

## PLANNING APPEALS

### LIST OF APPEALS SUBMITTED BETWEEN 4 NOVEMBER 2016 AND 26 JANUARY 2017

<u>Planning Application/Enforcement Notice Number</u>	<u>Inspectorate Ref.</u>	<u>Address</u>	<u>Description</u>	<u>Appeal Start Date</u>
16/01529/HOU	APP/Z3635/W/ 16/3162952	77 Thames Side Staines-upon- Thames.	Erection of 2-storey side and rear extensions, formation of new roof to create a 2-storey dwelling house, single storey riverside extension, creation of balconies, and erection of detached garage.	29/11/2016
16/00746/HOU	APP/Z3635/D/1 6/3158230	57 Rosefield Road Staines-upon- Thames	Proposed hip to gable roof alteration with a rear dormer and three rooflights in the front elevation to join up with a proposed first floor side extension above the existing side extension.	05/12/2016
16/00066/ENF	APP/Z3635/C/1 6/3158151	The Boatyard, Clarks Wharf, Thames Street, Sunbury on Thames	The unauthorised development of boat/car store on the land without the benefit of planning permission.	04/01/2017
16/00536/FUL	APP/Z3635/W/ 16/3157394	The Boatyard, Clarks Wharf, Thames Street, Sunbury on Thames	Retention of an open-sided boat and car parking area.	04/01/2017
The planning and enforcement appeals relating to The Boatyard, Clarks Wharf, Thames Street, Sunbury on Thames have been linked and will be decided together.				
16/01162/HOU	APP/Z3635/D/1 6/3162757	5 Cavendish Court Sunbury on Thames	Erection of two storey side extension.	04/01/2017

16/01333/T56	APP/Z3635/W/ 16/3162686	Grass Verge On Northern Side Of Staines Road East Sunbury On Thames	Installation of a 13.5m high T range column with 4 no. shrouded antennas along with associated ancillary works.	04/01/2017
16/00488/CPD	APP/Z3635/X/1 6/3164470	50 Hogarth Avenue Ashford	Certificate of lawfulness for the proposed development of loft alterations including a hip to gable alteration, the installation of a rear facing dormer, a single storey rear extension and a detached outbuilding.	11/01/2017
16/01593/HOU	APP/Z3635/D/1 6/3164300	19 Clifford Grove Ashford	Erection of an outbuilding (retrospective).	11/01/2017
16/00783/FUL	APP/Z3635/W/ 16/3164453	Land Rear Of 59 Vicarage Road Sunbury On Thames.	Erection of a two storey, one bedroom dwelling house following demolition of the existing garages.	20/01/2017
16/00638/FUL	APP/Z3635/W/ 16/3165115	103 London Road Staines-upon- Thames	Erection of an additional floor level to the previously approved scheme (13/01021/FUL) to provide 1 no. two bedroom apartment.	23/01/2017
15/00098/ENF	APP/Z3635/C/1 6/3162163	22 Thames Meadow, Shepperton	Enforcement notice for: Without planning permission, the making of a material change of use of the land and mooring to a mixed use comprising (1) the continuous mooring of a boat for the purpose of permanent residential accommodation; (2) the stationing of a caravan on the land for the purpose of human habitation; and (3) storage purposes	26/01/2017

			including but not limited to the storage of motor vehicles, building materials and other paraphernalia.	

**APPEAL DECISIONS RECEIVED BETWEEN LIST OF APPEALS SUBMITTED  
BETWEEN 4 NOVEMBER 2016 AND 26 JANUARY 2017**

<b>Site</b>	294 London Road, Staines-upon-Thames
<b>Planning Application no.</b>	16/00470/HOU
<b>Proposed Development:</b>	Erection of a single storey rear extension following demolition of existing single storey rear element.
<b>Reason for refusal:</b>	It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would have an acceptable impact, in relation to a Large Cypress Tree situated within the curtilage of no.292 London Road. Further information is required to conclusively establish that there would not be a detrimental impact upon this tree. The proposal is therefore contrary to Policy EN8 of the Core Strategy and Policies DPD, 2009.
<b>Appeal Reference</b>	APP/Z3635/D/16/3156010
<b>Appeal Decision Date:</b>	24/11/2016
<b>Inspector's Decision</b>	The appeal is allowed.
<b>Inspector's Comments:</b>	<p>The Inspector considered that the main issues were "the effect of the proposed development on the landscape and nature conservation value of the site and surrounding area, with particular regard to the tree in the back garden". The Inspector noted that the tree was not protected by a TPO, nor was it located within a conservation area. Given its current position close to an existing shed conservatory and also a shed at no. 294, he was not convinced that the proposed extension would jeopardise its health.</p> <p>However, even if the tree was adversely affected by the development, the Inspector felt that "it would not result in a significant, harmful impact on the</p>

