

PLANNING APPEALS

LIST OF APPEALS SUBMITTED BETWEEN 19 APRIL AND 17 MAY 2018

<u>Planning Application Number</u>	<u>Inspectorate Ref.</u>	<u>Address</u>	<u>Description</u>	<u>Appeal Start Date</u>
17/01715/FUL	APP/Z3635/W/18/3197736	8 Edward Way, Ashford	Erection of 2 storey side extension (approve ref 16/01716/HOU) to create 1 bedroomed self-contained unit, removal of existing single storey rear extension to existing house and associated external and internal alterations.	25/04/2018
17/01545/FUL	APP/Z3635/W/18/3193898	101 Long Lane, Stanwell	Conversion of existing dwelling into pair of semi-detached dwellings following demolition of existing ground floor element and garage and erection of two storey side extension.	30/04/2018
17/01758/HOU	APP/Z3635/D/18/3198001	34 Guildford Street, Staines-upon-Thames	Construction of a roof extension changing the hipped roof to a gable end, the construction of a rear mansard dormer, 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.	08/05/2018
17/01778/HOU	APP/Z3635/D/18/3199804	80 Edgell Road Staines-upon-Thames	Erection of a single storey rear extension and roof alteration including side facing dormer to facilitate accommodation in roofspace	10/05/2018

APPEAL DECISIONS RECEIVED BETWEEN 19 APRIL AND 17 MAY 2018

Site	18 Greeno Crescent, Shepperton
Planning Application No.:	17/01898/FUL
Proposed Development:	Conversion of existing dwelling into 2 no. 1 bedroom self-contained flats, including the erection of a single storey rear extension.
Reasons for Refusal	The proposed upper floor flat contains a bedroom capable of hosting 2 occupiers, and the flat would contain insufficient floor space, resulting in a poor level of amenity for future occupiers. The proposal would therefore be contrary to the objectives of policy EN1, of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009) and the Technical Housing Standards (March 2015).
Appeal Reference:	APP/Z3635/W/18/3196354
Appeal Decision Date:	26/04/2018
Inspector's Decision	The appeal is dismissed.
Inspector's Comments:	<p>The Inspector identified that the main issue was whether the proposed first floor flat would provide acceptable living conditions for future occupiers with regard to the provision of internal living space (the first floor flat would incorporate an internal floor area of 38.9 m², and the ground floor flat would contain an internal floor area of 58.5 m²).</p> <p>The Inspector noted on the basis of the submitted floor plans, both of the proposed units would be in accordance with the nationally described Technical Housing Standards (THS). Nevertheless, whilst the proposed first floor flat is proposed for single occupancy, the area of the bedroom would be greater than 11.5 m² and the width would be greater than 2.75m. This bedroom would therefore be beyond the thresholds identified within the THS required to provide for two bed spaces.</p> <p>As the first floor flat would be capable of accommodating two people without further alteration, it could not be reasonably considered to contain a single bedroom. Moreover, a condition to restrict occupancy to a single person would not be enforceable. Accordingly, as the area of the flat falls significantly short of the 50m² minimum floor space requirements for a unit of this size, it would provide poor living conditions</p>

for future occupiers and would conflict with policy EN1, and the THS. As such the appeal was dismissed.

