

## PLANNING APPEALS

### LIST OF APPEALS SUBMITTED BETWEEN 6 NOVEMBER AND 3 DECEMBER 2015

<u>Planning Application/ Enforcement No.</u>	<u>Inspectorate Ref.</u>	<u>Address</u>	<u>Description</u>	<u>Appeal Start Date</u>
15/00033/ENF	APP/Z3635/C/15/3136493	Satsun, Park Road, Shepperton	Enforcement notice relating to the erection of rear and side extension following demolition of toilet and shower building and use of the building as a permanent residential dwelling.	19/11/2015
15/00814/FUL	APP/Z3635/W/15/3135863	3 Douglas Road, Stanwell	Erection of two-bedroomed end of terraced dwelling.	27/11/2015 notified that appeal has been <b><u>withdrawn</u></b>
14/01943/FUL	APP/Z3635/W/15/3139090	25-27 High Street, Stanwell	Erection of 2 no. 3 bed houses, conversion of existing grade II Listed Building into 2 no. dwellings and erection of detached garage/orangery building, along with associated parking and landscaping following demolition of existing pool house and garage.	30/11/2015

### APPEAL DECISIONS RECEIVED BETWEEN 6 NOVEMBER AND 3 DECEMBER 2015

<b>Site</b>	Haroldene, Towpath, Shepperton,
<b>Enforcement Notice</b>	15/00012/A/ENF

<b>Number:</b>	
<b>Appeal Reference</b>	APP/Z3635/C/15/3005234
<b>Appeal Decision Date:</b>	18 November 2015
<b>Inspector's Decision</b>	The appeal is dismissed and the enforcement notice is upheld with variations and corrections.
<b>Proposal</b>	The breach of planning control as alleged in the notice is 'The carrying out on the land of building, engineering, mining or other operations at variance to Planning Permission 14/00878/FUL.
<b>Reasons for Issuing the Enforcement Notice:</b>	The unauthorised development as it is at present proceeding, results in a building that is unacceptable in a plotland area within the Green Belt, and within an area liable to flood and could result in the loss of amenity to adjoining residential properties contrary to Policy EN1: Design of New Development of the Spelthorne Core Strategy and Policies DPD 2009.
<b>Inspector's Comments</b>	<p>The Inspector considered that as the site lies within the Metropolitan Green Belt, the main issues were whether the development constitutes inappropriate development; the effect of the development on the openness of the Green Belt and whether any harm by way of inappropriateness is clearly outweighed by other considerations and, if so, whether there exist Very Special Circumstances to justify the development.</p> <p>The Inspector observed that the appeal building is materially larger than the buildings it replaced and as such it is contrary to guidance contained in the NPPF and is therefore inappropriate development, which by definition, is harmful to the Green Belt.</p> <p>In terms of openness, the Inspector noted the increased size of the dwelling and in particular, the increased height, volume and footprint of the garage. She concluded that in view of the increased footprint, height and volume of the built structure above that permitted by the original planning permission, the development in its current form has reduced the openness of the Green Belt.</p> <p>The Inspector did not consider that the fact that the original dwelling (now demolished) had not been extended was a material consideration, nor the fact that views of the enlarged garage were limited. Additionally, the existence of other enlarged properties in the locality, the more recent 2015 approval on this site for a replacement dwelling without the garage and the method of construction did not weigh in favour of the scheme.</p> <p>The Inspector concluded that the proposal is inappropriate</p>

	development which is harmful to the Green Belt and also found harm to the openness of the Green Belt. The combined weight of other considerations did not clearly outweigh the totality of harm identified and as such the Very Special Circumstances necessary to justify inappropriate development in the Green Belt do not exist. The development was therefore contrary to the relevant provisions of the National Planning policy Framework.
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<b>Site</b>	Highways Land West Side of Worples Road, Staines upon Thames
<b>Planning Application Number</b>	14/02078/T56
<b>Appeal References</b>	APP/Z3635/W/15/3129047
<b>Appeal Decision Date:</b>	26/11/2015
<b>Inspector's Decision</b>	The appeal is dismissed
<b>Proposal</b>	Installation of a 15m high telecommunications street pole housing 6 no. antennas with 3 no. associated equipment cabinet.
<b>Reason for Refusal</b>	The proposed telecommunications mast, in view of its siting on an open area of land and its height and bulk would appear visually intrusive in the street scene. The proposal therefore does not comply with Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).
<b>Inspector's Comments</b>	<p>The Inspector considered that the main issue was whether or not the proposal constitutes permitted development, having regard to the effect of the proposal on the character and appearance of the area. The Inspector observed that the rear is largely residential, although the proposed equipment would be located on the edge of an area of open space. He also acknowledged the need to improve network coverage in the area and that the mast would be shared by two providers which were material considerations in favour of the proposal.</p> <p>However, he considered that due to the appeal site's location on the edge of the open space, the proposed monopole would be prominently sited and very exposed. The appellant's argument that the location is appropriate as the open space provides a break in built development in the area was dismissed as the Inspector considered that this added to the prominent nature of the proposal and would detract from the welcome relief that the</p>

