

PLANNING APPEALS

LIST OF APPEALS SUBMITTED BETWEEN 15 FEBRUARY 2018 AND 19 APRIL 2018

<u>Planning Application Number</u>	<u>Inspectorate Ref.</u>	<u>Address</u>	<u>Description</u>	<u>Appeal Start Date</u>
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
17/01483/FUL	APP/Z3635/W/17/3191046	Manor Farm Cottage 126 Green Street Sunbury On Thames	Demolition of existing residential bungalow to be replaced with a 2.5 storey building providing 7 no apartments with communal parking and landscaping.	28/02/2018
17/01373/FUL	APP/Z3635/W/18/3194268	41 Ruggles Brise Road Ashford	Erection of a two storey side extension and a single storey rear extension following removal of existing conservatory, and the sub-division of the dwelling to form 1 no. 3 bedroom dwelling and 1 no. 2 bedroom dwelling.	01/03/2018
17/01898/FUL	APP/Z3635/W/18/3196354	18 Greeno Crescent Shepperton	Conversion of existing dwelling into 2 no. 1 bedroom self-contained flats, including the erection of a single storey rear extension.	01/03/2018
17/01395/FUL	APP/Z3635/W/18/3193714	Oakwood 2 Ferry Lane Laleham	Demolition of existing dwelling at 2 Ferry Lane and erection of 2 no. detached two storey 4 bed dwellings with associated parking and amenity space.	01/03/2018

APPEAL DECISIONS RECEIVED BETWEEN 15 FEBRUARY 2018 AND 19 APRIL 2018

Site	18 Longford Avenue, Stanwell
Planning Application No.:	17/01374/HOU
Proposed Development:	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.
Reason for Refusal	The proposed development would by reason of its scale, location and design, have an unacceptable overbearing impact on numbers 44 and 45 Ravensbourne Avenue causing a harmful loss of light and privacy. Furthermore, the development is considered to be unacceptably bulky and out of keeping with the area. The proposal 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/D/17/3188533
Appeal Decision Date:	27/02/2018
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The Inspector noted that the proposed dormer extension would not have any gap to the raised ridge and would have fairly minimal gap to the sides and eaves of the roof, which would conflict significantly with the guidance in the Councils SPD on Design. He also considered that the relatively large flat roof would abruptly contrast with the pitched roof character of the host dwelling and not therefore be compatible with it, while emphasising the excessive bulk and scale of this extension. As a result he agreed that the dormer extension was unacceptably dominant and unduly at odds with the characteristic pitched roof form of properties in the vicinity.</p> <p>The Inspector also agreed that the additional bulk arising from the extra height, gables and the dormer addition would result in the enlarged dwelling appearing overbearing from the neighbouring garden and would lead to an undue reduction in daylight. He noted the three windows in the dormer addition would face directly towards the adjacent amenity space, these could be obscure glazed, but the large window at the</p>

	<p>northern end would be the main source of light and outlook for a bedroom and to obscure glaze it would diminish the quality of accommodation for future occupants. Moreover, he concluded that given the undue proximity to the garden and number of windows, would give an unacceptable perception of being overlooked. The proposal would also result in an unacceptable reduction in privacy. The Inspector concluded that the living conditions of the adjacent occupiers would be harmed, the effect would be most severe to no.44, but would also result in an unacceptable loss of privacy to no. 45</p>
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Site	218 Stanwell Road, Ashford
Planning Application No.:	17/00997/FUL
Proposed Development:	Subdivision of existing 4 no. bedroom dwelling into 1 no. 1 bedroom dwelling and 1 no. 3 bedroom dwelling (including removal of conservatory).
Reason for Refusal	The proposed one bed unit is considered to provide insufficient habitable accommodation leading to a harmful impact upon the occupiers of the proposed smaller 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).
Appeal Reference:	APP/Z3635/W/17/3187468
Appeal Decision Date:	23/03/2018
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The Inspector identified that the main issue was whether the one bedroom dwelling would provide acceptable living for future occupiers, with particular regard to internal living space.</p> <p>It was noted the proposal relates to a semi-detached house, which has been extended to the side and rear, and is situated within a largely residential area. The appeal scheme sought to divide the property into two houses, one with three bedrooms and the other with one bedroom.</p>

The Inspector had regard to three earlier proposals to convert no. 218 into two dwellings, with each of the schemes proposed, being for one x three bedroom unit and a one bedroom unit, where appeals against the Council's refusal were dismissed in each case. It was also noted that the Council's policies remain unchanged since the previous appeals were determined. The Inspector further noted in seeking to overcome the previous refusals the proposal provided a re-ordered layout.