Site	41 Ruggles Brise Road, Ashford
Planning Application No.:	17/01373/FUL
Proposed Development:	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.
Reason for Refusal	The proposed two storey dwelling would provide an insufficient internal floor area, and would consequently afford an unacceptable level of amenity for future residential occupiers. The proposal would also result in a cramped form of development, which is out of character with the surrounding building pattern and would represent an overdevelopment of the site. The scheme would also have an unacceptable impact upon the semi-detached character of the host building, and would have an adverse visual impact upon the surrounding street scene, which predominantly contains two storey semi-detached dwellings. The proposal is therefore contrary to Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009).
Appeal Reference:	PP/Z3635/W/18/3194268
Appeal Decision Date:	26/04/2018
Inspector's Decision	The appeal is dismissed.
Inspector's Comments:	<p>The Inspector identified that the main issues were the impact of the development upon the character and appearance of the host property and surrounding area, and whether the proposed two storey dwelling would provide acceptable conditions to future occupiers with regard to the provision of internal living space.</p> <p>The Inspector commented that the lack of a setback at first floor level, together with a ridge height that matches the existing property would mean the proposal would not be subordinate to the existing dwelling. In this way the proposal would unbalance the existing pair of semi-detached properties, adversely impacting upon their symmetry and character. The proposal would also have an adverse impact upon the wider street scene due to its prominent location. The creation of a new dwelling that is effectively an end terrace, would introduce a form of</p>

development which is out of character with properties in the surrounding area. It would also create plot sizes smaller than those of surrounding properties that would be cramped and would represent overdevelopment of the site. Whilst the appellant argued that the scheme would be similar to the existing planning permission for an extension at the site, the Inspector found the differences between the schemes to be significant in visual terms and the proposal would not be in keeping with the semi-detached character of the local area. The proposal therefore fails to provide a high standard of design, which the Inspector commented was contrary to policy EN1, and the Councils SPD on design, together with the NPPF.

The Inspector noted that the Council considered that the proposed dwelling would have an internal floor area of approximately 51 m², and the appellant did not challenge this figure. This is below the Council's SPD on design, which requires a dwelling over this size, over two storeys and occupied by 3 people, has a minimum internal floor area of 75 m². The Technical Housing Standards also require that a dwelling of this size has a minimum floor area of 70 m². The dwelling would fail to meet either of these minimum floor space requirements by a considerable margin and in the Inspector's view would not provide a high standard of layout. Accordingly the proposed development would provide a poor standard of living accommodation for future occupants contrary to policy EN1.

The appeal was therefore dismissed.

Site	Land Adjoining 24 Ashgrove Road, Ashford
Planning Application No.:	17/00511/FUL
Proposed Development:	Erection of a single storey detached dwelling containing 1 no. bedroom and associated parking space.
Reasons for Refusal	The proposed single storey detached dwelling, would by reason of size, siting, layout, and plot size, be an incongruous and cramped form of development, which would represent an overdevelopment of the site and would have an unacceptable impact upon the character of the area and visual amenity. The proposal would also provide a poor level of outlook for future occupiers of the proposed dwelling and would result in a poor level of amenity space for no.24 Ashgrove Road. The proposal would therefore be contrary to Policy EN1 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).
Appeal Reference:	APP/Z3635/W/17/3190258
Appeal Decision Date:	03/05/2018
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The Inspector identified that the main issues were the effect of the proposed development on the living conditions of the occupants of 24 Ashgrove Road, in terms of the provision of private external space, the living conditions of future occupants, and the character of the area.</p> <p>In regards to the living conditions of future occupants, the Inspector commented that the lack of windows within the rear elevation would deprive occupants of views and easy access to the back garden, and so would have a negative effect on their living conditions in terms of outlook and quality of living space. The Inspector considered that this could not be dealt with by condition as it would not necessarily allow proper assessment or consultation. On this issue, the proposal would have an unacceptable impact upon the living conditions of future occupants and would therefore not accord with policy EN1 or the Council's SPD on design. For this reason the appeal was dismissed.</p> <p>It was considered however, that the proposal would have an acceptable impact upon the living conditions of the occupants of no.24 Ashgrove Road, as it would not encroach onto this properties land and there would not be a reduction in the private external space at this property.</p> <p>In terms of the character of the area, the Inspector noted the mix of dwelling types in Ashgrove Road and adjoining streets. It was also noted that plot sizes vary in terms of width and depth. The Inspector noted the appeal site forms a gap which is considerably larger than most gaps in the surrounding area. It was noted the proposed development would be of similar height and form to the bungalow at 24 Ashgrove Road. The Inspector also considered that the reduction in boundary fencing along the front of the site and a reasonably sized front garden, would help to alleviate an existing sense of enclosure along Ashgrove Road, as a result of the existing fence. The plot width would be comparable with existing properties but the depth would be limited resulting in a shorter garden than most. The Inspector commented that the proposal would not result in particularly cramped or incongruous development given the mixed character of the area. The Inspector concluded that the scheme would have an acceptable impact upon the character of the area and would accord with policy EN1 in this regard. It</p>

was also commented that the scheme would contribute to the Council's housing supply.

