

# Planning Committee

21 August 2019



## Planning Appeals

### List of Appeals Submitted between 12 July and 8 August 2019

Planning Application / Enforcement Number	Inspectorate Ref.	Address	Description	Appeal Start Date
19/00530/HOU	APP/Z3635/D/19/323267 1	62 Wheatsheaf Lane Staines-upon-Thames TW18 2LR	Erection of a detached single storey outbuilding at the rear to be used as a residential annex.	17/07/19
19/00029/ENF	APP/Z3635/C/19/322550 1	22 Willowbrook Road, Stanwell, TW19 7AB	Erection of a detached single storey outbuilding at the rear to be used as a residential annex.	02/08/19

### Appeal Decisions Received between 12 July and 8 August 2019

Site	Land To The East Of Moor Lane Staines-upon-Thames
Planning Application No.:	18/01372/FUL
Proposed Development:	Erection of barn for agricultural use to house animals, erection of 2m boundary fence

<b>Reason for Refusal</b>	<p>1. The proposal represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will result in the site having a more urban character, will diminish the openness of the Green Belt and conflict with the purposes of including land within it. Furthermore, the proposal is considered to harm the rural character and appearance of the area. The proposal is therefore contrary to Saved Local Plan Policy GB1, Policy EN1 of the Core Strategy and Policies DPD 2009 and Section 13 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2018.</p> <p>2. The submitted Flood Risk Assessment (FRA) does not comply with the requirements set out in paragraph 163 of the National Planning Policy Framework (NPPF) and does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development contrary to Policy LO1, of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009), the Supplementary Planning Document on Flooding 2012 and the NPPF 2018.</p>
<b>Appeal Reference:</b>	APP/Z3635/W/19/3222411
<b>Appeal Decision Date:</b>	05/08/19
<b>Inspector's Decision</b>	The appeal is dismissed.
<b>Inspector's Comments:</b>	<p>The Inspector considered that the main issues were whether the proposal would be inappropriate development in the Green Belt, the effect on the character of the area and flooding.</p> <p>He was satisfied that the proposed development would involve an agricultural building and as such it would not be inappropriate development in the Green Belt and would not be regarded as harmful to either the openness of it or the purposes of the Green Belt.</p> <p>In terms of character and appearance, the Inspector noted that the site was a verdant plot which related to the generally undeveloped and rural appearance of the surrounding area. He stated that the development would involve the erection of a sizable building which would, <i>'...have a significant and imposing effect on the public realm. Accordingly, it would appear as an incongruous feature that would be out of character.'</i> He also described the fencing as more akin to a high security commercial fencing than agricultural boundary treatment and noted that it would be highly visible from the public realm, and would be, <i>'...an intrusive and dominating feature that would harm the rural character and undeveloped appearance of the site and surrounding area.'</i> He concluded that the</p>

	<p>proposed development would harm the character and appearance of the surrounding area contrary to Policy EN1.</p> <p>In regards to flooding he noted that the proposed voids did not indicate that the development was acceptable with regards to flooding. He concluded that the proposed development would not be suitably located in relation to flood risk contrary to Policy LO1.</p>
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<b>Site</b>	48 Feltham Road, Ashford
<b>Planning Application No.:</b>	18/01730/FUL
<b>Proposed Development:</b>	Erection of a part single storey, part two storey side extension and subdivision of the plot to create an additional self-contained, one bedroom dwelling with associated parking and amenity space.
<b>Reason for Refusal</b>	The proposed development in terms of design, scale and location is considered to be visually obtrusive and out of keeping with the character of the area and fails to make a positive contribution to the street scene. Furthermore, the proposal represents an overdevelopment of the site with inadequate amenity space, insufficient parking provision, and poor standard of amenity for future occupiers. The proposal is therefore contrary to adopted policies CC3 and EN1 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document (February 2009), the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011, and the Council's Parking Standards Supplementary Planning Guidance (September 2011).
<b>Appeal Reference:</b>	APP/Z3635/W/19/3224609
<b>Appeal Decision Date:</b>	02/07/19
<b>Inspector's Decision</b>	The appeal is dismissed.
<b>Inspector's Comments:</b>	<p>The Inspector considered there were three main issues;</p> <ul style="list-style-type: none"> <li>• Character and appearance of the surrounding area;</li> <li>• living conditions of existing occupants, with a particular regards to amenity space for the first floor flat; and</li> <li>• Highway safety, with particular regard to off-street parking.</li> </ul>

	<p>On the character/appearance issue the Inspector noted that the built form is generally well spaced with clear gaps providing visual separation. The proposal would be a significant addition and an incongruous feature which would not be subordinate to the main dwelling. It would significantly reduce the gap and visual spacing between the buildings.</p> <p>On the second issue, the existing living conditions, the Inspector noted that the proposal would lead to the existing first floor flat having no access to outdoor space which the Inspector considered conflicted with policy EN1 and the NPPF.</p> <p>The proposal would result in a shortfall of 2 parking spaces. However, the Inspector noted that the site was 800m from Ashford town centre and is relatively accessible by foot to the town centre's services and facilities. He also commented that there were a number of bus routes close by and a railway station within walking distance. The development would also provide cycle parking. The Inspector recognised that the surrounding area may be heavily parked at times but commented that there was some on-street parking availability within reasonable walking distance of the site. He concluded that the development would not harm highway safety.</p>
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<b>Site</b>	McDonalds 554 London Road Ashford TW15 3AE
<b>Planning Application No.:</b>	18/01106/RVC
<b>Proposed Development:</b>	Variation of condition no. 21 of planning approval 13/00451/FUL for the erection of a freestanding two storey restaurant with associated drive thru lane, parking and landscaping and installation of customer order display and canopy to allow the restaurant to open for 24 hours a day, seven days a week.
<b>Reason for Refusal</b>	The proposed extension of the opening hours are considered to give rise to an unacceptable degree of noise and disturbance in the early hours of the morning that would be detrimental to the living conditions of adjoining residents, contrary to Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).
<b>Appeal Reference:</b>	APP/Z3635/W/18/3217395

<b>Appeal Decision Date:</b>	02/07/2019
<b>Inspector's Decision</b>	The appeal is allowed
<b>Inspector's Comments:</b>	<p>The Inspector considered that the main issue was the effect that varying the condition would have on the living conditions of nearby occupiers, with particular regard to noise and disturbance.</p> <p>The appellant's Noise Impact Assessment (NIA) included a Premises Noise Management Plan (PNMP) which establishes good practice procedures to be put in place to reduce the risk of any potential impact of residential amenity resulting from the increase of opening hours. The Inspector noted that the Council acknowledged the NIA but considered that more weight should be placed on a more subjective, holistic assessment and the weight of opinion of local residents. The Inspector also stated that the technical evidence was limited and significantly, the Council's Environmental Health Officer, a statutory consultee, raised no objection to the proposal with regard to noise and other impacts.</p> <p>The inspector concluded that the disputed condition was neither necessary nor reasonable and he allowed the appeal.</p>

#### **Future Hearing / Inquiry Dates**

<b>Council Ref.</b>	<b>Type of Appeal</b>	<b>Site</b>	<b>Proposal</b>	<b>Case Officers</b>	<b>Date</b>
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 Mountry/ Matthew Churchill	05/11/19 7 day Inquiry
15/00048 /ENF	Inquiry	5 New Park Road, Ashford, TW15 1EG	The unauthorised change of use of the land for a caravan site and the siting of a caravan which is being used as a self-contained unit of accommodation.	Lynsey Tracey/ Matthew Churchill	TBC