

PLANNING APPEALS

APPEAL DECISIONS RECEIVED BETWEEN 6 SEPTEMBER AND 4 OCTOBER 2018

Site	Cockaigne Sandhills Meadow Shepperton TW17 9HY
Planning Application No.:	18/00025/HOU
Proposed Development:	Conversion of roofspace at rear of property to form habitable accommodation to include a hip to gable extension and the installation of roof lights in the western roof slope.
Reasons for Refusal	<p>The proposed roof alteration, by virtue of height and design through the incorporation of a dual axis roof (the same height as the existing element of flat roof at the ridge) is considered to be out of keeping with other properties within the surrounding Plotland Area. It would not maintain the characteristic simple roof form which is found in properties in Sandhills Meadow and so would cause harm the wider area. The proposal would therefore be contrary to Policy EN2 and EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009).</p> <p>The proposed roof alteration would create habitable first floor space that would result in a significant increase in the floorspace of the dwelling when compared with that which originally existed on site. The addition would therefore be considered a disproportionate addition which would cause unacceptable harm to the openness of the greenbelt for which no very special circumstances have been demonstrated. The proposal would therefore be contrary to Policy EN2 of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009), saved policy GB1 of the Spelthorne Borough Local Plan 2001 and Paragraph 89 of the National Planning Policy Framework 2012.</p>
Appeal Reference:	APP/Z3635/D/18/3203974
Appeal Decision Date:	29/09/2018

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 represent inappropriate development in the Green Belt and the impact of the proposal on the openness of the Green Belt. - The effect on the character and appearance of the area. - Whether the harm to the Green Belt by way of inappropriateness can be outweighed by other considerations. <p>The Inspector noted saved policy GB1, which states that development will not be permitted that conflicts with the purposes of the Green Belt and maintaining its openness. The Inspector also noted policy EN2, which states the Council will only permit the rebuilding and extension of dwellings in the Green Belt where this does not change the scale of the original building. The Inspector considered that this broadly supports the NPPF, which states the construction of new buildings in the Green Belt is inappropriate, but with one exception being the extension of a building providing that it does not result in extensions or alterations that are disproportionate to the size of the original building. It was further noted that inappropriate development is by definition harmful and should not be approved except in 'very special circumstances'.</p> <p>The Inspector acknowledged that the site has a lengthy planning history with a number of applications and appeals determined at the site. It was noted the dwelling was originally granted planning permission in 2003, and has been extended previously. The Inspector drew attention to planning appeal APP/Z3635/D/16/3142167, which was dismissed at the site in 2016. The Inspector noted that there is very little difference between the previously dismissed appeal, and the present scheme other than the ridge has been lowered slightly.</p> <p>The Inspector considered that the appeal scheme would significantly alter the scale of the original building and would therefore be contrary to policy EN2. The Inspector also commented that the proposal would have a detrimental impact upon openness.</p> <p>In terms of character of the area, the Inspector commented that there was no one clearly discernible design in the surrounding ribbon of development and the proposal would not be out of character in the Plotlands area. On this basis there would not be harm to the character and appearance of the area and the appeal scheme would be in accordance with policy EN1 and EN2 (notwithstanding Green Belt concerns).</p> <p>On Green Belt balance the Inspector concluded that when considered cumulatively against the scale of the original dwelling, previous extensions together with the appeal proposal would amount to a disproportionate addition over and above the original dwelling house and</p>

would consequently give rise to a loss in the openness of the Green Belt. It was concluded that no 'very special circumstances' existed to outweigh this harm and the appeal was dismissed.

Site	Oakford Park Road Shepperton TW17 9LL
Planning Application No.:	18/00270/HOU
Proposed Development	Erection of an extension to the eastern elevation of the property (following demolition of existing eastern element), including additional habitable accommodation in the roof space and a ground floor extension, the installation of an eastern facing dormer and southern gable (including balcony), a roof extension including a western facing dormer, a ground floor extension and balcony in the western elevation, and associated works including decking at the southern elevation.
Reasons for Refusal	<p>The proposed extension and subdivision of the unit, is by virtue of height, scale, bulk, design, subdivision and roof form, considered to be out of keeping with other the scale, design and character of other properties within the surrounding Plotland Area. It would not maintain the characteristic simple roof form and so would cause harm the wider area. The proposal would therefore be contrary to Policy EN2 and EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009) and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.</p> <p>The proposed extension and subdivision of the unit 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, and 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 extension and subdivision of the unit would introduce an additional, more vulnerable unit into flood zone 3b, and would not provide a dry means of safe access and egress for future occupiers, and would add to the problems of the emergency services during a major floor event, contrary to the objects of policy LO1, of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009) and the National Planning Policy Framework (March 2012).</p>