On balance, whilst the proposal would have an acceptable impact upon the character of the area, the negative impacts arising from a lack of outlook and direct access to the rear garden would be significant as it would separate occupants from their garden. The Inspector Considered that the adverse impacts would outweigh the benefits of the development and for this reason the appeal was dismissed.

Site	Workshop Adjacent to 3 Avondale Road, Ashford
Planning Application No.:	17/01344/FUL
Proposed Development:	Erection of detached residential unit consisting of a studio flat with associated parking following demolition of existing workshop.
Reason for Refusal	The proposed development by reason of its size, design and siting would result in a cramped form of development which will be out of character with the layout of development in the area, and would result in a poor standard of accommodation for future occupants with a poor outlook, small size of unit and lack of useable amenity space. The proposal would therefore be contrary to policy EN1 of the Core Strategy and Policies DPD 2009 and the Councils Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.
Appeal Reference:	APP/Z3635/W/17/3190827
Appeal Decision Date:	03/05/2018
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The Inspector considered the main issues to be the effect of the proposed development on (a) the character and appearance of the area and (b) the living conditions of future occupants in terms of outlook and the amount of internal and external space</p> <p>He noted the character of the area with varying plot sizes, but most properties have a regular and reasonable plot width as well as garden space at the rear. He went on to note that the plot size was very small</p>

and the dwelling would abut the boundaries on either side as well as the rear boundary, appearing '*tightly sited within its plot compared to other properties in the area*'. He commented that, '*the dwelling would be very close to the flank wall with No 3, and its high eaves would accentuate the limited space between it and No 3. The absence of garden space at the rear would not be obvious within the street scene but would still be out of character for this location. The boundary fence at the front would be replaced with a fence of similar height which would overly enclose a very small area of external space at the front. While the height of the fencing could be reduced, this would not overcome the overall limited space within the site or avoid a cramped form of development.*'

He concluded that the proposed development would have a negative effect on the character and appearance of the area.

The Inspector noted that the small floor space area would be limited overall and would reduce the quality of the living space for any occupant. Parking would occupy around half of the external space at the front, with the remaining space left for general use. While this space could be appropriately landscaped, it would be small and narrow and would limit the amount of useable space for any occupant and would be significantly under the 35sqm recommended by the Design SPD. The nearest public open spaces referenced by the appellant were around a 20-30 minute walk away. He noted this seemed an excessive distance on a regular basis and so would not compensate for the under provision within the site.

Due to the position of the dwelling against the side and rear boundaries,, the outlook would be of a small and constrained external space enclosed by tall fencing. Any reduction in the fence height to improve the outlook would likely result in privacy issues for the external space.

He concluded that the proposed development would provide a constrained amount of internal and external space and result in a limited outlook on the ground floor, having a negative effect on the living conditions of future occupants contrary to Policy EN1

The example opposite, noted by appellant, is much wider than the appeal site and therefore different and did not justify this proposal.

However, he commented that as a single dwelling, the development would represent a limited benefit in terms of housing provision and the efficient use of land. The existing workshop is dilapidated and its removal would benefit the street scene, but it is also quite hidden behind the existing boundary fencing and set back from the road limiting its negative impact. Therefore, only moderate weight could be attributed to the benefits of the development.