	<p>landscape”. He commented that the “tree appears to have once been a large specimen but its position so close to the houses, in relation to its size, appears uncharacteristically and disproportionately close. It also appears to have been reduced in height to the degree where its remaining shape appears truncated, and its crown, thin. Its overbearing relationship to the buildings does not contribute to the landscape character of the area. I have taken into account that the tree provides a resource for bio-diversity; however, as there are numerous trees and plants in the gardens of the houses, any impact on its health would not have a significant, harmful impact on nature conservation.”</p>
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<b>Site</b>	13 Montford Road, Sunbury on Thames
<b>Planning Application no.</b>	16/01194/HOU
<b>Proposed Development:</b>	Erection of two storey front extension following demolition of existing porch.
<b>Reason for refusal:</b>	The proposed front extension would by virtue of its location, scale and design projecting forward of the host dwelling and the prevailing building line would be obtrusive and out of character with the neighbouring properties, and so constitute an incongruous feature in the street scene that would have an unacceptable harmful impact on the character of the area. The proposal is therefore considered contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document and the Councils Supplementary Planning Document 2009 for the Design of Residential Extensions and New Residential Development 2011.
<b>Appeal Reference</b>	APP/Z3635/D/16/3160234
<b>Appeal Decision Date:</b>	30/11/2106
<b>Inspector’s Decision</b>	The appeal is dismissed
<b>Inspector’s Comments:</b>	The Inspector considered that the main issue for the appeal is the effect of the proposal on the character and appearance of the host property and the surrounding area. The Inspector noted that the extension would obscure a large proportion of the front elevation and “would appear unduly prominent, detracting from the simple proportions of the host dwelling”. This would give an “intrusive and discordant appearance which would be harmful to both the appearance of the host dwelling, and the character of the area.” She therefore dismissed the appeal.

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<b>Site</b>	Land Rear Of 273-275 Laleham Road, Shepperton
<b>Planning Application no.</b>	15/01144/FUL
<b>Proposed Development:</b>	Erection of detached bungalow with ancillary parking following demolition of existing garage.
<b>Reason for refusal:</b>	The proposed development would be out of character with the main form of development in the locality and would not make a positive contribution to the area. It would have no street frontage or sense of place and would be hard up against two boundaries with very little space around the building, appearing cramped. This would provide a poor standard of amenity, with poor outlook and poor amenity space located adjacent to a vehicular turning area and provide sub-standard internal floorspace. This would be of detriment to both the character of the area and on the amenity of future occupants contrary to Policy EN1 of the Core Strategy and Policies DPD 2009, The Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 and the Government's Technical Housing Standards-Nationally Described Space Standards Document March 2015.
<b>Appeal Reference</b>	APP/Z3635/W/16/3153335
<b>Appeal Decision Date:</b>	12/12/2016
<b>Inspector's Decision</b>	The appeal is dismissed
<b>Inspector's Comments:</b>	The Inspector commented that the proposed dwelling would be visible from the street scene and from neighbouring houses and would have a bearing of the character of the area which he noted was a distinctive spacious street block layout where houses are arranged back to back across long back gardens with front gardens between them and the street . He noted that there were some positive factors of the design including it smaller than the garages it replaces, materials would be similar to neighbouring properties and it would have a pitched roof, which would help to integrate with the surrounding area. However, he stated that, '... the proposed layout with tall enclosing fencing running close to the long wall of the bungalow and between it and the space at the front would tend to sever the visual connection between the house and the space around it.' This he noted would run against the characteristic pattern of the surrounding development which has open frontages and he considered that the proposal would harm the character of the area.

