Staines Road West Sunbury On Thames
Planning Application No.:	17/00546/FUL
Proposed Development:	Erection of 1 bed detached bungalow, with associated parking and amenity space.
Appeal Reference:	APP/Z3635/W/17/3182309
Appeal Decision Date:	08/12/2017
Inspector's Decision	The appeal is dismissed
Reason for Refusal	The proposal in terms of its scale, height and location would have an unacceptable over bearing impact on and result in loss of light to number 1 Scotts Avenue. The development 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 April 2011.
Inspector's Comments:	The Inspector noted that the dwelling would be located close to the shared boundary with no.1 and run along the entirety of this boundary. Although single storey, he considered that the top half of the development would protrude significantly above the fencing including its sizeable gabled roof. Furthermore, he considered that the overall height of the development and bulk and scale of its gabled roof would appear conspicuous and dominant and would have a negative effect in terms of outlook and on light given its position to the south of the garden. He agreed that the development would have a harmful impact on the living conditions of the occupiers of no.1. Scotts Avenue in terms outlook from and light to their back garden.

Site	2 Wolsey Road, Ashford
Planning Enforcement No.:	16/00305/ENF
Planning Breach	The breach of planning control relates to the unauthorised erection of a building which is used as a separate dwelling without planning permission.

Appeal Reference:	APP/Z3635/C/17/3173418
Appeal Decision Date:	13/12/2017
Inspector's Decision	The appeal is dismissed and the enforcement notice is upheld
Reason for serving the Enforcement Notice	The use of the building as a separate dwelling results in unacceptable noise and disturbance to neighbouring residential properties and has a detrimental impact on their amenity and enjoyment of their houses and gardens and is out of character with the area. The proposal, therefore, is contrary to Policies EN1 and EN11 of the Core Strategy and Policies DPD 2009 and the Councils Supplementary Planning Document on the Design of New Residential Development (April 2011).
Inspector's Comments:	<p>The Inspector referred to the appellant's grounds of appeal which stated that it was only the third part of the requirements that he objected to (the removal of the bathroom facilities associated with the use); there was no dispute regarding the first two requirements (cease using the building as a separate dwelling and remove all the kitchen facilities associated with the use). On this point, the Inspector concluded that bearing in mind the use of the main property (Class C4 house in multiple occupation) and also given that land is separated from the main garden area, <i>"it would be difficult to ensure that the building was not used as some kind of main living place unless these facilities were all removed.....it is not unusual to require the removal of such facilities in instances like this. In these circumstances I conclude that the requirements, as set out in the notice, are reasonable and no lesser steps would remedy the injury to amenity caused. The appeal on this ground accordingly fails"</i>.</p> <p>The second ground of appeal was based on the appellant's assertion that 13 weeks to comply with the enforcement notice was too short and the appellant wanted it extended to 25 weeks to enable the works to the main property to be completed. The Inspector noted that at his recent site visit, the works to the main dwelling appear to have been completed. He felt that sufficient time had been given to undertake the necessary works for the removal of the bathroom and the kitchen from the appeal building and the appeal on this ground failed.</p>

Site	19 Commercial Road, Staines-upon-Thames
Planning Application No.:	17/00976/HOU
Proposed Development:	Erection of roof alterations to include two side facing dormers.

Appeal Reference:	APP/Z3635/D/17/3184600
Appeal Decision Date:	20/12/2017
Inspector's Decision	The appeal is dismissed.
Reason for Refusal	The proposed development by reason of its scale, position, design, and prominence would be visually obtrusive in the street scene and would have an unacceptable impact on the character of the area. The development 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.
Inspector's Comments:	<p>The Planning Inspector considered that the main issue was the effect of the proposal on the character and appearance of the host property and surrounding area.</p> <p>The Inspector noted that the dormer facing the allotments would occupy substantially more than half the length of the roof and would be clearly noticeable from the allotments on Commercial Road, whereas the dormer on the other side would represent a large dormer approximately 7m long.</p> <p>It was considered that although the west facing dormer would be relatively sheltered from view, the structure facing the allotments would represent and be perceived as a bulky, incongruous addition of a utilitarian and mundane design.</p> <p>The Inspector concluded that the character and the appearance of the bungalow would be transformed and significantly harmed in view of the poor design of the roof extension, and this harm would transmit to the adjoining land used for recreational gardening and the wider public realm.</p>

Site	5 Upper Halliford Road, Shepperton
Planning Application No.:	17/00201/HOU
Proposed Development:	Creation of vehicle access
Appeal Reference:	APP/Z3635/D/17/3184216

Appeal Decision Date:	20/12/2017
Inspector's Decision	The appeal is dismissed.
Reason for Refusal	The proposed means of access to the highway is considered to diminish the value of the existing highway verge which is an important landscape feature within the Upper Halliford conservation area. The proposal would therefore fail to preserve or enhance the special character of this part of the conservation area, contrary to policy EN6 of the Core Strategy and Policies Development Plan Document 2009.
Inspector's Comments:	<p>The Inspector considered the main issue to be whether the proposed development preserves or enhances the character or appearance of the Upper Halliford Conservation Area (UHCA). The Inspector stated that the site forms part of a row of dwellings which display a coherent character derived from similar design features and use of materials. The dwelling and garden are not within the UHCA but the grass verge that separates it from the highway is and the Inspector considered that the grassed area makes a positive contribution to the UHCA and that the dwellings and gardens form an attractive setting to the heritage asset.</p> <p>The Inspector considered that the proposal would result in the erosion of a feature which positively contributes to the quality of the streetscape and public realm within the UHCA and would not preserve or enhance the character or appearance of the UHCA. He noted the applicant's comments that the uneven grass and paving could be a trip hazard, the safety hazard of unloading a baby from a car on the roadside, and that the appellant would be inconvenienced by not being able to park along this section of the road. However, he did not consider that this, and the other arguments advanced in favour of the appeal, were sufficient and concluded that the proposed development fails to preserve or enhance the character or appearance of the UHCA, contrary to Policy EN6 of the Core Strategy and Policies DPD.</p>

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	RJ	17 - 19 April 2018

Council Ref.	Type of Appeal	Site	Proposal	Case Officers	Date
			storage of materials in connection with that use.		
17/00365 /FUL	Hearing	Hamilton's Pitch Sheep Walk Shepperton	Retention of existing hardstanding, temporary standing of two residential caravans, associated vehicles and equipment, and tipping of top soil to enable landscaping.	PT	23/01/2018