He concluded that the proposed dwelling would be cramped within its plot with inadequate spacing to the side and rear and limited outlook from the ground floor. It would also be out of character with the

prevailing form and layout of development in the surrounding area and would not have a positive effect on the living conditions of future occupants. Therefore, significant weight was attached to the adverse impacts and the conflict with the development plan. Consequently, the adverse impacts of the development would significantly and demonstrably outweigh the benefits and the proposal would not represent sustainable development. In applying para 14 of the NPPF he indicates that planning permission should not be granted in this instance.

Site	Oakwood, 2 Ferry Lane, Laleham
Planning Application No.:	17/01395/FUL
Proposed Development:	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.
Reasons for Refusal	The proposed new dwelling 'House A' in terms of its scale, design and location would have an unacceptable overbearing impact on and result in loss of light to number 16 Shepperton Road. The proposal is therefore contrary to Policy EN1 Core Strategy and Policies Development Plan Document 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.
Appeal Reference:	APP/Z3635/W/18/3193714
Appeal Decision Date:	09/05/2018
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	The Inspector noted that House A would be located further from the highway than the existing property with its south eastern corner very close to the north eastern corner of no.16. He also noted that House A would be a two storey property rather than the chalet style of the existing house and would have a greater bulk on the boundary with no.16. Consequently, he agreed that the property would have an unacceptable overbearing impact on the occupiers of that property. Furthermore, he considered that the location and bulk of the House A would also make the small rear courtyard of no.16 less attractive to use, thereby adversely affecting the ability of the occupants of no.16 Shepperton Road to enjoy their garden and living accommodation.

The Inspector did not agree that the proposal would result in unacceptable loss of light. He noted as identified in the appellant's Daylight and Sunlight report the amount of sunlight reaching the garden as a whole would be good. He considered that while there would be a reduction in the amount of light reaching the ground floor window of no.16, the impact would be limited. He therefore found that the House A would not result in unacceptable loss of light.

Site	34 Guildford Street, Staines-upon-Thames
Planning Application No.:	17/01265/HOU
Proposed Development:	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.
Reasons for Refusal	The proposed rear mansard extension to the roof, by reason of its scale, design and location, would result in an unacceptable and dominant feature of the roof, which would be visually obtrusive and detrimental to the character of the area contrary to policies SP6 and EN1 of the Spelthorne Local Development Framework Core Strategy and Policies Development Plan Document February 2009 and the Supplementary Planning Document Design of Residential Extensions and New Residential Development April 2011.
Appeal Reference:	APP/Z3635/D/17/3191732
Appeal Decision Date:	09/05/2018
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The Inspector considered that the part two part single storey rear extension was in keeping with the alterations that have been made to no.34 and was not visually obtrusive or detrimental to the character of the area. He also confirmed that he considered the removal of the chimney stack and the introduction of roof lights to be unobtrusive elements.</p> <p>He also considered that the change from a hipped roof to a gable on its own did not cause harm, because although the adjoining property retained its hipped form there were examples elsewhere in the road of</p>

similar types of properties having gable roofs. Furthermore, views from Guildford Street were limited.

However, he found that extending the gable to the rear of the original building with only a minor cut back to reflect the angle of the mansard roof slope would result in a bulky addition, which would form a dominant feature very visible from Commercial Road and the rear gardens of properties on the north side of Commercial road. He considered the pitch and bulk of the mansard roof and its extent across the roof slope made it visually obtrusive and detrimental to the character of the area contrary to SPD guidance. In addition he noted that the two dormers extended to the eaves, dominated the roof slope and had a degree of size and prominence which made them over dominant and visually obtrusive. As such they failed to take account of the principles of well-designed dormers as set out in the SPD.

He concluded that by reason of its scale and design the proposed roof extension would be visually obtrusive and detrimental to the appearance of the host property and the character of the surrounding area.

