

Planning Committee

26 June 2019



Planning Appeals

List of Appeals Submitted Between 10 April and 13 June 2019

Planning Application / Enforcement Number	Inspectorate Ref.	Address	Description	Appeal Start Date
18/00435/FUL	APP/Z3635/W/19/322176 1	Old Pumping Station Wheatsheaf Lane Staines-upon-Thames	Erection of 1 No. detached 3 No. bedroom dwelling with associated parking and amenity space, following demolition of existing pump house	27/03/19
18/00282/ENF	APP/Z3635/C/19/322474 0	Land South East of the Ranges, also known as Land to the North of Chertsey Road, now addressed 1A Priory Stables, Shepperton, TW17 9NU	The carrying out on the land of building, engineering, mining or other operations. In particular the construction of a bund along the south boundary and east boundary of the land.	09/04/19
18/01454/HOU	APP/Z3635/D/19/322407 2	2 Courtfield Road Ashford TW15 1JR	Erection of a detached annexe (Following demolition of existing garage).	11/04/19
18/01730/FUL	APP/Z3635/W/19/322460 9	48 Feltham Road Ashford TW15 1DH	Erection of a part single storey, part two storey side extension and subdivision of the plot to create an additional self-contained, one	24/04/19

			bedroom dwelling with associated parking and amenity space.	
18/00977/FUL	APP/Z3635/W/19/3226460	Land At The Rear Of 137-139 Laleham Road Staines Upon Thames TW18 2EQ	Erection of a detached two storey, two bedroom dwelling with associated parking and amenity.	30/04/19
18/00295/ENF	APP/Z3635/C/18/3219560	The Thorns Long Lane Stanwell	Without planning permission, the making of a material change of use of the land comprising (1) the use of the site for airport car parking.	30/05/19

Appeal Decisions Received Between 10 April and 13 June 2019

Site	Sans Souci 35 Hamhaugh Island Shepperton TW17 9LP
Planning Application No.:	18/01168/PDH
Proposed Development:	Prior approval notification for a single storey rear extension measuring 8 metres in depth beyond the rear wall of the original dwellinghouse with a maximum height of 4 metres and a height to the eaves of 3 metres.
Reason for Refusal	The proposal would not constitute permitted development under the terms of Class A, Part 1, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 2015 because the enlarged part of the dwellinghouse would extend beyond a wall which forms the principal elevation of the original dwelling house and not its rear elevation.
Appeal Reference:	APP/Z3635/D/18/3215554
Appeal Decision Date:	17/05/19
Inspector's Decision	The appeal is allowed.

Inspector's Comments:	<p>The Inspector noted that the main issue was to determine which elevation constitutes the principal elevation of the dwelling house. He noted that the property is located within an unusual setting on an island and notes that the absence of motor vehicular access onto the island residents use the river to access their properties, and many benefit from their own private landing.</p> <p>He also noted that the part of the dwelling house to be enlarged does not front a highway and neither does it form a side elevation. He stated that <i>"in these circumstances planning judgment is required to determine what constitutes the principal elevation of the original dwellinghouse".</i></p> <p>The Inspector commented that the appeal property has a very modest appearance. Whilst the south-eastern elevation does not exhibit extensive detailing or bay windows, it displays large windows and a veranda. There is an entrance to the side elevation of the property. The north-western elevation includes full height glazed windows looking onto a large garden, which is mainly laid to lawn. This area contains a number of outbuildings, as well as other domestic paraphernalia and has the appearance of a rear garden and is clearly used as such for amenity purposes. There is a door to the north-western elevation, which the Council regards as the principal elevation. On the balance of probability, as this door is located within an extended part of the property, it is not possible to conclude that this has always constituted the main access to the original dwellinghouse.</p> <p>He clarifies that each case needs to be assessed on its individual merits particularly in unusual situations such as this, where properties are not located within a traditional residential setting.</p> <p>He concluded that the south-eastern elevation is the principal elevation of this dwellinghouse, and consequently, the enlarged part of the dwellinghouse would not extend beyond a wall which forms the principal elevation of the original dwellinghouse and prior approval is therefore not required.</p>
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Site	2 Courtfield Road Ashford TW15 1JR
Planning Application No.:	18/01454/HOU
Proposed Development:	Erection of a detached annexe (Following demolition of existing garage).