	<p>open space provides from the wider built environment.</p> <p>The Inspector viewed the surrounding street furniture as being relatively limited and considerably smaller in height and thickness than the proposed monopole. Similarly, the existing trees in the locality, which are smaller than the monopole, would do little to screen or soften the impact of the monopole, particularly when viewed from the south and in winter months. The Inspector also considered that the monopole would tower over the adjoining dwellings and represent an unacceptably dominant feature in the views from these properties.</p> <p>In conclusion, by virtue of its siting, height and thickness, the Inspector considered that the proposal would be unacceptably prominent, overly dominant and incongruous and that the scheme would cause significant harm to the character and appearance of the area and to views from nearby properties and these factors are not outweighed by other material considerations. As such it was considered to be contrary to policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).</p>
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<b>Site</b>	Land at Station Road, Shepperton
<b>Planning Application Number:</b>	14/01868/FUL
<b>Appeal Reference</b>	APP/Z3635/W/15/3130694
<b>Appeal Decision Date:</b>	30/11/2015
<b>Inspector's Decision</b>	The appeal is dismissed.
<b>Proposal</b>	Erection of a two storey block comprising 2 no. 2 bed and 2 no. 1 bed flats together with parking for 7 residents car parking spaces including turning head, passing bay and 5 additional car parking spaces.
<b>Reason for Refusal</b>	The proposed development would involve the permanent loss of part of a wooded area that now has some protected replacement trees and by virtue of the size, width, bulk and location of the proposed buildings would result in a development that would be out of character with the local area resulting in a detrimental impact upon the visual appearance of the area. The loss of the wooded area, and existing and future trees as a collective group would cause significant demonstrable harm to the amenities of the surrounding properties in terms of screening and outlook. The proposal will also result in the loss of an attractive area of open

	<p>space which makes a significant contribution to the quality and character of this street. The proposal is therefore contrary to policies EN1, EN4 and EN7 of The Spelthorne Development Plan - Core Strategy and Policies Development Plan Document (2009).</p>
<p><b>Inspector's Comments</b></p>	<p>The Inspector considered that the main issue is the effect of the proposal on the character and appearance of this part of Shepperton, with particular reference to the loss of trees and the wooded area; the effect on residential outlook and the loss of an open space.</p> <p>The Inspector observed that the appeal site is seen as a 'green strip' within a heavily built up area with a variety of house types in the locality. He acknowledged various factors in favour of a housing development on the site, notably the presumption in favour of sustainable development and the principle of housing development on land which in effect is a 'brown field' and 'windfall' site. The fact the land itself was not designated as Protected Urban Open Space was noted. However the Inspector recognised that for new developments to be fully sustainable in environmental terms, they need to ensure that they are not harmful to the overall environment of their surroundings; that they are well-designed and that they do not cause harm to the character and appearance of the locality.</p> <p>In terms of trees, the inspector considered that as a whole, the trees add positively to the character and appearance of this part of Shepperton. The necessary re-positioning of some trees already planted as part of a Tree Replacement Notice would exacerbate the loss of trees which were removed previously. This would result in visual harm being caused to the character and appearance of this open space along Station Road. The inspector considered that as one of the few open green spaces in the immediate locality it is extremely important in environmental terms.</p> <p>The Inspector also considered that the block of four houses would be perceived as being cramped development at the end of a Cul-de-Sac. This cramped appearance would be emphasised by the proximity of the main elevation of two of the units facing the railway being hard up to the boundary fence which would result in an oppressive and overbearing effect for occupiers of these units. There were also concerns regarding the general design not improving the character and quality of the area.</p> <p>While acknowledging that existing residents have no right to the retention of their existing views, the Inspector concluded that for those residents living opposite the proposed building, the outlook onto the site would be perceived as being oppressive and overbearing.</p> <p>The inspector considered that rather than improving the character</p>

	<p>and quality of the immediate locality, the proposed scheme would detract from the appearance of this part of Shepperton. Any benefits of the scheme would be significantly and demonstrably outweighed by the adverse impacts which were outlined in the decision letter and were contrary to Policy EN1 and EN4 of the Spelthorne Core Strategy and Policies Development Plan Document (2009) and guidance contained within the National Planning policy Framework.</p>
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**FUTURE HEARING / INQUIRY DATES**

<b>Council Ref.</b>	<b>Type of Appeal</b>	<b>Site</b>	<b>Proposal</b>	<b>Case Officer</b>	<b>Date</b>
15/00087 /ENF	Hearing	The Willows, Moor Lane, Staines Upon Thames.	Enforcement notice relating to the unauthorised storage on open land.	JF	15/03/2016