

PLANNING APPEALS

LIST OF APPEALS SUBMITTED BETWEEN 27 JANUARY AND 23 FEBRUARY 2017

<u>Planning Application Number</u>	<u>Inspectorate Ref.</u>	<u>Address</u>	<u>Description</u>	<u>Appeal Start Date</u>
16/01641/LBC	APP/Z3635/Z/16/3162332	Fresh Image Training 13 - 15 High Street Staines-upon-Thames	Display of advertisement for gym (retrospective) on side wall.	08/02/2017
16/01790/HOU	APP/Z3635/D/17/3168028	84 Groveley Road Sunbury On Thames	Erection of a first floor extension to provide habitable accommodation, associated roof alterations including raising of the ridge height, re-cladding of existing outer brickwork with red brick, and alterations to ground floor window.	08/02/2017
16/01741/CPD	APP/Z3635/X/17/3168974	10 Gloucester Crescent Laleham	Certificate of Lawfulness for proposed hip to gable roof alteration, rear facing dormer and 4 no. roof lights in front elevation.	22/02/2017

APPEAL DECISIONS RECEIVED BETWEEN 27 JANUARY AND 23 FEBRUARY 2017

Site	81 Garrick Close, Staines-upon-Thames
Planning Application no.	16/00460/FUL

Proposed Development:	Insertion of kitchen extraction system and change of use from Use Class A1 (Retail) to Use Class A5 (hot food takeaway)
Reasons for Refusal:	<ol style="list-style-type: none"> 1. The proposed change of use to a takeaway in this location, is considered to have a harmful impact on neighbouring properties in terms of noise, disturbance and odours, and insufficient information has been submitted in order to overcome the Council's concerns. The proposal therefore would have an unacceptable impact on the amenity of neighbouring properties contrary to Policy EN11 of the Core Strategy and Policies DPD 2009. 2. The proposed ducting as a result of its scale and location would appear visually obtrusive and out of character in the street scene contrary to Policy EN1 of the Core Strategy and Policies DPD 2009.
Appeal Reference	APP/Z3635/W/16/3158714
Appeal Decision Date:	03/02/2016
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The Council raised concerns in relation to the noise, odours and disturbance likely to be associated with the processes involved as well as the comings and goings of customers. The Inspector noted that Wheatsheaf Lane has a quieter more residential character than Staines town centre and that parking appeared to be at a premium during the day and is likely to be in even more short supply at evenings and weekends. He considered that it was likely that customers of the takeaway would use Garrick Close for parking and turning and was also concerned that the development would generate a noticeable increase in traffic and associated noise, as the viability of the development would depend upon a consistent volume of business. The Inspector shared the Council's concern that the comings and goings of people whether on foot or in vehicles, until 11pm at night would generate a consistent and increased level of noise in what is predominantly a residential environment. He therefore agreed that the development would generate noise and disturbance for occupiers of neighbouring dwellings which would be detrimental to their living conditions.</p> <p>The Council argued that the extraction equipment proposed would be insufficient to deal with the odours and air flow associated with the cooking equipment and would need to be larger. The Inspector saw no reason to disagree with this view. He concluded that the development would be visually incongruous and obtrusive in appearance as the ducting would be prominent on a wall otherwise almost devoid of other equipment.</p>

	<p>He also commented that the flank wall of the precinct also faced residential development which would be contrary to LP Policy EN1.</p> <p>With regards to the impact of the proposal on the character of the area the Inspector agreed that the proposed ducting would be visually incongruous and obtrusive and prominent on a wall almost devoid of other equipment.</p>
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Site	19 Clifford Grove, Ashford
Planning Application no.	16/01593/HOU
Proposed Development:	Erection of an outbuilding (retrospective)
Reason for Refusal:	The outbuilding, by reason of its height, scale, bulk and proximity to the boundary, would have an overbearing impact on the adjacent property, number 21 Clifford Grove and would be out of character with the surrounding area, contrary to policy EN1 of the Spelthorne Core Strategy and Policies DPD, 2009.
Appeal Reference	APP/Z3635/D/16/3164300
Appeal Decision Date:	13/02/2017
Inspector's Decision	<p>The appeal is allowed.</p> <p>The award of costs against the Council is dismissed.</p>
Inspector's Comments:	<p>The Inspector considered that the main issues were the effect of the development on the character and appearance of the area and the effect of the development on the living conditions of occupiers of surrounding property, with particular reference to outlook.</p> <p>It was considered that the outbuilding is recognisable as a garden outbuilding and that its location and siting within the large, open rear garden means that it does not dominate the property or detract from the main dwelling. The Inspector also considered that the outbuilding is not so large as to dominate the property or detract from the main dwelling or character of the area.</p> <p>With regards to amenity, the Inspector stated that there is a significant amount of separation between the outbuilding and the houses on neighbouring properties. Although the outbuilding is visible from adjoining properties it is partially screened by boundary vegetation and is</p>

