

## PLANNING APPEALS

### LIST OF APPEALS SUBMITTED BETWEEN 18 DECEMBER 2015 AND 28 JANUARY 2016

<u>Planning Application/ Enforcement No.</u>	<u>Inspectorate Ref.</u>	<u>Address</u>	<u>Description</u>	<u>Appeal Start Date</u>
15/00127/ENF	APP/Z3635/C/15/3140643	72 Charles Road, Staines-upon-Thames	Unauthorised use of an outbuilding in the rear garden of the dwellinghouse for primary living accommodation.	18/12/2015
15/01340/HOU	APP/Z3635/D/16/3141832	103 Watersplash Road, Shepperton	Erection of a two storey rear extension, the installation of a ground floor side window and first floor side window within the northern elevation, and the erection of a detached outbuilding following the demolition of the existing detached garage.	12/01/2016
15/01166/HOU	APP/Z3635/D/16/3142151	Cockaigne, Sandhills Meadow, Shepperton	Erection of single storey rear extension, installation of ground floor window in western elevation, installation of rear dormer window with associated railings and provision of rear 600mm raised terrace with hand rails and steps.	18/01/2016
15/01167/HOU	APP/Z3635/D/16/3142167	Cockaigne, Sandhills Meadow, Shepperton	Erection of part 2 storey and part single storey rear extension, installation of ground floor window and velux roof light in western	18/01/2016

			elevation, installation of rear dormer window with associated railings and provision of rear 200mm raised terrace with hand rails and steps.	
15/01294/HOU	APP/Z3635/D/15/3142317	Willowmead, Dunally Park Shepperton	Erection of a part two storey, part single storey front extension incorporating a garage at ground floor and bedroom above.	20/01/2016
15/00333/FUL	APP/Z3635/W/15/3142758	Land Adjoining The Point and Church Island House Church Island Staines-upon-Thames	Change of use of land from a leisure mooring to a residential mooring.	25/01/2015

**APPEAL DECISIONS RECEIVED BETWEEN 18 DECEMBER 2015 AND 28 JANUARY 2016**

<b>Site</b>	48 Richmond Road, Staines-upon-Thames
<b>Planning Application Number:</b>	15/00598/HOU
<b>Appeal Reference</b>	APP/Z3635/D/15/3132156
<b>Appeal Decision Date:</b>	17/12/2015
<b>Inspector's Decision</b>	Allowed
<b>Proposal</b>	Erection of part single storey, part two storey rear extension
<b>Reasons for refusal</b>	The proposal by virtue of its contrived design, scale and position would result in an overbearing impact and lead to a loss of light to no. 50 Richmond Road which would be detrimental to the living conditions and residential amenity of the neighbouring residential occupiers. The proposal is therefore considered contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document (February 2009) and the Councils Supplementary Planning Document for the Design of Residential Extensions and New Residential Development (April

	2011).
<b>Inspector's Comments</b>	<p>The Inspector considered that the main issues are the effect on the living conditions of 50 Richmond Road by reason of light and outlook and the effect on the character and appearance of the area.</p> <p>The Inspector commented that the ground floor element would only be a short distance above the existing boundary wall and hedge. As a consequence of this it would not materially reduce the amount of light to No 50 so that it would have a significant harmful impact in terms of loss of daylight. Due to the orientation there would be no material change in the amount of sunlight reaching No 50. Similarly, the change in height would not be such that it would result in an overbearing effect due to its bulk or lead to a loss of outlook.</p> <p>The Inspector noted that the first floor element would extend a shorter distance to the rear, again to line up with one of the existing additions. This would be stepped in from the boundary further than the ground floor element, and through this lesser projection and separation from the boundary would not result in a material loss of light or result in an overbearing effect to No 50.</p> <p>The Inspector commented that whilst the extension has been designed to meet the various guidelines, it is not contrived, would not be visually obtrusive, and is appropriately proportioned and complies with the guidance in the SPD and does not adversely affect the character and appearance of the area.</p> <p>The Inspector concluded that the proposal would comply with Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document as it would avoid significant harmful impacts in terms of loss of daylight, sunlight or overbearing effect and the requirements of the SPD. It would also comply with paragraph 17 of the National Planning Policy Framework in that it would secure a good standard of amenity for all existing and future occupants of land and buildings.</p>

<b>Site</b>	62 Kenilworth Road, Ashford
<b>Planning Application Number</b>	15/00363/FUL
<b>Appeal Reference</b>	APP/Z3635/W/15/3127979

