

PLANNING APPEALS

LIST OF APPEALS SUBMITTED BETWEEN 18 JUNE AND 14 JULY 2016

<u>Planning Application/</u>	<u>Inspectorate Ref.</u>	<u>Address</u>	<u>Description</u>	<u>Appeal Start Date</u>
16/00025/FUL	APP/Z3635/C/1 63151477	Land to the rear of 1-27 Allen Road Sunbury on Thames	Erection of 4 no. 3/2 bedroom houses in the form of two pairs of semi-detached houses with associated gardens, parking and landscaping.	17/06/2016

APPEAL DECISIONS RECEIVED BETWEEN 18 JUNE AND 14 JULY 2016

Site	60 Minsterley Avenue, Shepperton
Planning application number	15/01633/TPO
Appeal Reference	APP/Z3635/5170
Appeal Decision Date:	28/06/2016
Inspector's Decision	Appeal is dismissed
Proposed Development	To fell a Cedar Atlas tree
Reason for Refusal	The Atlas Cedar makes a significant contribution to local amenity and the tree cover of the area. The tree has a reasonably balanced crown, and minor remedial pruning could control growth and maintain the balanced appearance. The tree is prominent in the street scene, and no evidence has been provided of any structural damage. The Atlas Cedar appears to be healthy and stable showing no obvious signs of disease of decay, and the tree survey report has not provided sufficient information to support removal. Insufficient justification has therefore been provided warrant the felling of the tree.

Inspector's Comments	<p>The Inspector considered that there were two main issues:</p> <p>“The effect on the character and appearance of the locality, street scene and the wider landscape”; and</p> <p>“Whether the reasons given for the proposals are sufficient to justify that course of action.”</p> <p>In terms of the character of the locality, the Inspector noted Minsterley Avenue is a modern residential development with a lightly wooded area. No.60 is fairly typical of the detached houses within the surrounding locality, containing windows within front elevation facing the road, and an integral garage and brick built driveway. The Inspector noted the appeal tree is a tall large mature Blue Atlas Cedar located about 9 metres from the front elevation of the house. The crown is fairly open and has been subject to earlier surgery. It is 1 of a scattering of similarly sized trees within the surrounding locality. It can be seen from properties alongside both sides of the road, and is a key landscape feature when approaching along the road. The Inspector commented that removal of the tree would deplete the locality of 1 tree, and would detract from the character and appearance of the area, locality and street scene.</p> <p>The inspector indicated that the appeal tree is a large tree and should it fail, it could cause serious damage. The Inspector also noted that the appellant considers that the tree has previously lost heavy limbs. The Inspector stated removal of deadwood would not require the Council's permission, and minor remedial work could retain the tree in good condition. The Inspector commented that this may include crown lifting 2.5 metres above the pavement, and 5 metres above the road, without the necessity of removing the tree. The Inspector indicated that this would be subject to further discussions with the Council.</p> <p>The Inspector accepted that the roots will travel beneath the soil surface, driveway and footpath and therefore could cause pressure to building materials. However, the tree has little growth potential, and in the Inspectors view, the repair of such damage is minor works, and could be achieved without harm to the tree.</p> <p>The Inspector indicated the appeal tree makes a sufficient contribution to the visual amenity of the locality, street scene and wider landscape, and removal would cause demonstrable harm. It was further commented that the tree is not so ill-suited to its location sufficient to override amenity benefits. The Inspector dismissed the appeal.</p>
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Site	Land Adjoining The Point And Church Island House, Church Island, Staines-upon-Thames
Planning Application Number	I5/00333/FUL
Appeal Reference	APP/Z3635/W/16/3142758
Appeal Decision Date:	01/07/2016
Inspector's Decision	Appeal is dismissed
Proposed Development	Change of use of land from a leisure mooring to a residential mooring.
Reasons for Refusal	<p>The proposed permanent residential mooring would represent inappropriate development that would detract from the openness of the Green Belt and no very special circumstances have been demonstrated to justify the development and so the proposal is considered to be contrary to Saved Local Plan Policy GB1 and the National Planning Policy Framework 2012.</p> <p>The site is located within Flood Zone 3b (greater than 1 in 20 year chance of flooding) and the creation of permanent residential accommodation which is considered to be a 'more vulnerable' use in this area, would be inappropriate and would place more people at risk from flooding. The proposal is therefore contrary to Policy LO1 of the Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on Flooding July 2012.</p>
Inspector's Comments	<p>The Inspector considered that the main issues were i) whether the proposal would be inappropriate development within the Green Belt; ii) the effect on the openness of the Green Belt; iii) the effect of the proposal on the risk from flooding and iv) whether harm by inappropriateness and any other harm would be clearly outweighed by other considerations, and if so, whether this would amount to very special circumstances.</p> <p>The Inspector concluded that the exemptions listed in paragraphs 89 and 90 of the National Planning Policy Framework is a 'closed' list and as a material change of use does not fall within the scope of specific exemptions, it is</p>

