

PLANNING APPEALS

**LIST OF APPEALS SUBMITTED BETWEEN 19 DECEMBER 2018 AND 18
FEBRUARY 2019**

Planning Application Number	Inspector Ref.	Address	Description	Appeal Start Date
18/00019/COU	APP/Z363 5/W/18/32 00540	Former Nursery Site Rear Of 37 - 51 Hithermoor Road Stanwell Moor	Change of use of site from former nursery site to fencing manufacture and supply business.	08/01/2019
18/01101/FUL	APP/Z363 5/W/18/32 19226	17 - 51 London Road Staines-upon-Thames TW18 4EX	Erection of six buildings to provide 474 residential homes (Class C3) and flexible commercial space at ground and first floors (Class A1, A2, A3, B1, D1 or D2) car parking, pedestrian and vehicular access, landscaping and associated works.	15/01/19
18/01106/RVC	APP/Z363 5/W/18/32 17395	McDonalds 554 London Road Ashford TW15 3AE	Variation of condition no. 21 of planning approval 13/00451/FUL for the erection of a freestanding two storey restaurant with associated drive thru lane, parking and landscaping and installation of customer order display and canopy to allow the restaurant to open for 24 hours a day, seven days a week.	16/01/19
18/01426/RVC	APP/Z363 5/W/18/32 19171	Halliford Studios Limited Manygate Lane Shepperton TW17 9EG	Variation of condition 2 (approved drawings) of planning permission 17/01065/FUL for 24 dwellings, to allow the brick wall along the Northern and Eastern boundaries to be replaced with 1.8 metre high close boarded fence topped with 300mm trellis, and a 2.1 metre high wall.	16/01/19

18/01494/HOU	APP/Z3635/ D/19/32201 82	29 Hawkewood Road Sunbury On Thames TW16 6HL	Conversion of bungalow to two storey dwelling with front and side extensions following demolition of existing side and rear conservatories.	12/02/19
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**APPEAL DECISIONS RECEIVED BETWEEN 19 DECEMBER 2018 AND 18
FEBRUARY 2019**

Site	Cheyne Cottage 7 Oaks Road Stanwell
Planning Application No.:	18/00631/HOU
Proposed Development:	Erection of a detached double garage.
Reasons for Refusal	By virtue of its design and materials the proposed garage is considered to show insufficient regard to the setting of the adjacent Grade II Listed building Cheyne Cottage and fails to preserve or enhance the special character of Stanwell Conservation Area. The proposal is therefore contrary to policies EN1, EN5 and EN6 of the Core Strategy and Policies Development Plan Document 2009.
Appeal Reference:	APP/Z3635/D/18/3206638
Appeal Decision Date:	21/12/2018
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The Inspector considered the main issue to be the effect of the proposal on the character and appearance of Stanwell Conservation Area and the setting of Cheyne Cottage.</p> <p>The garage would span almost the entire width of the existing open space to the side of Cheyne Cottage and the Inspector considered that it would appear as a purely utilitarian structure placed within a confined area with little further evidence of it being comfortable or assimilated into its surroundings. Neither the materials nor the building's form were considered to show any respect for the architectural composition of Cheyne Cottage or its immediate surroundings.</p>

	<p>The Inspector considered that the character and appearance of the Conservation Area would be neither preserved nor enhanced, which would be detrimental to the area's significance as a heritage asset. In addition, the Inspector considered that the unsympathetic presence of the building would detract from the setting of Cheyne Cottage and also harm its significance as a heritage asset. The Inspector concluded that there would therefore be conflict with policies EN1, EN5 and EN6 of the Core Strategy and Policies DPD (2009) and the appeal was dismissed accordingly.</p>
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Site	15 Park Road Stanwell Staines-upon-Thames
Planning Application No.:	17/01791/HOU
Proposed Development:	Erection of vehicle crossover.
Reason for Refusal	The proposed means of access to the highway is considered not give sufficient space to facilitate the average dimensions of a car and therefore is contrary to the objectives of the NPPF and Policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.
Appeal Reference:	APP/Z3635/W/18/3203670
Appeal Decision Date:	02/01/2019
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The Inspector considered the main issue was the effect of the proposed development on the safety of other highway users. This was due to the depth of the appellants' front garden being 4.4 metres which is below the 4.8 metres parking standard that has been identified as the typical length of an average family car. The footway is approximately 1.6 metres wide and so a larger car was considered to overhang the driveway. Therefore the Inspector considered a reduction in the width from an overhanging vehicle would impact the safety of pedestrians.</p> <p>The Inspector noted the appellants' reasons related to parking a car close to the property at certain times of the day and leaving their children unattended whilst looking for a parking space. They considered</p>