	<p>The Inspector considered that it was unlikely that the dressing room would be used as another bedroom due to the lack of a window and its small size, as such the amenity space provided would be sufficient in size and he considered its use would not be materially affected by the proximity to the turning area of other car users. He noted that the shortfall in internal area would count against the proposal. Also that the bedrooms single window would be only 1.2m away from a 2m fence which would obstruct the outlook and cause harm to the amenity of the occupiers.</p> <p>He concluded that the shortfall in the floor area of the proposal together with the lack of outlook from the bedroom would result in unacceptable living conditions for future occupiers in terms of internal living space and outlook. He went on to note that although it was a modest benefit of one additional unit to the local housing supply, this was outweighed by the unacceptable harm caused to the character of the area and the living conditions of its future occupiers.</p>
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<b>Site</b>	218 Stanwell Road, Ashford
<b>Planning Application no.</b>	16/00618/FUL
<b>Proposed Development:</b>	Subdivision of existing dwelling to one 1 x bed dwelling and one 3 x bed dwelling.
<b>Appeal Reference</b>	APP/Z3635/W/16/3157227
<b>Reason for refusal:</b>	The proposed one bed unit is considered to provide insufficient habitable accommodation leading to a harmful impact upon the occupiers of the proposed smaller unit, contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document (February 2009), the Design of Residential Extensions and New Residential Development Supplementary Planning Document (April 2011) and the Department of Communities and Local Government Technical Housing Standard - nationally described space standard (March 2015).
<b>Appeal Decision Date:</b>	12/12/2016
<b>Inspector's Decision</b>	<p>The appeal is dismissed.</p> <p>The application for an award of costs by the appellant is dismissed.</p>
<b>Inspector's Comments:</b>	The Inspector considered that the main issue was "whether the proposed one bedroom dwelling would provide acceptable living conditions for

	<p>future residential occupiers, having regard to the size of the property and its internal layout.”</p> <p>The Inspector agreed with the Council that there was every likelihood that the proposed 1 bed dwelling could be used for more intensive occupation, as a 2 bedroom dwelling, and should be considered as such. The Inspector noted that the gross internal floor area of the proposal fell short of both guidance in the Council’s SPD, and the National Standard for 2 bedroom dwellings. The Inspector considered that a condition or unilateral undertaking seeking to ensure that the property is only laid out as a one-bedroom dwelling, would not be enforceable. In conclusion, the Inspector found that the proposal would fail to provide a satisfactory standard of indoor living space for future occupiers.</p> <p>With regard to Costs, the Inspector noted that the Council had regard to the Council’s own internal space standards, and those provided in the National Technical Housing Standards. The Inspector found the Council reasonable in taking the national standards into account and that the Council were reasonable in coming to the view that the property would be capable of being used as a two bedroom dwelling and that the proposal would therefore fail to comply with the National Standard.</p> <p>The Inspector concluded that the Council did not delay development which should clearly have been permitted, having regard to local and national policy and any other material considerations. Therefore the Inspector found that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated and an award for costs was not justified.</p>
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<b>Site</b>	7, 9 and 11 Manygate Lane, Shepperton
<b>Planning Application no.</b>	15/01412/FUL
<b>Proposed Development:</b>	Demolition of existing houses and erection of a new building with three floors of accommodation to provide 16 no. 1 bed and 9 no. 2 bed sheltered apartments for the elderly including communal facilities. Creation of new access, associated parking area and landscaping.
<b>Reason for refusal:</b>	The proposal is considered to represent an overdevelopment of the site with the proposed development having insufficient regard to the character of the area in terms of its scale, bulk, depth and loss of garden land, to the detriment of the character and visual amenity of the surrounding area. Moreover, the proposal is considered to have an excessive housing density in this location. The proposal is therefore contrary to Policies EN1 and HO5 of the Spelthorne Development Plan Core Strategy and Policies

	DPD 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development (April 2001).
<b>Appeal Reference</b>	APP/Z3635/W/16/3147733
<b>Appeal Decision Date:</b>	12/12/2016
<b>Inspector's Decision</b>	The appeal is dismissed
<b>Inspector's Comments:</b>	<p>The Inspector considered that the proposal would be unacceptable on design and layout grounds and that it would be out of keeping with the character of the area.</p> <p>With regard to the front elevation, he commented that the recessed area between the proposed 2-storey and 3-storey parts would clash unattractively with the roof slopes either side and would be an uncharacteristic building form in the street scene. He also objected to the northern end where the attractive eaves detailing would change to that of a parapet with hidden gutters, resulting in a raised wall height and the risk of a further unattractive junction with the pitched roofs at either end of that section. He considered this particular element to be bulky and out of scale.</p> <p>With regard to the proposed rear wing, the Inspector considered that the rearward projection would interfere with the appreciation of the protected trees along the rear boundary with the school playing fields. It would appear as an over-deep intrusion into their setting and the open space between them and the frontage development. When viewed from the roadway to the existing flats to the north of the site, the rearward projection would appear intrusive at the full three storeys.</p>