<b>Appeal Decision Date:</b>	23/12/2015
<b>Inspector's Decision</b>	Allowed
<b>Proposal</b>	Erection of detached bungalow following demolition of existing garage and part ground floor of existing dwelling. Conversion of existing dwelling into 2 houses with associated access and parking, erection of porch.
<b>Reason for Refusal</b>	The proposal is considered to represent an overdevelopment of the site and will cause unacceptable harm to the character and appearance of the surrounding area. In particular, the proposed bungalow by reason of its siting, scale and design would dominate the plot on which it is located and appear at odds with neighbouring properties, and therefore appear visually obtrusive in the street scene. Moreover, the bungalow is considered to have a poor standard of amenity with inadequate amenity space and poor outlook. 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.
<b>Inspector's Comments</b>	<p>The Inspector considered that the main issues were the effect of development on</p> <ul style="list-style-type: none"> <li>(i) the character and appearance of the area; and</li> <li>(ii) the living conditions of the future occupiers in respect of outlook and private outdoor space.</li> </ul> <p>On the first issue, he noted that the area is characterised by semi-detached houses on one side of Kenilworth Road and bungalows on the other. He agreed with the Council that the sub-division of the existing dwelling to create 2 two bedroom dwellings was acceptable. Whilst the proposed bungalow would not be two storey, he was satisfied that it would not look out of place in the street-scene. When viewed from the west, the existing single storey side extension has already the appearance of a bungalow. In this sense, the bungalow would not look too dissimilar. It would be set well away from the western boundary of the site, and, when viewed from public areas, it would be partly screened by the retained brick wall and by the existing highway tree. Overall, the Inspector considered that the bungalow would be in proportion with its proposed plot and that it would appear subservient in scale to the proposed pair of semi-detached dwellings. He did not consider that the development as a whole would be cramped within the plot. A lot of the existing development would be demolished, and therefore the amount of open space within the plot would be similar to that which exists now. He noted that the front elevation of the bungalow would project beyond the main building line of the properties on Kenilworth Road. However, he did not consider that this would cause harm to the character and</p>

	<p>appearance of the street.</p> <p>On the second issue, the proposed bungalow would have rear, front and side gardens and the highway tree has been recently chopped back so would not significantly overshadow the side garden. The Inspector felt that there would be an adequate choice of useable outside space associated with the proposed bungalow which would be larger in size than the proposed semi-detached houses... Furthermore, he added some weight to the fact that there is a park (with a play area) within convenient walking distance of the site. He also considered the outlook from the proposed windows of the bungalow would be acceptable as the open plan areas would have varied views from the front, side and rear. He concluded that the proposed bungalow would have sufficient outdoor space, and that the outlook from the windows would be acceptable.</p>
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<b>Site</b>	Land To Rear of 267 and 269 Kingston Road, Ashford
<b>Planning Application Number</b>	14/02067/FUL
<b>Appeal Reference</b>	APP/Z3635/W/15/3130614
<b>Appeal Decision Date:</b>	23/12/2015
<b>Inspector's Decision</b>	Allowed
<b>Proposal</b>	Erection of a detached 2 bedroom dwelling with associated parking and amenity space.
<b>Reason for Refusal</b>	The proposal is considered to represent an unacceptably cramped and contrived form of development with a poor standard of amenity for future occupiers in terms of inadequate amenity space and poor outlook. Furthermore, it will have unacceptable parking provision. The development is therefore contrary to Policy EN1 and CC3 of the Core Strategy and Policies DPD 2009, the Council's updated Supplementary Planning Guidance 'Parking Standards' 20 September 2011 and Supplementary Planning Document on the Design of Residential Extensions and New Residential Development April 2011.
<b>Inspector's Comments</b>	The Inspector considered that the main issues are the effect of the proposal: (i) upon the living conditions of the occupiers of the proposed

