

PLANNING APPEALS

LIST OF APPEALS SUBMITTED BETWEEN 26 JANUARY AND 23 FEBRUARY 2018

<u>Planning Application Number</u>	<u>Inspectorate Ref.</u>	<u>Address</u>	<u>Description</u>	<u>Appeal Start Date</u>
17/01374/HOU	APP/Z3635/D/17/3188533	18 Longford Avenue Stanwell	Roof extension including the raising of ridge height, hip to gable roof alterations and rear facing dormer to create accommodation in roof space with roof lights in front elevation.	01/02/2018
17/01265/HOU	APP/Z3635/D/17/3191732	34 Guildford Street Staines-upon-Thames	Construction of a roof extension changing the hipped roof end to a gable, the construction of a rear mansard extension, the addition of two roof lights in the front roof slope, the removal of the rear chimney stack and the construction of a part two storey, part single storey rear extension.	01/02/2018
17/01156/PDH	APP/Z3635/D/17/3184544	17 Hannibal Road Stanwell	Single storey rear extension measuring 6 metres beyond the rear wall of the original dwellinghouse measuring a maximum height of 2.975 and a height to the eaves of 2.825 metres.	15/02/2018
17/00813/HOU	APP/Z3635/D/17/3186267	Willow Hayne Pharaohs Island Shepperton	Erection of a two storey side extension including veranda and associated terrace above, the erection of a single storey detached outbuilding, decking, swimming pool and associated works.	15/02/2018

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

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

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

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

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

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

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

FUTURE HEARING / INQUIRY DATES

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