Reason for Refusal	The proposed development, by reason of layout and degree of separateness, would represent a separate self-contained residential unit that would be out of character with the surrounding street scene and pattern of development and would represent over-development of the site. The scheme would also have an unacceptable layout and would provide an insufficient level of internal floor space and would provide an unacceptable level of amenity for future occupiers. The scheme would therefore be contrary to Policy EN1 of the Core Strategy and Policies Development Plan Document 2009, the Supplementary Planning Document on Design of Residential Extensions and New Residential Development 2011, and the nationally described Technical Housing Standards (March 2015).
Appeal Reference:	APP/Z3635/D/19/3224072
Appeal Decision Date:	28/05/19
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The Inspector identified that there were two main issues surrounding the appeal proposal:</p> <p>The impact upon the character and appearance of the local area. Whether the proposal would provide satisfactory living conditions for future occupiers.</p> <p>The Inspector commented that surrounding dwellings were typically 2 storey or bungalows that incorporate dual pitched roofs, and stand in reasonably sized plots. There were very few examples of dwellings in the area with attached single storey buildings in residential use that were visible from the road. The Inspector considered that the proposal would contrast markedly with the prevailing pattern of development. As the building would have windows in the front elevation and stand side-by-side with the main dwelling, the Inspector also noted that it would be set apart from other outbuildings and garages in the gardens of nearby residential properties. The Inspector therefore commented that the proposal would be an obtrusive and uncharacteristic addition, and would be contrary to the NPPF and Policy EN1.</p> <p>The Inspector acknowledged the Council's concerns that the outbuilding could be used for accommodation that would go beyond the needs of the intended occupant, the appellant's mother. However, the Inspector noted that the appellant has repeatedly stated that the building would not be used independently, and that the description of development makes it clear that planning permission is sought for an annex. The Inspector further considered that the use of the building could be controlled by condition. It was also acknowledged that the annex would</p>

	<p>not meet the Governments Nationally Described Space Standards. However, as this deals with internal space in a dwelling house, it is less directly relevant to an annex that would be ancillary to a dwelling, as future occupiers would be able to take advantage of facilities in the main building.</p> <p>On the issue of the impact of the appeal scheme upon the character and appearance of the area, the Inspector concluded that the proposal would cause significant harm and would be contrary to policy EN1 and the Council's SPD on the <i>Design of Residential Extensions and New Residential Development</i> (April 2011). On the issue of the acceptability of living conditions for future occupants the Inspector concluded that such conditions were acceptable, although as this did not outweigh the harm to the impact upon the character of the area, the appeal was dismissed.</p>
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Site	Grass Verge Opposite The Parade at Junction of Vicarage Road Sunbury On Thames
Planning Application No.:	18/00432/T56
Proposed Development:	Installation of a 17.5m Shrouded High Jupiter Street Pole (Grey); 1 x 0.3 Microwave Dish; 3 x equipment cabinets (Green) and ancillary equipment.
Reason for Refusal	The proposed mast would, by reason of its siting and appearance, fail to make a positive contribution to the street scene, would be out of character with the surrounding area and fail to achieve a satisfactory relationship with the adjoining buildings, contrary to policy EN1a and b of the Council's Core Strategy and Policies Development Plan Document 2009.
Appeal Reference:	APP/Z3635/W/18/3214801
Appeal Decision Date:	28/05/19
Inspector's Decision	The appeal is allowed (Planning Committee overturn)
Inspector's Comments:	The Inspector considered that the main issue was the effect of the proposal upon the street scene and surrounding area, having regard to siting and appearance.

	<p>The Inspector concluded that the appellant had demonstrated suitable need for a mast in this location and that other sites had been considered and discounted. While noting that the mast would be taller than adjoining street lighting columns and trees, it would be seen in the context of a distinct collective presence of street lighting columns and against the backdrop of tall buildings and the Sunbury Cross flyover. Therefore the Inspector felt the proposal would not appear visually intrusive. The Inspector also concluded that the visual amenity of the grass verge would not be prejudiced by the mast and the equipment cabinets would not add excessive street clutter to the area.</p> <p>With regard to residential amenity, due to the distance to the nearest dwellings and the back drop of the Sunbury Cross flyover, the proposal would not unduly affect the outlook from neighbouring residents.</p> <p>The Inspector also concluded that there were no health concerns, no risks to highway safety and that the development would have no impact upon the trees located on the grass verge.</p>
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Site	Halliford Studios Limited Manygate Lane Shepperton TW17 9EG
Planning Application No.:	18/01426/RVC
Proposed Development:	Variation of condition 2 (approved drawings) of planning permission 17/01065/FUL for 24 dwellings, to allow the brick wall along the Northern and Eastern boundaries to be replaced with 1.8 metre high close boarded fence topped with 300mm trellis, and a 2.1 metre high wall.
Reason for Refusal	The proposed fence would, by reason of its design and location, represent a poor quality development which fails to respect and make a positive contribution to the street scene and would be out of character with the surrounding area, contrary to policy EN1 (a) of the Spelthorne Borough Core Strategy and Policies DPD, 2009.
Appeal Reference:	APP/Z3635/W/18/3219171
Appeal Decision Date:	29/05/19
Inspector's Decision	The appeal is allowed (Planning Committee overturn)
Inspector's Comments:	The Inspector commented that the surrounding area is predominantly residential in character with a variety of boundary treatments visible in the street scene, including close-boarded fencing supported by concrete