	<p>bungalow in respect of private outdoor space and outlook; and (ii) car parking provision.</p> <p>On the first issue, he noted that the proposed amenity space would exceed what would be required for a 3 bedroom semi-detached or detached dwelling. The Inspector did not consider that the areas would be cramped, or that they would be unsuitable in terms of shape or size. The two areas would be connected, would serve as practical and useable spaces, and would be in proportion with the size of the proposed bungalow. The inspector also considered the relationship of the bungalow's windows to the fence and felt that taking into account the height of the fence and its distance from the windows it would not have a dominating effect. In respect of the side garden, he did not consider that it would be dark or oppressive. It would face south, and he considered that light would sufficiently penetrate this area.</p> <p>On the first issue he concluded that the proposal would not appear cramped, nor have an unacceptable outlook or an inadequate outside amenity space. The proposal would accord with Policy EN1 of the Core Strategy and the SPD, which require high standards of design and layout for new development.</p> <p>On the second issue, the Inspector acknowledged that the proposal does not provide the minimum two off street car parking spaces, and in this respect it does not comply with the SPG. However he concluded that the levels of parking provision would be acceptable taking into account Policy CC3 of the Core Strategy, which seeks to encourage alternative means of travel to the development that would reduce the need for on-site parking. The proposal would not give rise to any on-street car parking problems, result in any highway safety issues, and the area is well served by public transport.</p>
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<b>Site</b>	30 Desford Way, Ashford
<b>Planning Application Number</b>	15/00702/HOU
<b>Appeal Reference</b>	APP/Z3635/D/15/3133860
<b>Appeal Decision Date:</b>	04/01/2015
<b>Inspector's Decision</b>	Allowed

<b>Proposal</b>	Erection of single storey rear extension.
<b>Reason for Refusal</b>	The proposed extension, by virtue of its depth and scale is considered to have an unacceptable, unneighbourly impact upon the adjoining neighbouring dwellings, resulting in an unacceptable impact upon their amenities. The proposal is therefore considered contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document (February 2009) and the Councils Supplementary Planning Document for the Design of Residential Extensions and New Residential Development (April 2011).
<b>Inspector's Comments</b>	<p>The Inspector felt that the main issue was the effect of the proposal upon the living conditions of neighbouring residential properties in respect of outlook and light. He acknowledged that the proposed extension, with a depth of 6.5 metres, would be large. However, it would not be conspicuous from the surrounding area and would be sandwiched between the existing rear extensions of numbers 28 and 32 Desford Way. There would be no window on the side elevation facing number 28 Desford Way. In addition, a high existing wooden fence would separate the two extensions. He did not consider that the proposal would lead to an unacceptable loss of light or outlook for the occupiers of this neighbouring property.</p> <p>With reference to the adjoining property, no. 32, he acknowledged that there were some windows in the side elevation of this extension. However, the occupiers of the property already overlook the existing boundary fence. Taking into account the scale of the extension, and the position and height of the existing boundary fence, the Inspector did not consider that the proposal would lead to unacceptable levels of light or outlook for the occupiers of this property.</p> <p>The Inspector concluded that whilst the proposed extension would project more than 4 metres from the rear of the house, the SPD does not preclude extensions that have a greater depth. The proposal would accord with the SPD and Policy EN1 of the CSPDD, which seek to achieve a satisfactory relationship to adjoining properties and to avoid significant harmful impacts such as loss of light and outlook.</p>

<b>Site</b>	136A Chesterfield Road Ashford
<b>Planning Application Number</b>	15/00248/FUL

<b>Appeal Reference</b>	APP/Z3635/W/15/3132106
<b>Appeal Decision Date:</b>	08/01/2016
<b>Inspector's Decision</b>	Allowed
<b>Proposal</b>	Conversion of existing dwelling into a house of multiple occupancy (HMO) for 8 people involving conversion of garage to habitable accommodation.
<b>Reason for Refusal</b>	The proposed change of use to a House of Multiple Occupancy, by reason of the number of residents and the inadequate communal facilities on site, would result in a poor standard of amenity for future occupiers and an unacceptable level of noise and disturbance causing significant harm to the living conditions of occupiers of adjoining residential dwellings. This would be out of character and of detriment to the local area, contrary to Policies EN1 and EN11 of the Core Strategy and Policies DPD 2009.
<b>Inspector's Comments</b>	The inspector considered the main issues were the effect of the proposal on the living conditions of future occupiers and also on the occupants of neighbouring properties. He found that the lounge/dining and kitchen facilities to be adequate for the intended use. He also found that the south facing garden would provide outside space of a good standard and the aspect from the proposed ground floor bedroom onto the forecourt parking area would be acceptable. He concluded that the proposal would not cause unacceptable levels of harm to future occupants. He did not share the Council's concern that eight individuals coming and going from the property would cause unacceptable levels of noise and disturbance and concluded that the proposal would not lead to material harm to the living conditions of neighbouring properties. He also considered that the hard surfacing of the entire frontage of the site would not be out of character or harmful.