<b>Site</b>	24 Hannibal Road, Stanwell
<b>Planning Application no.</b>	16/01002/FUL
<b>Proposed Development:</b>	Conversion of existing dwelling into 1 x three bed dwelling and 1 x two bed dwelling with associated parking and amenity space.
<b>Reason for refusal:</b>	It is considered the internal layout of the proposed smaller unit (described as one bed) would allow a flexible use of the rooms, including the potential for it to be occupied as a two bedroomed house. It is on this basis the Council considers the unit to provide insufficient habitable accommodation

	leading to a harmful impact upon the occupiers of the proposed smaller unit, contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document (February 2009), the Design of Residential Extensions and New Residential Development Supplementary Planning Document (April 2011) and the Department of Communities and Local Government Technical Housing Standard - nationally described space standard (March 2015).
<b>Appeal Reference:</b>	APP/Z3635/W/16/3159567
<b>Appeal Decision Date:</b>	14/12/2016
<b>Inspector's Decision</b>	The appeal is dismissed
<b>Inspector's Comments:</b>	<p>The Inspector considered that the main was whether the proposed one-bedroom dwelling would provide acceptable living conditions for future occupiers, with particular regard to internal living space.</p> <p>The Inspector noted that the Council considered that in converting the extension into a single one bed unit with the existing smaller bedroom partitioned to provide storage space, this sub-divided area could conveniently be restored for use as a second bedroom in the future and it would be difficult for the Council to ensure the dwelling remained a one-bedroom unit. He further considered that a condition for the room to remain a one-bedroom house would fail the test of enforceability.</p> <p>The proposed dwelling has a gross internal floor area substantially below the minimum set by the SPD for a two-bedroom, two-storey house and the Government's nationally described space standards.</p> <p>Therefore, the Inspector considered that this proposal would not provide the high standard in the design and layout of new development necessary to satisfy CSP Policy EN1 and the SPD by providing a unit that might be conveniently be occupied as a two-bedroom dwelling, lacking satisfactory indoor living space and resulting in inappropriately cramped accommodation.</p>

<b>Site</b>	35 Avondale Avenue, Staines-upon-Thames
<b>Planning Application no.</b>	15/01620/HOU

<b>Proposed Development:</b>	Erection of single storey rear extension and enlarged conservatory. Erection of new roof with higher ridge height and 6 no. side facing dormers to provide accommodation in the roof space.
<b>Appeal details</b>	Appeal against condition 3 (obscure glazing of dormer windows in northern and southern elevations) of planning permission 15/01620/HOU for the erection of a single storey rear extension and enlarged conservatory; erection of new roof with higher ridge height and 6 side facing dormers to provide accommodation in the roof space
<b>Appeal Reference</b>	APP/Z3635/W/16/3157687
<b>Appeal Decision Date:</b>	22/12/2016
<b>Inspector's Decision</b>	The appeal is dismissed.
<b>Inspector's Comments:</b>	<p>The Inspector noted that the approved dormers would face directly over neighboring properties which are both situated a short distance from the appeal property.</p> <p>The Inspector agreed that it was necessary to protect the privacy of residents at no.37 when in their garden area, and so some form of restriction of views from first floor is necessary. He noted that obscure glazing would go some way to achieving this but was mindful of opening the window and therefore gaining views. He considered that the condition as imposed would not compromise the use or enjoyment of the bathrooms and bedrooms in the roof space and that its imposition was necessary, justifiable and reasonable.</p> <p>In relation to the northern side of the appeal site he considered that the possibility of views of the garden and views into the open windows in no.33 meant that the restrictions within condition 3 are also necessary, reasonable and justified.</p>