Site	Manor Farm Cottage, 126 Green Street, Sunbury On Thames
Planning Application No.:	17/01483/FUL
Proposed Development:	Demolition of existing residential bungalow to be replaced with a 2.5 storey building providing 7 no apartments with communal parking and landscaping.
Reasons for Refusal	The proposed development by virtue of its design, siting and scale on this prominent corner location, would represent an overdevelopment of the site with a lack of car parking, amenity space and cramped layout. It would be positioned forward of the prevailing building line of adjacent sites and would appear visually obtrusive and out of keeping with the locality. It would not make a positive contribution to the street scene of Manor Lane and Green Street and would not preserve the setting of the neighbouring listed building at no. 124 Green Street, to the detriment of the character of the area. The development will therefore be contrary to Policies EN1 and EN5 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/W/17/3191046
Appeal Decision Date:	10/05/2018

<p>Inspector's Decision</p>	<p>The appeal is dismissed</p>
<p>Inspector's Comments:</p>	<p>The Inspector considered the main issues to be the effect on the character and appearance of the surrounding area with particular regard to the significance of the setting of 124 Green Street, a Grade II listed building; amenity of future occupiers in terms of amenity space; impact on neighbours at 145 Manor Lane (privacy and outlook); and car parking.</p> <p>He noted that the proposal would be closer to the road than at present but did not consider this to have an adverse impact on the street scene. The removal of the garage and provision of parking with a large area of the hardstanding would provide an openings in keeping with the character.</p> <p>He stated that, '<i>...The overall footprint of the proposed development would be considerably greater than most neighbouring properties,</i>' and, '<i>... in extending across the full width of the Green Street frontage the proposal would fail to make a positive contribution to this frontage and would create development uncharacteristic of the surrounding area.</i>'</p> <p>He went on to comment that crown roofs were not out of character but would be very visible from Manor Lane and Green Street and uncharacteristic as a single storey development with accommodation in the roof. As such, '<i>... it would appear contrived and awkward in relation to the taller elements. As a result, and in spite of the introduction of a variety of set-backs, fenestration and materials the overall bulk of the development would be greater than other residential properties in the immediate locality.</i>'</p> <p>He noted that although the proposed development was marginally higher than some neighbouring properties it would not in itself be out of character with other two storey developments and providing enclosure to mark the corner of the site would not be unacceptable in principle. He went on to note the high density, and although in a sustainable location, <i>he stated... 'I find that the scale of the proposed development would not be in keeping with the character of the area for the reasons given and would not justify the density proposed.'</i></p> <p>He noted the proposal should have special regard to the need to preserve the setting of the grade II listed property at 124 Green Lane and that architectural features are clearly visible and, '<i>...prominent in both close and longer distance street views. Moreover, because of its height and position extending to the front and sides of the plot, The Manor Cottage has a degree of prominence in the street scene. Accordingly, I find that both the setback and height of the bungalow on the appeal site and the setback of neighbouring buildings to the south of The Manor Cottage contribute to the openness and the significance of the setting of the listed building.</i>'</p>

The Inspector stated that the proposal would change the character of local views of the Manor Cottage and would, '*... materially harm the appreciation of the special Architectural and historic interest of the listed building, challenging its dominant position in local views. Marking the corner of the site, the height and scale of the new building would draw attention away from the listed building ..when the two buildings were viewed together.*'

Consequently it was felt the proposal would conflict with Policy EN1 in that it would not provide a high standard of design or make a positive contribution to the character of the area. The proposal would be contrary to Policy EN5 in failing to preserve those elements of the setting that make a positive contribution to the listed building and would result in a degree of harm which would be less than substantial.

He did not consider that the living conditions of the future occupants would be poor, despite lack of private garden space provision, due to the public space opposite. He also did not consider that there would be a poor relationship with neighbouring properties, despite the proposal falling short of the minimum separation distance.

He made no objection to car parking with only 7 spaces provided (4 short) as noted that the demand for on street parking could be met in surrounding roads, despite the proximity to the junction which limits parking and also due to good public transport. It was concluded that there would be no material conflict with Policy CC3

He concluded that the proposal would result in moderate harm to the character and appearance of the area, it would result in less than substantial harm to the setting of 124 Green Street, a heritage asset to which he attaches considerable importance and Weight.