<b>Site</b>	Land at Laleham Road, roughly opposite No. 265 Laleham Road, Shepperton
<b>Planning Application Number</b>	15/00028/T56
<b>Appeal Reference</b>	APP/Z3635/W/15/3084337



<b>Appeal Decision Date:</b>	08/01/2016
<b>Inspector's Decision</b>	Dismissed
<b>Proposal</b>	Installation of a 12.5m telecommunications street pole housing 6 no. antennas and installation of 3 no. equipment cabinets.
<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 noted that the site is on a significant green area of land consisting of grass and a number of trees and bushes of varying height, providing an open and spacious character to the immediate, primarily residential, area. He also acknowledged that there are other structures present on this area of land including several lamp post columns also a small number of telegraph poles although their slender appearance and degree of spacing prevents them from dominating the space or appearing as unexpected or dominating features.</p> <p>The Inspector considered that the proposed monopole would be softened in appearance to varying extents by the presence of existing surrounding trees and bushes. However, it would be noticeably taller than any of the nearby lamp posts or telegraph poles and the substantial top antenna section in particular would have a conspicuously thicker profile. As such, any softening effect of the vegetation would be insufficient to prevent the structure from standing out as an alien, incongruous and dominating feature, regardless of the colour of its finish. The top antenna section would be particularly dominant, and also likely to be seen against the skyline from some vantage points.</p> <p>He concluded that the monopole would draw the eye disproportionately and significantly detract from the existing pleasant open and fairly informal nature of this green area of land when seen from the surrounding highways, dwellings and open green area itself. It would therefore also be unlikely, in time, to become a feature considered by onlookers to be not uncommon in the street scene or part of the urban fabric of the area. As such, the proposal would cause unacceptable harm to the character and appearance of the surrounding area and would not comply with policy EN1 of the Council's Core Strategy and Policies Development Plan Document which requires a high standard in the design of new development.</p> <p>In terms of considering the need for the proposal, as Government</p>

	<p>policy, as set out in the National Planning Policy Framework, strongly supports the provision of high quality telecommunications infrastructure, the intended improvements in coverage weigh strongly in favour of the location. It would also have the added benefit of mast sharing between two operators. However, the Inspector considered that such benefits would not outweigh the significant harm that would be caused to the character and appearance of the surrounding area.</p> <p>In terms of alternative sites, one potential alternative location, in the car park of the Bull Inn at 152 Laleham Road, was identified by the appellant as providing the required coverage but discounted as it is considered that on balance it would be more visually prominent in relation to immediate and surrounding land uses than the appeal site. However, based on the evidence submitted and the Inspectors own observations, he was not convinced that this alternative site can be discounted, especially as, whilst closer to surrounding buildings, it is not in such an open or exposed location as that of the appeal site.</p>
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<b>Site</b>	53 Halliford Road, Sunbury On Thames
<b>Planning Application Number</b>	15/00965/TPO
<b>Appeal Reference</b>	APP/TPO/Z3635/4877
<b>Appeal Decision Date:</b>	12/01/2016
<b>Inspector's Decision</b>	Dismissed
<b>Proposal</b>	TPO207/04 - T1 - Yew - Tree to be felled.
<b>Reason for Refusal</b>	The Yew Tree makes a considerable contribution to local amenity and appears to be healthy and stable showing no obvious signs of disease or decay. The Yew Tree is a single tree with a twin stem, and is worthy of a Tree Preservation Order. Whilst the tree does appear to have an impact upon the highway, there is scope for pruning which would remove any potential nuisance. The tree is located approximately 6 metres from the main dwelling house, and whilst other trees are located within the curtilage of the property there is no aboricultural justification for felling the tree.
<b>Inspector's Comments</b>	The Inspector commented that the tree is a mature yew situated in a prominent position near the junction of Halliford Road and