<b>Site</b>	Highway Verge Worple Road, adjacent to corner of Hurstdene Avenue, Staines upon Thames.
<b>Planning Application no.</b>	16/00840/T56
<b>Proposed Development:</b>	Installation of a 12.5m telecommunications dual user replica telegraph pole and 1 no. 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 and would also have an adverse impact upon highway safety for users of the adjoining highway and pedestrians. The proposal therefore does not comply with Policies CC2 and EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).
<b>Appeal Reference</b>	APP/Z3635/W/16/3157703
<b>Appeal Decision Date:</b>	22/12/2016
<b>Inspector's Decision</b>	The appeal is allowed.
<b>Inspector's Comments:</b>	<p>The Inspector considered that the main issue in this appeal was the effects of the proposal on the character of the surrounding area.</p> <p>The Inspector noted that the proposed mast will accommodate shared equipment and replicate the appearance of a wooden pole. The Inspector acknowledged that the area contains a number of such structures within the highway and other vertical structures is a feature of this area. He took the view that, even though the mast would be taller than other features, it would not be unacceptably dominant within the street-scene and would be seen as one of a much greater number of varying features.</p> <p>The Inspector considered that the recent dismissed appeal for a similar proposal on land adjacent to green space a short distance away was sufficiently removed from the appeal site and was not relevant. The Inspector viewed the appeal site from within the nearest property at No 1 Hurstdene Avenue did not consider that there would be any unacceptable effects for residents of this property.</p> <p>The Inspector was satisfied that the proposal would not have an unacceptable effect on the sight-lines at the junction of Hurstdene Avenue and Worple Road and the vehicular entrance for No 1 Hurstdene Avenue and considered that the proposal would not represent a hazard to highway safety.</p> <p>The Inspector also took account of the appellants supporting information in relation to conveying a demonstrable need to supplement coverage in the area and that other options have been considered.</p> <p>The Inspector concluded that the proposal would have no overriding unacceptable effects on the character of the area and it would not unacceptably affect residents.</p>

<b>Site</b>	Existing Access to South of 171 Upper Halliford Road, Shepperton
<b>Planning Application no.</b>	15/01528/FUL
<b>Proposed Development:</b>	Alterations to existing access
<b>Reason for Refusal:</b>	The proposed alterations to the access and the increase in hardstanding represents inappropriate development within the green belt for which no very special circumstances have been demonstrated. As such it is contrary to 'saved' local plan policy GB1 and guidance contained in the National Planning Policy Framework.
<b>Appeal Reference</b>	APP/Z3635/W/16/3155163
<b>Appeal Decision Date:</b>	6 January 2017
<b>Inspector's Decision</b>	The appeal is dismissed.
<b>Inspector's Comments:</b>	<p>The Inspector considered that the main issues are whether the proposal is inappropriate development in the Green Belt having regard to the <i>National Planning Policy Framework</i> (the Framework) and development plan policy, and if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.</p> <p>The Inspector noted that appropriate engineering and other operations may be permitted provided such works do not conflict with the purposes of the Green Belt and maintain its openness. However, the Inspector considered that the widened access would have an urbanising effect on the appearance of the site and would fail to safeguard the countryside in this location from encroachment, contrary to the purpose of including the land within the Green Belt. Therefore, the proposal would be inappropriate development within the Green Belt.</p> <p>While noting that the proposal has the support of the Local Highways Authority, the Inspector considered both the lawful and unlawful uses on the site and took the view that the access improvements would have only a limited effect on the operation of the lawful use and so would bring limited benefits to the wider highway network.</p> <p>Therefore, the Inspector concluded that the proposal would comprise inappropriate development in the Green Belt and that no very special circumstances exist and that the proposal would fail to comply with guidance in the Framework and with policy GB1 of the Local Plan.</p>

<b>Site</b>	Rear of 52 Nursery Road, Sunbury On Thames
<b>Planning Application no.</b>	16/00904/FUL
<b>Proposed Development:</b>	Proposed conversion of annex building to a two bedroomed two storey house
<b>Reasons for Refusal:</b>	<p>The proposal in terms of location, scale and design fails to respect the design and prevailing street pattern of Nursery Road and Beverly Road and will be out of character with the surrounding area. Furthermore, the proposed development is considered to represent a cramped and contrived form of development which would result in an overdevelopment of the site and would provide a poor standard of amenity for future occupiers with insufficient amenity space and poor outlook, contrary to Policy EN1 of the Core Strategy and Policies Development Plan Document 2009 and Design of Residential Extensions and New Residential Development Supplementary Planning Document 2011.</p> <p>The proposal by way of overlooking is considered to have an unacceptable impact on the privacy of the neighbouring property no. 2 Beverly Road, contrary to Policy EN1 of the Core Strategy and Policies Development Plan Document 2009 and Design of Residential Extensions and New Residential Development Supplementary Planning Document 2011.</p>
<b>Appeal Reference</b>	APP/Z3635/W/16/3159369
<b>Appeal Decision Date:</b>	11/01/2017
<b>Inspector's Decision</b>	The appeal is dismissed.
<b>Inspector's Comments:</b>	<p>The Inspector considered that the main issues were:</p> <ul style="list-style-type: none"> <li>- the character and appearance of the area;</li> <li>- the living conditions of future occupiers, with particular regard to outlook and amenity; and,</li> <li>- the living conditions of occupiers of 2 Beverly Road (No 2) with particular regard to privacy.</li> </ul> <p>On the first issue the Inspector considered that the proposal would create <i>"an isolated unit of residential accommodation in a backland area with poor access that would also be unrelated to the underlying building pattern"</i> and concluded that it would not make a positive contribution to the street scene and would be out of character with the adjoining garden</p>