	<p>posts, most notably in Gordon Road. He considered that the proposed boundary fencing comprising 1.8m high close-boarded fencing with concrete posts and gravel boards, and topped with trellis, would be an acceptable design and appearance in this area and would form an appropriate means of enclosure adjacent to the public footpath. He also considered that the proposed section of 2.1m high brick wall adjacent to 35 Gordon Road would be acceptable and would not result in material harm to the character and appearance of the area.</p> <p>The Inspector imposed a condition on the decision notice requiring the amended design with concrete posts and gravel boards to be constructed prior to the occupation of the new residential development, and for it to be maintained thereafter.</p>
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Site	20 Bridge Street Staines-upon-Thames TW18 4TW
Planning Application No.:	17/01938/FUL
Proposed Development:	Erection of a five storey building of 9 self-contained flats comprising 3 no. 1 bed flats, 5 no. 2 bed flats and 1 no. 3 bed flats with associated cycle parking following demolition of existing two storey b
Reasons for Refusal	<p>1) The proposed development would, by reason of its bulk and close proximity to the two top floor flats in the southern elevation of Provident House to the north, would result in an unacceptable overbearing impact on these two flats causing a significant harmful impact in terms of loss of daylight and sunlight, contrary to policy EN1 b) of the Spelthorne Borough Core Strategy and Policies DPD 2009 and the Councils Supplementary Planning Document on Design of Residential Extensions and New Residential Development, 2011.</p> <p>2) The top floor element of the proposed development would result in a scheme which fails to respect and make a positive contribution to the street scene and character of the surrounding area, contrary to policy EN1 a) of the Spelthorne Borough Core Strategy and Policies DPD 2009.</p>
Appeal Reference:	APP/Z3635/W/18/3209382
Appeal Decision Date:	31/05/19
Inspector's Decision	The appeal is dismissed A partial award of costs against the Council is allowed

	(Planning Committee overturn).
Inspector's Comments:	<p><u>Planning Appeal</u></p> <p>The Inspector considered that the main issues were the effect upon living conditions of the occupiers of the apartments on the top floor of the adjoining property in terms of visual impact, light and outlook and whether the development preserves or enhances the character and appearance of the Conservation Area.</p> <p>The Inspector noted that the apartments currently have unimpeded views from the windows and balconies and the proposal would exceed the height of the adjoining apartments. As a result, due to the extent of the proposed building and its close proximity to the facing windows and balconies, while not resulting in overlooking, it would result in a substantial, dominating and enclosing impact that would have a harmful impact upon the living conditions of the occupiers of the top floor apartments of the neighbouring property.</p> <p>The Inspector did, however, conclude that the proposal would preserve the character and appearance of the Conservation Area and would preserve the setting of the adjoining listed building.</p> <p><u>Award of Costs</u></p> <p>The appellants applied for an award of costs on the basis that the Council behaved unreasonably when citing 'significant harmful impact in terms of loss of daylight and sunlight' in the reason for refusal. The Planning Officer advised the Planning Committee that the proposals met with the daylighting and sunlighting technical standards.</p> <p>The appellant commissioned two technical consultant reports demonstrating that the proposal would have low impact on the light received by the neighbouring properties.</p> <p>The Inspector considered that Council did behave unreasonably in refusing the application on these grounds in the absence of any substantive evidence to refute the findings of the consultant's technical report.</p> <p>The Inspector allowed a partial award of costs for the expense incurred by the appellant in preparing and responding to matters relating to daylight and sunlight issues in the appeal submissions, but not for the preparation of the two consultants reports. This was on the basis that the first report in the initial application was required to demonstrate that the proposal was acceptable in daylight and sunlight terms and this was sufficient to have been used in the appeal and therefore the second report for the appeal was unnecessary.</p>

Future Hearing / Inquiry Dates

Council Ref.	Type of Appeal	Site	Proposal	Case Officers	Date
18/01101 /FUL	Inquiry	17 - 51 London Road Staines-upon-Thames TW18 4EX	Erection of six buildings to provide 474 residential homes (Class C3) and flexible commercial space at ground and first floors (Class A1, A2, A3, B1, D1 or D2) car parking, pedestrian and vehicular access, landscaping and associated works.	Russ Mounty/ Matthew Churchil I	05/11/19 7 day Inquiry