	<p>'inappropriate development' . However, subject to conditions restricting domestic paraphernalia associated with a residential mooring, he felt that the change of use in itself would not result in a noticeable or harmful loss of openness in the Green Belt.</p> <p>In terms of flooding, as the residential mooring (subject to a revised Flood Risk Assessment) may possibly be regarded as 'water compatible development', the Inspector did not consider that the risk from flooding is an 'in principle' reason for refusal.</p> <p>In assessing other matters, the Inspector also considered that the proposal would not impact upon the character and appearance of the Conservation Area, or the visual and residential amenities of the locality. Additionally, he also noted that there would not be harmful conflict with the Councils Environmental Policies and there was some support for the proposal from interested parties.</p> <p>However, the Inspector concluded that the other considerations do not clearly outweigh the harm caused by the proposal being inappropriate development in the Green Belt and that consequently, the very special circumstances necessary to justify the development do not exist.</p>
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Site	6 Green Lane, Shepperton
Planning Application Number	15/00427/FUL
Appeal Reference	APP/Z3635/W/16/3147648
Appeal Decision Date:	07/07/2016
Inspector's Decision	Allowed
Proposed Development	Demolition of property and erection of a part three storey/part two storey block of 6 flats, comprising of 4 no. 1 bed and 2 no.2 bed units with associated hard and soft landscaping.
Reason for refusal	The proposal is considered to represent an overdevelopment of the site having excessive housing density, inadequate amenity space, insufficient parking provision and with the proposed building having insufficient regard to the character of the residential properties to the east at nos. 8-12 Green Lane to the detriment of the visual amenity of the street scene. Moreover,

	<p>the proposal is considered to provide a poor standard of amenity to future occupiers of the proposed units, with poor outlook. The proposal is therefore contrary to Policies EN1 and HO5 of the Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on the Design of Extensions and New Residential Development 2011.</p>
<p>Inspector's Comments</p>	<p>The Inspector considered the main issues were the effect on the character and appearance of the area, the effect on the living conditions of future occupants in terms amenity space and outlook and also parking provision.</p> <p>He considered that the appeal site forms a transition point into the more suburban residential environment of Green Lane. He noted that the density was acceptable in this location due to the proposal being for flats and close to the town centre. He stated that the proposal would be, '... a more modern reflection of some of the regular design characteristics of the host property'. He agreed with the appellant that no 6 appears separate to the other properties on Green Lane due to its association with and access via Shepperton House and the fact that it is substantially screened from view, stating that, '... there does appear to be marked difference in the character of Green Lane between a more urbanised form of development at Shepperton House including no. 6, to the more residential character of no. 8 and beyond.' He concluded that the proposal will provide a more gradual transition between Shepperton House and detached dwellings and that it would adequately integrate and reflect the character of the buildings on either side.</p> <p>The Inspector considered the front garden area would be a suitable and useful amenity space, and attractive with existing trees retained. He did not considered the outlook from the proposed ground floor close to the car park area would warrant the dismissal of the appeal and noted the close proximity to Shepperton recreation ground. As such he considered the proposal to be acceptable in term of amenity of future occupants.</p> <p>He noted that the site is close to the town centre in an area where transport accessibility is high, and as such 5 parking spaces would be sufficient and can be achieved on site. He was not convinced that the proposal would increase demand for on street parking given the relatively small size of units and accessibly to public transport links and therefore concluded the level of off-street parking was acceptable.</p> <p>The Inspector agreed that an arboricultural method statement should be provided to demonstrate the development would not harm the health of the trees to be retained, as they make a significant contribution to the character of the area.</p>

FUTURE HEARING / INQUIRY DATES

Council Ref.	Type of Appeal	Site	Proposal	Case Officer	Date
15/00698 /FUL	hearing	Land at Northumberland Close Stanwell	Erection of a Class B1 (Business) building with associated parking and landscaping, and construction of access onto Northumberland Close, together with dedication of land fronting Bedford Road as Public Open Space.	JF	26/07/2016