	<p>and rear amenity areas. The proposal was therefore contrary to Policy EN1 of the Core Strategy and Policies DPD 2009.</p> <p>The Inspector also agreed with the Council on the second issue that the proposed amenity area would be significantly below the Council's recommendations and that its location at the rear of the property would be unsatisfactory. She also considered that the outlook from the ground floor windows would be unsatisfactory and agreed with the Council that the proposal would represent cramped development. The Inspector concluded that <i>"the development would have a detrimental effect on the living conditions of future occupiers"</i> and that the development was contrary to the SPD and Policy EN1.</p> <p>On the third issue the Inspector stated that <i>"Although the development would be sited some 10 metres from No 2's rear elevation, there would be potential overlooking"</i> agreed that the development would fail to achieve a satisfactory relationship with adjoining properties in terms of privacy and was therefore contrary to Policy EN1.</p>
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<b>Site</b>	38 Vereker Drive, Sunbury On Thames
<b>Planning Application no.</b>	16/00890/HOU
<b>Proposed Development:</b>	Erection of a two storey rear extension
<b>Reason for Refusal:</b>	The proposed development in terms of its size, design and location is considered not to respect the character and appearance of the host building and the surrounding area, and would appear visually obtrusive in the street scene 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>Appeal Reference</b>	APP/Z3635/D/16/3157735
<b>Appeal Decision Date:</b>	12/01/2017
<b>Inspector's Decision</b>	The appeal is allowed.
<b>Inspector's Comments:</b>	The Inspector commented that the main issue was the "effect of the development on the character and appearance of the area". The Inspector noted that whilst there was an "underlying consistency of dormer windows on front roof slopes and half-hipped barn style roofs

	<p>to the sides”, it was also apparent that most houses have had “significant extensions to the side and rear”. She felt that the view of development would be “restricted to one particular viewpoint in the street scene” and that the loss of a section of roof at the rear would not be detrimental to the appearance of the roof. On the Council’s concerns with the development being intrusive from Hawke Park to the south, the Inspector considered that it would be “more sympathetic to the underlying form of the host dwelling than other extensions previously carried out in the area” and as visible as one under construction nearby. She concluded that conclude that “the development would not be detrimental to the character and appearance of the street scene, or the host dwelling”.</p>
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<b>Site</b>	81 Old Charlton Road, Shepperton
<b>Planning Application no.</b>	16/01264/HOU
<b>Proposed Development:</b>	Erection of part two storey, part single storey rear extension and creation of pitched roof over existing flat roof of existing two storey extension.
<b>Reason for Refusal:</b>	The proposed extensions would by virtue of their scale, position and bulk would infringe a horizontal 45 degree line when measured from the rear facing ground floor door which serves a habitable room, and so the extension would lead to an unacceptable loss of light and outlook, and the proposed extension would have an overbearing impact upon the rear facing windows and the rear patio area of no. 83 Old Charlton Road, resulting in an unneighbourly impact. The proposal is therefore considered contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document and the Councils Supplementary Planning Document 2009 for the Design of Residential Extensions and New Residential Development 2011
<b>Appeal Reference</b>	APP/Z3635/D/16/3162469
<b>Appeal Decision Date:</b>	13/01/2017
<b>Inspector’s Decision</b>	The appeal is allowed.
<b>Inspector’s Comments:</b>	The Planning Inspector acknowledged that the proposed 2 storey extension would breach the 45 degree horizontal arc; which would in turn be in conflict with the Council’s adopted SPD. However, the Inspector was of the opinion that the daylight to the neighbouring ground floor habitable room of no. 83 Old Charlton Road is already restricted due to its own existing rear extension and the existence of a shared boundary wall. These factors together with the suggestion that the affected room being dual aspect led the Inspector to conclude that the 2 storey and single