	<p>identifiable as a domestic outbuilding as commonly found in rear gardens. The Inspector therefore considered that the outbuilding did not create a large degree of enclosure of the neighbouring properties or appear overbearing. With regards to neighbours' concerns about potential noise and disturbance issues it was considered that any impacts arising from the use of the building are unlikely to exceed those which would normally emanate from a rear garden and that no significant overlooking of neighbouring gardens is possible from within the outbuilding. It was therefore considered that the development does not harm the living conditions of occupiers of surrounding properties.</p> <p>The Inspector concluded that the development does not conflict with Policy EN1 of the Core Strategy and Policies Development Plan Document 2009 and the appeal was allowed.</p> <p>An application for an award of costs was also submitted. The Inspector considered that although the application was refused despite an officer recommendation for approval, the process appeared to have been carried out within the Council's adopted framework for decision-making. The Inspector stated that "the costs of preparing and lodging the application would have been incurred regardless of whether an appeal had been made" and that he saw "no evidence of unreasonable behaviour having been displayed by the Council or any other party" and therefore refused the application for an award of costs.</p>
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Site	5 Cavendish Court, Sunbury On Thames
Planning Application no.	16/01162/HOU
Proposed Development:	Erection of two storey side extension.
Reason for Refusal	The proposed extension by reason of its location, design and scale would not respect the strong building lines of Cavendish Court, and it would create an incongruous feature which would have an unacceptably harmful impact upon the visual amenity of 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.
Appeal Reference	APP/Z3635/D/16/3162757

Appeal Decision Date:	14/02/2017
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The appeal dwelling is unique in that it comprises one of a semi-detached pair, of which there are five arranged along the length of Cavendish Court, some of which have had minor alterations and extensions. The Inspector acknowledged that the appeal proposal was the first of this scale and that none of the other properties have a side elevation that currently abuts the highway in the manner proposed within the appeal scheme.</p> <p>The Inspector commented that the increased width of the dwelling as proposed extension would disrupt the regular pattern of development along the street and would also fill the space next to the road. As a result, the Inspector considered that this would affect the openness of the property and views along the road, cause it to appear wider and positioned differently with the otherwise harmonious arrangement of dwellings along the street. For these reasons, the Inspector concluded that the development would appear incongruous and out of place in the context of other dwellings in the locality, despite the case put forward by the appellants.</p>

Site	77 Thames Side, Staines-upon-Thames
Planning Application no.	16/01529/HOU
Proposed Development:	Erection of 2-storey side and rear extensions, formation of new roof to create a 2-storey dwellinghouse, single storey riverside extension, creation of balconies, and erection of detached garage.
Reason for Refusal:	The proposed development in terms of design, scale and location does not respect the prevailing pattern of development and would cause a terracing effect by virtue of it not being set in from the boundary to 76 Thames Side. The proposal is therefore contrary to Policy EN1 Core Strategy and Policies Development Plan Document 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.
Appeal Reference	APP/Z3635/D/16/3162952
Appeal Decision Date:	21/02/2017

Inspector's Decision	The appeal is allowed
Inspector's Comments:	<p>The Inspector considered that the main issues were the effect of the proposed development on the character of the appearance of the area and the living conditions of the occupiers of neighbouring properties, with particular regard to properties on Riverside Close.</p> <p>The Inspector noted that a similar scheme had been granted planning permission and that the difference between the two schemes was that in the approved scheme the north flank elevation at first floor level was set in from the line of the ground floor wall by 0.5m to provide a separation distance at first floor level of approximately 1m. The approved scheme was considered a realistic fall-back position and the Inspector gave it significant weight in determining the appeal and therefore considered the key matter to be determined was the impact of the additional 0.5m width at first floor level for the appeal proposal.</p> <p>The Inspector made reference to the Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 ('the SPD') which requires development to be set in a minimum of 1m from the side boundary to avoid a terracing effect. The Inspector considered the distance to the adjacent house (no. 76 Thames Side) would be sufficient to prevent a terracing effect and stated that he was satisfied that should there be an intention to extend no. 76 a proposal could be designed to prevent any terracing effect from resulting in the future.</p> <p>Taking into account the scheme recently permitted scheme at the appeal property the Inspector did not consider that an "additional 0.5m to the overall width of the scheme would make any significant difference to the effect of the scheme upon the character and rhythm of the street scene" and whilst it did not accord with the SPD, he did not consider that it would result in a harmful terracing effect.</p> <p>The Inspector also considered that the scheme would not result in any unacceptable impacts upon the living conditions of neighbouring properties and that it would not result in any significant flooding impact, subject to conditions.</p>

FUTURE HEARING / INQUIRY DATES

Council Ref.	Type of Appeal	Site	Proposal	Case Officer	Date
16/00135/ FUL	Hearing	The Paddocks rear of 237 - 245 Hithermoor Road, Stanwell Moor	Siting of static mobile home for one family.	KW/LT	TBA