	<p>that the identified harm caused to the safety of the public outweighed the benefits to the appellant.</p> <p>However, overall the Inspector considered the proposal would cause unacceptable harm to the safety of other highway users and conflicts with CS Policy CC3.</p>
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Site	60 Penton Road Staines-upon-Thames TW18 2LJ
Planning Application No.:	17/01131/FUL
Proposed Development:	Erection of a two storey 4 no. bedroom detached dwelling following demolition of existing garage
Reason for Refusal	The proposed two storey dwelling would be situated within a 'dry island' 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 flood event, contrary to the objects of policy LO1, of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009).
Appeal Reference:	APP/Z3635/W/18/3197907
Appeal Decision Date:	16/01/2019
Inspector's Decision	The appeal is dismissed.
Inspector's Comments:	<p>The Inspector identified that the main issue was whether the site would be suitable for housing in regards to flood risk and a safe means of escape during flood events.</p> <p>The Inspector noted that whilst the site is located within Flood Zone 2, it is situated on a 'Dry Island' which is surrounded by Flood Zones 3a and 3b. Therefore at times of flooding the site was effectively cut off by flood waters.</p> <p>It was noted that the Flooding SPD states proposals for development on 'Dry Islands' will be treated the same as for the level of flood risk in the area surrounding them regardless of their size, which the Inspector considered was broadly in accordance with the requirements of the</p>

	<p>NPPF. The scheme should therefore be treated as though it was in Flood Zones 3a and 3b.</p> <p>The Inspector noted that the appellants FRA confirms that the evacuation route would be free of flooding from the River Thames within the first 100-200 hours, and the flooding would then effectively surround the dry island within 400 hours when evacuation would be difficult.</p> <p>It was noted that vulnerable residents may need more time or assistance from others to evacuate the property which would add further demand on already stretched resources at a time of emergency. Moreover, any delay in evacuation may lead to occupiers attempting to cross flood waters, and could add to the problems of the emergency services.</p> <p>It was noted that whilst the Environment Agency had not objected, the EA had stated that a dry means of escape would need to be provided outside of the 1% annual exceedance probability and the Inspector was not satisfied that this had been achieved.</p> <p>The Inspector concluded that the appeal site would not be suitable for housing with particular regard to flood risk and the provision of a safe means of escape during flooding. Therefore it would be contrary to Policy LO1 of the Core Strategy and Policies Plan Document 2009 and the SPD, and the appeal was dismissed.</p>
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Site	83 Thames Side Staines-upon-Thames TW18 2HF
Planning Application No.:	17/01837/FUL
Proposed Development:	Retrospective application for the retention of landing stage for boat mooring
Reason for Refusal	The proposal represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will diminish the openness of the Green Belt and give the locality a more urban character. Furthermore, the development is considered to be visually obtrusive in this riverside location and would not make a positive contribution to the setting of the River Thames. It is therefore contrary to saved Policy GB1 of the Spelthorne Borough Local Plan 2001, Policy EN9 of the Core Strategy and Policies DPD 2009, and Section 9 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2012.

Appeal Reference:	APP/Z3635/W/18/3207714
Appeal Decision Date:	23/01/2019
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>With regards to impact on the Green belt, the Inspector considered that a landing stage for mooring a boat could reasonably be considered as an appropriate facility for outdoor recreation to enable residents to enjoy the river. The Inspector noted that the landing area is about 6 metres wide and has a depth of about 1.9 metres and is supported by three metal piles about 2.5 metres high. He considered that while it introduces development into an open area, it is low lying, about level with the riverbank adjacent to the water, the lack of enclosure to the landing means it is perceived as being an open structure, with views available through it from both sides of the river bank. In his view, the size of the landing area is small, the piles are high but they have limited mass. Overall therefore, he considered that in these particular circumstances any loss of openness is minimal and as such is not materially harmful.</p> <p>In terms of impact on the character the Inspector noted that the landing is mainly constructed from timber and in this respect is an acceptable addition. He considered that the size of the landing is small and the piles, although necessarily high to prevent the boat drifting onto the landing stage in times of flood, has a minimal mass, such that the landing would not be an obtrusive feature when viewed from either side of the river bank and along the towpath similar to other structures. He considered that this together with its open nature means that views of the river and its open setting are protected and respected.</p>

Site	Beulah Penny Lane Shepperton TW17 8NF
Planning Application No.:	17/01126/FUL
Proposed Development:	Change of use of garages to a mixed use of garages and holiday accommodation