	storey additions would not result in material harm to the daylight and sunlight levels reaching this room. The Inspector also felt that the modest increase in depth of the appeal proposal, the relationship between the buildings and the setback location from the shared boundary would not appear overbearing in views from the rear garden or from rear facing windows.
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<b>Site</b>	95 Worples Avenue, Staines-upon-Thames
<b>Planning Application no.</b>	16/00730/HOU
<b>Reasons for Refusal:</b>	N/A- the appeal is on the ground of non-determination (see below)
<b>Proposed Development:</b>	Erection of a first floor rear extension above the existing extension
<b>Appeal Reference</b>	APP/Z3635/W/16/3158137
<b>Appeal Decision Date:</b>	13/01/2017
<b>Inspector's Decision</b>	The appeal is dismissed
<b>Inspector's Comments:</b>	<p>The Inspector noted that although there is no formal decision from the Council, it would have refused permission if it had been in a position to determine the application due to the effect of the development on the character and appearance of the area and the living conditions of occupiers of neighbouring dwellings. The Inspector agreed with those concerns.</p> <p>Amended drawings were submitted during the application process, however, as these had not been subject to consultation the Inspector based her reasoning on the original proposal. The Inspector considered that the main issues were the effect of the development on the character and appearance of the area and the living conditions of occupiers of neighbouring dwellings with particular regard to outlook and privacy.</p> <p>The Inspector considered that 'the development would be incongruous with the pitched roofed extension on No 93 as well as appearing out of keeping with the roof form of the host dwelling', contrary to the requirements of the SPD and Policy EN1 of the Core Strategy.</p>

	<p>With regards to the amenity of neighbouring dwellings, the Inspector considered that although the development would not comply with the separation distances given in the SPD in relation to no. 13 Worple Road, it would not cause any harm in respect of outlook or privacy. The Inspector stated that whilst this decision is based on the original proposal she is 'not satisfied that the harm to the character and appearance, or the living conditions of occupiers of neighbouring dwellings, would be addressed by the amended proposals, even were they to be considered as part of the appeal'.</p> <p>Finally, the Inspector stated that although she had not found harm in relation to living conditions, the development would harm the character and appearance of the area and concluded that it would be contrary to the Council's Development Plan Document.</p>
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<b>Site</b>	Magnolia, Ferry Lane, Shepperton
<b>Planning Application no.</b>	16/00579/FUL
<b>Proposed Development:</b>	Retrospective application for the retention of an agricultural barn
<b>Reason for Refusal:</b>	The proposed retention of the development is considered to represent inappropriate development within the Green Belt for which no very special circumstances have been demonstrated to justify the retention of the development. As such, it is contrary to guidance contained in the National Planning Policy Framework and 'Saved' Local Plan Policy GB1 (2001).
<b>Appeal Reference</b>	APP/Z3635/W/16/3155676
<b>Appeal Decision Date:</b>	17/01/2017
<b>Inspector's Decision</b>	The appeal is allowed
<b>Inspector's Comments:</b>	<p>The Inspector considered that main issues were whether the development constitutes inappropriate development within the Green Belt; the effect on the openness of the Green Belt and if the development is inappropriate, whether very special circumstances exist to justify the development.</p> <p>The Inspector noted that the NPPF states that buildings for agriculture are appropriate development. The Inspector accepted the appellant's claim that the use of the land upon which the barn is sited is for agriculture.</p>

	Furthermore, given the extent of the agricultural land, the size and volume of the barn was not disproportionate. The inspector concluded that the barn is reasonably required for agricultural purposes on the land and its scale was justified and is appropriate development within the Green Belt. Therefore it was not necessary to consider the effect of the barn on the openness of the Green Belt.
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<b>Site</b>	418 Staines Road West, Ashford
<b>Planning Application no.</b>	16/00194/FUL
<b>Proposed Development:</b>	Erection of a single storey dwelling house with basement
<b>Reason for refusal:</b>	The proposed development by virtue of design, location, and plot size, is considered to have an unacceptable impact upon the character of the area, would result in a cramped and contrived form of development, which would be incongruous within the surrounding locality, would result in over-development of the site, and would not pay due regard to the scale and characteristics of neighbouring and adjoining properties. Furthermore the proposal would provide an unacceptable standard of amenity for future occupiers with poor outlook, and unacceptable overlooking form first floor windows of the host building. 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>Appeal Reference</b>	APP/Z3635/W/16/3158479
<b>Appeal Decision Date:</b>	19/01/2017
<b>Inspector's Decision</b>	The appeal is dismissed
<b>Inspector's Comments:</b>	<p>The Inspector identified that the main issues were the effect of the development on the character and appearance of the area, and the living conditions of future occupiers, with particular regard to outlook and privacy.</p> <p>The Inspector noted the appeal is the rear portion of a long narrow garden behind 418 Staines Road West, which is a terrace dwelling. The inspector further noted that an access track is located alongside the plot leading to garages serving 418 and adjacent dwellings. It was commented that the development would introduce frontage activity to a backland area, and its</p>