Appeal Reference:	APP/Z3635/D/18/3205760
Appeal Decision Date:	19/09/2018
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 be inappropriate development in the Green Belt and the effect upon the openness of the Green Belt. - The effect on the character and appearance of the Plotlands area. - Whether the proposal would be safe in respect of flood risk. - Whether harm to the Green Belt is outweighed by other considerations that amount to 'very special circumstances'. <p>In regards to the Green Belt, the Inspector noted that Council policy EN2 was broadly in line with the NPPF, which states that the construction of new buildings should be regarded as inappropriate in the Green Belt, but with one of the exceptions being the extension or alteration to a building providing that it does not result in disproportionate additions over and above the size of the original building. The Inspector noted that there is no quantitative guide as to what constitutes disproportionate additions, although acknowledged that the property has previously been extended and those extensions together with the present proposal could constitute disproportionate additions. The Inspector noted that as a 'fall back' position the appellant may wish to consider permitted development options, although no plans had been provided to indicate what could be constructed at the site under permitted development legislation. The Inspector concluded that the proposed additions would be significant and would therefore constitute disproportionate additions. The Inspector also determined that the additional mass and bulk would have a detrimental impact upon the openness of the site and found that the scheme was contrary to policy EN2 as well as the NPPF.</p> <p>In terms of character, the Inspector noted that the proposal would significantly increase the overall scale and mass of the dwelling and would demonstrably increase its presence in the street scene. The scheme would therefore be contrary to both Policy EN1 and Policy EN2.</p> <p>In regards to flooding, the Inspector accepted that both of the proposed halves of Oakford would be capable of independent living. However, the Inspector also cited case law that just because ancillary accommodation provided facilities to enable independent living, this does not necessarily mean that it would become a separate planning unit from the main dwelling. The Inspector accepted that the ancillary accommodation</p>

	<p>would have a separate front door. However, as parking and garden space would be shared, it was concluded that there would be a relationship between the two halves of the building, and a condition could have been imposed requiring that the two halves remained ancillary to each other. In terms of flood risk, the Inspector determined that as the two halves of the building would be ancillary a 'more vulnerable' use would not be introduced into the flood zone and the scheme was tantamount to a residential extension. Consequently it was concluded that the scheme would not give rise to an increase in flood risks to future occupiers or add to the problems of the emergency services in a flood event. It was therefore commented that the scheme would be in adherence to policy LO1.</p> <p>In terms of Green Belt balance, whilst the Inspector acknowledged the appellant's comments that the extension was required to aid the care of the appellant's sister, as little information has been provided these factors did not amount to 'very special circumstances' necessary to negate the harm to the Green Belt caused by inappropriate development. The appeal was therefore dismissed.</p>
--	--

Site	50, 52 And 54 High Street Staines-upon-Thames
Planning Application No.:	16/01979/FUL
Proposed Development	Erection of a roof extension to create three residential flats
Reason for Refusal	The adverse impact effect of the development on the setting of the listed building at No 44-48 High Street. (Non determination).
Appeal Reference:	APP/Z3635/W/18/3195014
Appeal Decision Date:	03/10/2018
Inspector's Decision	The appeal is dismissed.
Inspector's Comments:	The appeal site comprises a three-storey building on the northern side of High Street within Staines town centre. The building comprises retail uses at ground floor and residential accommodation on the upper floors. The appeal scheme would add a further 3 flats within a gabled-ended

mansard roof extension adding to the 8 already approved. The adjacent property No. 44-48 is a listed building. The Council argued that the roof extension would increase the bulk of the appeal building resulting it appearing higher than the ridge of the listed building and amounting to substantial harm to the setting of No.44-48. The inspector disagreed arguing that the overall increase in the height of the consented scheme would be modest. He considered that the setting of the listed building is "primarily defined by the High Street which is dominated by the Elmsleigh Centre nearby and other 20th Century buildings and ubiquitous shop fronts". Furthermore, he stated that while the additional height is clearly visible in plan form, it would not be readily apparent in public views due to the extension's recessive siting behind a front parapet. He concluded that the development would preserve the setting of No 44-48 and No 56.