	<p>Loudwater Road. Whilst other trees are growing in the garden of the property, none have the same stature or visual impact of the appeal tree. The tree can be viewed from many vantage points, and contributes significantly to the character and appearance of the area. The removal of the yew tree would result in considerable harm, and any replacement would take a considerable time to fill the gap left. The Inspector commented that there are no details on notice served by the highway authority, although any pruning to clear the tree from the footway or highway would not harm the amenity it offers to the locality. There is nothing to suggest the tree is suffering from disease or decay. In addition he noted that there is nothing to suggest the tree's proximity to the property has caused any structural damage to the property, or that the TPO was served in an incorrect manner. Having considered all matters, the inspector concluded that the loss of the yew tree would result in significant harm to the character of the area, and insufficient justification has been provided to fell the tree.</p>
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<b>Site</b>	38 Willowbrook Road, Stanwell
<b>Planning Application Number</b>	15/00439/FUL
<b>Appeal Reference</b>	APP/Z3635/W/15/3137250
<b>Appeal Decision Date:</b>	08/01/2016
<b>Inspector's Decision</b>	Allowed
<b>Proposal</b>	Conversion of existing dwelling into 3 no. flats with associated parking and amenity space, and erection of two single storey rear extensions.
<b>Reasons for Refusal</b>	The proposed flats, would by virtue of their cramped form, provide a poor standard of amenity for any proposed occupiers. The internal layout of the ground floor units especially would mean that there would be limited scope for natural sunlight to reach the bedroom areas and the proposed kitchen/living areas at the front of the flats would directly overlook parked cars. It is therefore considered to provide an unacceptable cramped set of flats with poor standard of amenity contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document (February 2009) and the Councils Supplementary Planning Document for the Design of Residential Extensions and

	<p>New Residential Development (April 2011).</p> <p>The proposal would not provide sufficient provision for off street car parking and would therefore create further on street parking problems in Willowbrook Road and/or Albain Crescent and so would be contrary to Policy CC3 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document (February 2009) and the Councils Supplementary Planning Guidance on Parking Standards (agreed by Councils Cabinet on 20 September 2011).</p>
<b>Inspector's Comments</b>	<p>The Inspector considered that there were two main issues; whether the scheme would provide satisfactory living conditions for future occupiers in terms of natural light and outlook and also there would be adequate off street parking.</p> <p>On the first issue, the Inspector noted that the size of the units together with the outdoor amity space would comply with the Councils' standards set out in the SPD and the size of the flats would meet the national technical standards. In relation to the Council's concerns over the quality of accommodation of the two ground floor flats, the Inspector felt that both would experience an acceptable level of both interior daylighting and sunlight availability. On this point he concluded that the proposals would not cause unacceptable harm to the living conditions of future occupants and would comply with the Council's SPD, policy EN1 and para. 17 of the NPPF.</p> <p>On the second issue, the Inspector noted that the proposal would provide four off street parking spaces compared with the Council's requirements of 5 spaces. The Inspector commented that the site lies within a sustainable location with a range of services and facilities close to hand together with public transport links. In the area, there are good levels of off –street parking and there appears to be spare capacity both day and night for on-road parking. Consequently, the Inspector concluded that the proposal complies with policy CC3 and the NPPF which seeks to provide adequate parking provision thereby avoiding harmful amenity and highway safety issues.</p>

<b>Site</b>	37 Harrow Road, Ashford
<b>Planning Application Number:</b>	15/00748/HOU
<b>Appeal Reference</b>	APP/Z3635/D/15/3134777

<b>Appeal Decision Date:</b>	26/01/2016
<b>Inspector's Decision</b>	Dismissed
<b>Proposal</b>	Erection of a two storey side extension and part two storey part single storey rear extension.
<b>Reason for refusal</b>	The proposed two storey side extension would by reason of size, height and location have a terracing effect upon no.36 Harrow Road, that would materially impact the character of this dwelling, and would have an unacceptable impact upon the prevailing street scene, which would not respect the character of the area, and would 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).
<b>Inspector's Comments</b>	<p>The Inspector considered that the main issue was the effect of the proposal on the character and appearance of the host property, the street scene and the surrounding area.</p> <p>The Inspector commented that the majority of the dwellings in the road have clear gaps at first floor level which ensures that a clear distinction between the pairs of properties is maintained and is a feature of the appearance of the street scene. He stated that as no. 36 has been extended at ground and first floor level up to the side boundary, the appeal proposal would create a terrace of four dwellings. The Inspector felt that this would result in an unacceptable effect on the character and appearance of the street scene, the surrounding area and the host property. The proposal would, therefore be contrary to policy EN1 and also the Council's SPD which seeks to avoid a terracing effect by requiring a minimum set in from side boundaries of 1m where two storey extensions are proposed.</p>

#### **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	Enforcement notice relating to the unauthorised storage on open land.	JF	15/03/2016

<b>Council Ref.</b>	<b>Type of Appeal</b>	<b>Site</b>	<b>Proposal</b>	<b>Case Officer</b>	<b>Date</b>
		Thames.			