The Inspector commented that they had no reason to doubt the appellant that the first floor lounge would be intended as thus. However, planning permission would go with the land and in this case the Inspector considered the kitchen to be relatively large for a one-bedroom dwelling and could comfortably be used by a future occupier to also provide a lounge area. The smaller room shown as a lounge has a separate door from the kitchen and due to its size and having a w/c washbasin room attached, would function readily as a second bedroom. The Inspector stated what whilst the appellant would accept a condition that the unit be for one bedroom accommodation only, and as an alternative a unilateral undertaking has also been provided, the Inspector considered that neither of these would be enforceable.

The one bedroom dwelling would contain an internal floor space measuring around 61 sq m. The Inspector noted the Council's SPD only sets a figure for one bedroom flats, and the proposal would just exceed the Technical Housing Standards 58 sq m minimum floor area requirement for a two-storey, one bedroom, two person dwelling. However, as the proposal remained amenable for future use as a two bedroom dwelling, the Inspector agreed with the Council that the scheme fell significantly short of the 75 sq m floor space requirement sought by the SPD and the 70 sq m requirement sought by the Technical Housing Standards for a two storey, two bedroom dwelling.

The Inspector concluded that the proposal would therefore not provide adequate living conditions for its future occupiers, and would conflict with the aims of policy EN1. If allowed the Inspector stated the appeal scheme would undermine its objectives to secure a high standard in the design and layout of new development. This would not outweigh the very small benefit to the Council's Housing Supply and the appeal was dismissed.

Site	Willow Hayne, Pharaohs Island, Shepperton
Planning Application No.:	17/00813/HOU

Proposed Development:	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
Reasons for Refusal	<p>The proposed two storey side extension and detached outbuilding would represent inappropriate development within the Green Belt, which would have a detrimental impact upon the openness of the Green Belt, and it has not been demonstrated that there are 'very special circumstances' that would outweigh this harm. The proposal is therefore contrary to policy GB1 of the Spelthorne Local Plan 2001 Saved Policies and Proposals (as updated December 2009), Policy EN2 of the Spelthorne Core Strategy and Policies Development Plan Document (February 2009), and the National Planning Policy Framework (March 2012).</p> <p>The proposed two storey side extension and detached outbuilding would by reason of size, width, height and bulk, have an unacceptable impact upon the character of the area, and the character of the designated Plotlands Area, and would introduce an incongruous, over dominant feature into the landscape contrary to Policies EN1 and EN2 of the Spelthorne Core Strategy and Policies Development Plan Document (February 2009) and the Design of Residential Extensions and New Residential Development Supplementary Planning Document (April 2011).</p> <p>The proposed two storey side extension and detached outbuilding would introduce an unacceptable vulnerable category of development into Flood Zone 3b, and a sufficient Flood Risk Assessment has not been submitted. The proposal is therefore contrary to Policies LO1 of the Spelthorne Core Strategy and Policies Development Plan Document (February 2009).</p>
Appeal Reference:	APP/Z3635/D/17/3186267
Appeal Decision Date:	27/03/2018
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The Inspector identified that the main issues were:</p> <ul style="list-style-type: none"> - Whether the proposal would constitute inappropriate development in the Green Belt. - The effect of the proposal on the openness of the Green Belt. - The effect on the character of the area - The effect upon flood risk management. - Whether the harm by reason of inappropriateness is outweighed by other considerations so as to amount to 'very special circumstances'.

The Inspector noted that the appeal property is located within the Plotlands Area, the Green Belt and Flood Zone 3b. The buildings within a recent Certificate of Lawfulness application (16/01977/CPD), were also noted.

The Inspector drew attention to paragraph 89 of the National Planning Policy Framework, and it was noted the existing house is 71 sq m, and the proposed extension would have an area of 69 sq m, together with an outbuilding that would have a floor area of 40 sq m. It was also noted the extension would have a ridged roof, of some 11 metres in length and 6.94 metres in height.

The Inspector considered that the increases in both floor area and massing would be disproportionate additions over and above the size of the original building. The Inspector therefore considered that the proposal amount to inappropriate development, and also considered that overall, the proposal would have a harmful effect on the openness of the Green Belt.

The Inspector noted the distinctive character of Plotlands area with modestly sized, single storey buildings with low profile roofs, and it was considered the extension would be disproportionate to the existing dwelling and would also not be compatible in size to traditional Plotlands dwellings.

It was further commented that whilst the extension and outbuilding would both be raised above ground level to allow the flow and storage of flood water, the proposal would introduce significant areas of new buildings within Flood Zone 3b, that would have an adverse impact upon flood risk and would conflict with policy LO1.

The Inspector attached significant weight to the existing Certificate of Lawfulness, and in the Inspector's view the appeal scheme would be significantly better than the Certificate of Lawfulness in flooding terms, as there would be a lesser impact upon the flood zone. However, the Inspector concluded that the proposal would be inappropriate development in the Green Belt and would have an adverse impact upon flood risk management. The Certificate of Lawfulness at the site did not clearly outweigh the totality of the harm arising from the proposal, and consequently 'very special circumstances' did not exist. The appeal was therefore dismissed.