He went on to conclude that the proposal provided acceptable living conditions for future occupiers, acceptable impact on neighbours and in terms of parking provision. He noted the public benefit of a contribution to the supply of housing of six additional dwellings. However he concluded that, '*... this element weighs moderately in favour of the proposal but it does not outweigh the harms I have identified.*'

Therefore he dismissed the proposal.

Site	Halliford Studios Limited, Manygate Lane, Shepperton
Planning Application No.:	16/02113/FUL

Proposed Development:	Redevelopment of the site to provide 28 residential units, 1 x 1 bed flat, 7 x 2 bed flats, 6 x 2 bedroom houses, 10 x 3 bedroom houses and 4 x 4 bedroom houses with a total number of 50 car parking spaces / garages, the provision of amenity space, landscaping and associated alterations.
Reasons for Refusal	<p>1.)The proposed development would, by reason of the layout (including extensive areas of hard surfacing), form, design and inadequate amenity space represent an overdevelopment of the site which would have a detrimental impact on the character of the surrounding area which would be contrary to policy EN1 of the Spelthorne Development Plan Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development (April 2011).</p> <p>2.)The proposed development would, by reason of the layout on the eastern part of the site, have an un-neighbourly and overbearing impact on no. 35 Gordon Road, resulting in a loss of light to this property, contrary to policy EN1 (b) of the Spelthorne Development Plan Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development (April 2011).</p> <p>3.)The proposed development fails to pay sufficient regard to, and would have an unacceptable and impact on, the existing trees which are protected by a Tree Preservation Order, contrary to policy EN7 of the of the Spelthorne Development Plan Core Strategy and Policies DPD 2009.</p> <p>4.)The proposed development fails to provide an adequate number of small dwellings to meet the Council's housing needs, contrary to policy HO4 of the Spelthorne Development Plan Core Strategy and Policies DPD 2009</p> <p>5.)Insufficient supporting details have been submitted to demonstrate that the matters concerning highway, refuse (including access) and noise have been fully addressed in order to comply with adopted policies EN1, EN11 and CC2 as contained in Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009 and the Council's adopted SPD on the Design of Residential Extensions and New Residential Development concerning amenity space for new dwellings.</p>
Appeal Reference:	APP/Z3635/W/17/3181955
Appeal Decision Date:	14/05/2018
Inspector's Decision	The appeal is dismissed

Inspector's Comments:	<p>The Inspector considered that the proposed development would have a harmful effect on the character and appearance of the surrounding area, which outweighed any benefits of making a more effective use of this previously developed site. He commented that the arrangement of the dwellings would lead to a preponderance of hard surfacing with a relative lack of green space. This was illustrated by the inadequate amount of useable communal space around the block of flats and by some of the terraced dwellings having garden sizes below the Council's minimum garden standards.</p> <p>The Inspector also considered that the proposal (particularly Units 16 – 18 on the site layout plan) would have an overly dominant and overbearing impact on the neighbouring property of 35 Gordon Road.</p> <p>Furthermore, the Inspector considered that the proposal would have an unacceptable impact on the existing mature Oak trees on the southern boundary, which are protected by a Tree Preservation Order. He commented that the introduction of the proposed buildings and garden boundaries close to the trees would detract from the wider visual amenity they provide. Due to their shading effect, and the presence of old and possibly decaying branches, the layout proposed would risk pressure on the Council having to agree to the carrying out further tree surgery and maintenance that might otherwise not be sought.</p> <p>The Inspector considered that the proposal had an unacceptable proportion of smaller dwellings (i.e. 1 or 2 bedroom), and that the scheme failed to comply with the requirements of Policy HO4 of the Core Strategy and Policies DPD.</p>
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FUTURE HEARING / INQUIRY DATES

Council Ref.	Type of Appeal	Site	Proposal	Case Officers	Date
17/0095 2/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