

Planning Committee

24 July 2019



Planning Appeals

List of Appeals Submitted between 14 June and 11 July 2019

Planning Application / Enforcement Number	Inspectorate Ref.	Address	Description	Appeal Start Date
19/00159/HOU	APP/Z3635/D/19/3230773	525 Staines Road West Ashford TW15 2AB	Erection of outbuilding for use as granny annexe.	26/06/19
19/00144/FUL	APP/Z3635/D/19/3231133	19A Gordon Road Ashford TW15 3ES	Loft extension to existing first floor flat comprising rear facing dormer to create additional accommodation in the roof space, creation of a balcony and 3 roof lights in front roof slope.	27/06/19
19/00329/HOU	APP/Z3635/D/19/3229316	23 Talbot Road Ashford TW15 3PN	Erection of first floor side extension and two storey rear extension (Following the demolition of existing conservatory).	08/07/19

Appeal Decisions Received between 13 June and 11 July 2019

Site	Old Pumping Station Wheatsheaf Lane Staines-upon-Thames
Planning Application No.:	18/00435/FUL

Proposed Development:	Erection of 1 No. detached 3 No. bedroom dwelling with associated parking and amenity space, following demolition of existing pump house
Reasons for Refusal	<p>The proposed dwelling by reason of size, scale and height would represent inappropriate development within the Green Belt to which substantial weight is given, and would have a detrimental impact upon the openness of the Green Belt. There are no 'very special circumstances' to clearly outweigh this harm and the proposal is contrary to policy GB1 of the Spelthorne Local Plan 2001 Saved Policies and Proposals (as updated December 2009), and the National Planning Policy Framework (July 2018).</p> <p>The proposed dwelling would be situated within a 'dry island' and would not provide a dry means of safe access and egress for future occupiers, and would add to the problems of the emergency services during a major floor event contrary to the objects of policy LO1, of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009). For this reason, alongside insufficient information within the Floor Risk Assessment also fails to meet the requirements of the National Planning Policy Framework (July 2018).</p> <p>The proposed roof terrace by reason of scale, siting and design is considered to be out of keeping with the character of properties within the surrounding street scene and would not pay due regard to the characteristics of adjoining buildings and land. The dwelling would also have a detrimental impact upon the open character of the surrounding area. The proposal would therefore be contrary to Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009) and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.</p>
Appeal Reference:	APP/Z3635/D/19/3221761
Appeal Decision Date:	05/07/19
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The Inspector identified that the main issues surrounding the appeal were:</p> <ul style="list-style-type: none"> - Whether the development would be inappropriate development in the Green Belt and whether it would harm openness. - Whether the development would be suitable for this location in regards to flood risk. - The effect on the appearance and character of the area.

- If the development is inappropriate, whether harm to the Green Belt or any other harm would clearly be outweighed by other considerations that amount to 'very special circumstances'.

Green Belt

The Inspector noted that there are a number of exemptions to inappropriate development in the NPPF, and considered that the proposal would not constitute limited infilling within a village, nor would it constitute 'infilling'. The Inspector also commented that the site is clearly occupied by buildings and accords with the definition of previously developed land. However, the existing buildings are modest in size and the appeal site currently contributes to the openness of the area.

The Inspector commented that the proposed dwelling would have a far larger footprint and would be higher than the existing buildings. Due to the scale, bulk and massing of the dwelling and the enclosure of the site by a solid brick wall, the proposal was considered to have a significantly greater impact upon the openness of the Green Belt than the existing buildings. The Inspector therefore concluded that the appeal proposal would represent inappropriate development and would be harmful to its openness, conflicting with the NPPF and Saved Policy GB1.

Flooding

The Inspector noted that the majority of the site is in flood zone 2 and that the site is also situated on a 'dry island'. It was also noted that the Council's Flooding SPD states that the "the Council position is that for residential development the only safe route of escape is a dry route".

It was noted that the Flood Risk Assessment (FRA) included a sequential test, which justified the use of the land in flood zone 2 for residential purposes. However, the test did not take into account that the Council treats proposals for developments on 'dry islands' as though they were located in flood zone 3a and 3b. The sequential test was therefore considered to be incorrect. The Inspector commented that there appear to be reasonably available alternative sites in areas of lower flood risk that could theoretically accommodate the proposal. As such it was considered that the development fails the sequential test.

It was noted that the appellant highlighted other development that necessitated occupants passing through flood waters. As the other developments related to a number of dwellings and 'householder applications, this was not considered to justify the granting of the appeal proposal.

The Inspector concluded that the site would not be a suitable location for the development and would be contrary to Policy LO1, the NPPF and the guidance in the Council's Flooding SPD.

Character and appearance

The Inspector noted that the character of the wider area is defined by the two storey traditional form of surrounding dwellings, in either detached, semi-detached or terraced arrangements.

The Inspector commented that roof terraces are an uncommon feature and where used are typically smaller, concealed from public view, or relevant to their context such as affording a view to the River Thames. The dwelling would incorporate a terrace extending to approximately 21 sq m, enclosed by high obscure glazing to prevent overlooking. The Inspector considered that this would be a particularly visible feature that would be out of character with the area. It was further considered that whilst the terrace may have been designed to make efficient use of the massing to provide another area of amenity space, this did not outweigh its harm. It was concluded that the proposal would have a harmful effect on the character and appearance of the area contrary to policy EN1.

Planning Balance

The Inspector found that the proposal would have been inappropriate in the Green Belt, and would harm its openness. It was also found that the proposal would not be in a suitable location in terms of flood risk and would harm the character of the area. Matters cited in support of the proposal by the appellant were not considered to outweigh this harm. As 'very special circumstances' do not exist the appeal was dismissed.

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 Mouny/ Matthew Churchill	05/11/19 7 day Inquiry