Site	4 Ethel Road, Ashford
Planning Application No.:	17/00485/FUL

Proposed Development:	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.
Reason for Refusal	By virtue of insufficient parking provision and cramped layout, dominated by hardstanding, the proposal represents an overdevelopment of the site and will have an unacceptable impact on the amenity of future occupiers of the development in terms of light, noise, and disturbance. In addition, the dominance of the hard surfaced entrance and front car parking areas would not enable suitable front landscaping/planting to be incorporated into the scheme to soften the visual impact of the proposed development upon the immediate surroundings. As a result, the proposal will be out of keeping with the character and appearance of the surrounding area and will not make a positive contribution to the street scene. The proposal is therefore contrary to adopted policies CC3 and EN1 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document (February 2009) and the Council's Parking Standards Supplementary Planning Guidance (September 2011).
Appeal Reference:	APP/Z3635/W/17/3185519
Appeal Decision Date:	28/03/2018
Inspector's Decision	The appeal is allowed.
Inspector's Comments:	<p>The Inspector considered the main issues to be off-street parking for the proposed development, the effect of parking on the future occupiers, and the effect of the development on the character and appearance of the area.</p> <p>The appellant submitted with the appeal an amended drawing with changes to the front layout and landscaping. The Inspector did not consider that the changes would affect neighbouring properties or that any parties would be prejudiced, and took the additional drawing into account in determining the appeal.</p> <p>The proposal would provide a total of two off-street parking spaces for the 2 no. two bedroom units which represents a shortfall of one space compared to the Council's Parking Standards. The Inspector noted the concerns that this would result in overspill on street parking but did not consider that it had been demonstrated that the deficiency would have a harmful effect on highway safety. The Inspector considered that the site is in a sustainable location in which some relaxation of the parking standards can be justified and that the proposal would provide adequate off street parking. The Inspector also considered that the proposed parking arrangements would not cause significant adverse effects on the living conditions of the occupiers of the eastern units.</p>

	<p>The Inspector considered that the proposal would result in a significant improvement in the appearance of the frontage and that it would not have an adverse effect on the character and appearance of the area.</p> <p>With regards to the cherry tree in front of the site, the Inspector stated that a licence for the widening of the kerb near the tree has already been issued and also considered the proposed off-street parking layout to be acceptable.</p>
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Site	243 Thames Side, Chertsey
Planning Application No.:	17/00752/FUL
Proposed Development:	Erection of a detached two storey dwelling and associated wheelchair access (following division of plot).
Reasons for Refusal	<p>The proposed two storey dwelling would represent inappropriate development within the Green Belt to which substantial weight is given, and would have a detrimental impact upon the openness of the Green Belt to which significant weight is also given, and together with 'other harm' does not outweigh the claimed 'very special circumstances' of the proposal, contrary to policy GB1 of the Spelthorne Local Plan 2001 Saved Policies and Proposals (as updated December 2009), and the National Planning Policy Framework (March 2012).</p> <p>The proposed two storey dwelling would introduce an unacceptable 'vulnerable' category of development into Flood Zone 3b, and a sufficient Flood Risk Assessment has not been submitted and the proposal will lead to a loss of flood storage capacity and impede the flow of flood water. The proposal is therefore contrary to Policy LO1 of the Spelthorne Core Strategy and Policies Development Plan Document (February 2009).</p> <p>The proposed two storey dwelling by virtue of design, scale and siting within the plot, is considered to have an unacceptable impact upon the character of the area by loss of openness, which is part of the character of this immediate locality. 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.</p>
Appeal Reference:	Appeal Ref: APP/Z3635/W/17/3186575

Appeal Decision Date:	16/04/2018
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The Inspector considered that the main issues were (a) whether the proposal would constitute inappropriate development in the Green Belt, (b) the effect of the proposal on the character and appearance of the area, (c) the effect of the proposal on flood risk management and (d) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.</p> <p>The Inspector commented that the proposal would be inappropriate development in the Green Belt. There would be loss of openness in relation to the mass of the two storey house. The NPPF establishes that substantial weight should be given to any harm to the Green Belt. In addition the proposal would result in harm to the character and appearance of the surrounding area and to flood risk management. The Inspector attached additional weight to these factors.</p> <p>On the other hand, the Inspector gave material weight to the provision of a wheelchair accessible house, but he felt that this consideration did not clearly outweigh the totality of the harm arising from the proposal. Consequently, very special circumstances to justify the approval of inappropriate development did not exist. He also considered that the proposal would conflict with relevant development plan policies in the LP in relation to the Green Belt.</p> <p>The Inspector noted that there was a representation in support of the proposal from a local resident in relation to the appellant's need for a dwelling with appropriate facilities, but this did not alter his finding that this benefit would be outweighed by the harm arising from the development.</p> <p>Consequently the appeal was dismissed.</p>

FUTURE HEARING / INQUIRY DATES

Council Ref.	Type of Appeal	Site	Proposal	Case Officers	Date
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	12/06/2018