Reason for Refusal	<ol style="list-style-type: none"> 1. The site is located with Flood Zone 3a and 3b and the proposed use as a holiday accommodation (classified as a highly vulnerable use) would introduce more residents into the flood plain and put more people at risk from flooding, contrary to Policy LO1 of the Core Strategy and Policies DPD 2009 and the requirements on Flood risk as set out in the Planning Practice Guidance to the NPPF. 2. The proposed development represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will diminish the openness of the Green Belt and give the locality a more urban character. It is therefore contrary to saved Policy GB1 of the Spelthorne Borough Local Plan 2001 and section 9 of the National Planning Policy Framework 2012.
Appeal Reference:	APP/Z3635/W/18/3198128
Appeal Decision Date:	24/01/2019
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The appeal site is located within the Green Belt. The Inspector summarised that the structure already exists and the development would not add to the existing footprint of the building and similarly no additional hardstanding was proposed. However he noted that whilst individual stays in the accommodation would be shorter, there would be potential for the accommodation to be in use throughout the year. In addition he considered that visitors would be independent of the main household and as such it could reasonably be expected that there would be an increased number of cars and activity independent of the main dwelling as a result of visiting tourists. He concluded that there would not, therefore, be less activity than what is currently permitted. The increased comings and goings would lead to a more intensive use, increasing the urban character of the area. This was irrespective of the existing use of Penny Lane by the residents of neighbouring properties. He considered that the development would consequently be harmful to the openness of the Green Belt and the urban encroachment would be contrary to one of the purposes of including land within the Green Belt.</p> <p>In addition, with regard to flood risk, the Inspector noted that the site falls primarily within flood zone 3b and he considered that irrespective of whether the occupants would be permanent or temporary residents of the property, they would still be at risk in the event of a flood. He did not consider that flood warnings would adequately mitigate this. He also noted that the Environment Agency had objected to the proposal on the</p>

	basis that the proposed use was not compatible with flood zone 3b and that safe access and egress issues have not been satisfactorily addressed. He therefore agreed that the proposal conflicted with LO1.
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Site	Two Rivers Retail Park Mustard Mill Road Staines-upon-Thames
Planning Application No.:	18/00625/ADV
Proposed Development:	Application for advertisement consent for the display of 2 no internally illuminated fascia signs to the roof canopy (3.29 x 1.190 x 0.10), 1no internally illuminated sign to the front (0.59 x 0.99 x 0.10), 1no non-illuminated fascia sign on the rear elevation above the roller shutter to the warehouse (0.52 x 2.60) and 2no freestanding partially illuminated signs adjacent to Mustard Mill Road (1.50 x 0.83 x 0.17).
Reason for Refusal	The proposed 2no freestanding partially illuminated signs would by reason of their position, have a harmful effect on the visual amenity of the surrounding area along Mustard Mill Road, contrary with paragraph 67 of the National Planning Policy Framework 2012.
	APP/Z3635/Z/18/3208274
Appeal Decision Date:	08/02/2019
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The Planning Inspector considered that the main issue was the effect of the proposal on the visual amenity and particular harmful impact upon the character and appearance of Staines Centre.</p> <p>The Inspector noted that the advertisements at the shopping centre were confined to the individual stores in the various parts of the centre, but the roadside displays were limited to those erected by the centre's management providing information for visitors about the layout and car parking.</p> <p>It was considered that the erection of advertisements for a particular trader, albeit in the form of a direction towards the unit, would be the start of a clutter harmful to the visual amenity.</p>

	Whilst the Inspector agreed that the proposed signs would be helpful for the visitors, it was however considered this would be primarily in the first couple of months after the store has opened and as such it was concluded that the signage would be unnecessary for the majority of patrons who would no need for guidance on their regular shopping trips how to reach the correct car park for the store.
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Site	17 Rex Avenue Ashford TW15 2DA
Planning Application No.:	18/00672/TPO
Proposed Development:	TPO227/07 - T1 & T2 - Oak x 2 - Crown lift from ground level to 8 metres to provide light
Reason for Refusal	The two oak trees make a significant contribution to the local amenity of the area and appear to be in a healthy and stable condition and are showing no obvious signs of disease or decay. They have reasonable branch structures which form a balanced crown shape together. The proposed reduction would significantly lower the trees' amenity value. The overshadowing from the trees is not considered sufficient reason to justify the extent of the proposed crown reduction nor the impact that such a reduction would have on the contribution that the oaks make to the visual amenity of the surroundings.
Appeal Decision Date:	04/01/2019
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	The Inspector considered the trees featured prominently from Rex Avenue and Manor Road. They considered the trees made a strong and positive contribution to the character of the area. The inspector considered that the removal of large limbs would leave large wounds and would increase the likelihood of disease and decay and would adversely affect the long term health of the trees. Therefore they noted the proposed works would have a detrimental effect on their health and visual amenity. The Inspector notes the appellants reasoning for the works

FUTURE HEARING / INQUIRY DATES

Council Ref.	Type of Appeal	Site	Proposal	Case Officers	Date
18/00019 /COU	Hearing	Former Nursery Site Rear of 37 – 51 Hithermoor Road, Stanwell Moor	Change of use of site from former nursery site to fencing manufacture and supply business	Paul Tomson	12/03/19
18/01101 /FUL	Inquiry	17 - 51 London Road Staines-upon-Thames TW18 4EX	Erection of six buildings to provide 474 residential homes (Class C3) and flexible commercial space at ground and first floors (Class A1, A2, A3, B1, D1 or D2) car parking, pedestrian and vehicular access, landscaping and associated works.	Russ Mountry/ Matthew Churchill	TBC