	<p>main frontage would be perpendicular to the existing building pattern, which would be contrary to the Council's SPD on design. The introduction of frontage activity behind the dwellings on Staines Road West would also not respect the quiet character of these garden plots, and would result in a localized increase in density, which would appear cramped compared to the underlying development pattern. The Inspector was not satisfied the flat roof dwelling would be more visually pleasing than the existing pitched roof garage, and it was noted that the development would also appear incongruous with the garages and outbuildings within which it would be located. The visual impact of the development would reflect the scale of the nearby garages, but it would not be a garage. As a dwelling it should relate to neighbouring dwellings rather than neighbouring garages, and consequently the character of this backland area would change should the appeal be allowed. It was concluded that the development would represent overdevelopment and would have a detrimental effect upon the character and appearance of the area.</p> <p>The Inspector noted there would be one window to the living area on the basement floor, which would look onto a retaining wall some 2 metres away. The Inspector concurred with the Council that this would be an unsatisfactory arrangement for future occupiers of the dwelling. The amenity space would be less than the Council's 10.5 metres recommended garden depth. Whilst this minor shortfall would not be sufficient to warrant the dismissal of the appeal, the rear elevation of no.418 would also be less than 10.5 metres. Consequently both properties would fail to meet the Council's guidelines, which is reflective of cramped development.</p> <p>The use of one way glass would not mitigate overlooking from the host dwelling from the development's amenity space, and as such this argument is given little weight. It was therefore concluded that overlooking from the host dwelling, and poor outlook would be detrimental to the living conditions of future occupiers.</p> <p>Given the above, it was not necessary for the Inspector to consider other matters raised by interested parties, such as parking and emergency access.</p> <p>It was concluded that the development would be contrary to the relevant policies of the Council's Local Plan and therefore the appeal should be dismissed.</p>
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<b>Site</b>	132 Viola Avenue, Stanwell
<b>Planning Application no.</b>	16/00444/FUL

<b>Proposed Development:</b>	Erection of part single storey/ part two storey rear extension to facilitate the change of use of existing dwellinghouse to two self-contained flats.
<b>Reason for refusal:</b>	The proposed development, by virtue of the parking arrangements including its location in close proximity to adjacent habitable rooms together with the internal layout of the flats would result in a poor level of amenity for the future occupiers of the flats. This is contrary to policy EN1 of the Spelthorne Core Strategy and Policies DPD (2009).
<b>Appeal Reference</b>	APP/Z3635/W/16/3158310
<b>Appeal Decision Date:</b>	26/01/2017
<b>Inspector's Decision</b>	The appeal is dismissed
<b>Inspector's Comments:</b>	<p>The Inspector considered that the main issue is the effect of the development on the living conditions of future occupiers, with particular regard to noise and disturbance, privacy and outlook.</p> <p>The Inspector noted that the proposed parking bays would be located directly adjacent to the bedroom window of one of the flats, with no buffer between the parking spaces and the window. While the appellant suggested that parking provision may be reduced as the site is in a town centre location which could reduce car dependency, the Inspector gave little weight to this claim. Little weight was also given to the enforceability of any condition restricting the use of a parking space to a particular occupier of the flats.</p> <p>The inspector concluded that the development's parking bays would cause noise and disturbance which would have a detrimental effect on the living conditions of occupiers of the ground floor flat. This would be contrary to Paragraph 17 of the NPPF which requires development to secure a good standard of amenity for all existing and future occupiers of land and buildings.</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>
16/00135/ FUL	Hearing	The Paddocks rear of 237 - 245 Hithermoor Road,	Siting of static mobile home for one family.	KW/LT	TBA

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