

Planning Committee

16 October 2019



Planning Appeals

List of Appeals Submitted between 9 August and 3 October 2019

Planning Application / Enforcement Number	Inspectorate Ref.	Address	Description	Appeal Start Date
19/00474/FUL	APP/Z3635/W/19/3233754	The Anchor Hotel Church Square Shepperton TW17 9JY	The partial demolition of the existing hotel with the retention of the front facade. Erection of 3 no. 4 bedroom townhouses 2 no. attached 2 bedroom cottages and 2 no. 2 bedroom apartments with associated landscaping and cobbled parking court.	22/08/19
19/00518/FUL	APP/Z3635/W/19/3233509	Former Nursery Site Rear 37-51 Hithermoor Road Stanwell Moor Staines-upon-Thames	Change of use of site from former nursery site to fencing manufacture and supply business. Demolition of existing glasshouses, polytunnels and concrete building and erection of a new workshop building and a 3 metre high acoustic fence. Retention of existing hardstanding and provision of new hardstanding to accommodate car parking and building storage area. Retention of existing fencing and gates.	03/09/19
19/00714/RVC	APP/Z3635/W/19/3235760	32 - 34 Feltham Road Ashford TW15 1DH	Variation of condition 2 of planning permission 18/00503/FUL (the plans condition) to allow a larger canopy and car washing area.	03/09/19
19/00874/HOU	APP/Z3635/D/19/3236166	Jonmari Cotswold Close	Roof alterations to include hip to gable roof extensions with front, side and rear facing dormers	06/09/19

		Staines-upon-Thames TW18 2DD		
19/00444/ADV	APP/Z3635/D/ 19/3236166	Charlton Lane Ecopark Charlton Lane Shepperton TW17 8QA	Retention of freestanding 6.52m tall non-illuminated sign at entrance (retrospective).	23/09/19
19/00528/HOU	APP/Z3635/D/ 19/3233786	6 St Pinnock Avenue Staines-upon-Thames TW18 2HX	Erection of a single storey side extension to incorporate a garage.	23/09/19
19/00657/HOU	APP/Z3635/D/ 19/3234016	27 Leacroft Staines-upon-Thames TW18 4PB	Erection of front and rear dormers and rooflights to create accommodation within the roofspace.	25/09/19
19/00558/HOU	APP/Z3635/D/ 19/3235109	41 Birch Grove Shepperton TW17 8SS	Erection of side facing dormer.	25/09/19
19/00637/HOU	APP/Z3635/D/ 19/3235586	Cockaigne, Sandhills Meadow, Shepperton, TW17 9HY	Extension to the rear roof to create habitable accommodation including the raising of the rear ridge height and insertion of Juliet style balcony.	01/10/19

Appeal Decisions Received between 9 August and 3 October 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

Reasons for Refusal	<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>
Appeal Reference:	APP/Z3635/W/19/3222411
Appeal Decision Date:	05/08/2019
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The Inspector accepted amended plans showing a reduction in height as he noted it was not material and no parties would be prejudiced.</p> <p>He identified the main issues as whether the proposal would be inappropriate development in the Green Belt, the effect on the character and appearance of the area and flood risk.</p> <p>The Inspector noted there was little evidence that remediation works were required if the land was contaminated. He stated that while the barn is sizeable there is, '<i>...little evidence which indicates that it would not be used for agricultural purposes nor that the site could not accommodate the keeping of animals to the extent envisaged by the appellant after some tidying and site preparation</i>'. He noted that from the evidence before him he was satisfied that the proposed development would involve an agricultural building and as such would not be inappropriate development in the Green Belt or be regarded as harmful to either the openness or to the purposes of the Green Belt</p> <p>The Inspector noted that the amended plans showed a reduced height of 3.4 m, reducing the dominating effect of the previous 5.8 m high</p>

	<p>building. But he also noted that at 24 m long and 10 m wide, '<i>...the barn would continue to have a significant scale and presence</i>'. He noted the barn would also be visible from the surrounding area, including the bridleway and Moor Lane and that '<i>... the development would involve the erection of a sizeable building that would 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>'</p> <p>He commented that the 2 m high galvanised palisade metal fence with triple splayed heads would appear, '<i>... more akin to high security commercial fencing than agricultural boundary treatment.</i>' He felt that that this fencing is more likely to be found in built-up industrial areas and would appear out of place given the site has a more rural setting. Stating that the highly visible fence, '<i>...would be experienced as an intrusive and dominating feature that would harm the rural character and undeveloped appearance of the site and surrounding area.</i>' The Inspector concluded that the proposed development would harm the character and appearance of the surrounding area.</p> <p>With regard to flooding, the Inspector noted the applicant's frustration with the conflicting and inconsistent advice on flood risk from the Council and EA; and agreed the provision of flood voids would help with the loss of floodplain storage. However he concluded that '<i>...the proposed development would not be suitably located in relation to flood risk. I therefore find that it does not comply with CSPD Policy LO1 and that conditions could not overcome this conflict. The proposal would also be inconsistent with the Flooding SPD and the provisions of the Framework in relation to planning and flood risk.</i>'</p>
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Site	Land Adjacent 31 Glebeland Gardens Shepperton TW17 9DH
Planning Application No.:	18/01236/FUL
Proposed Development:	Erection of a two storey side extension to existing dwelling to create a one bedroom maisonettes.
Reasons for Refusal	The proposed development, by virtue of its design, size, bulk and mass including an undercroft parking area which provides a parking space below parking size standards and the inclusion of a supported part of the building to allow for access to the Right of Way represents an incongruous form of development and an overdevelopment of the site that would be detrimental to the character and appearance of the area

	and contrary to Policy EN1 and CC3 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).
Appeal Reference:	APP/Z3635/W/19/3227930
Appeal Decision Date:	27/08/19
Inspector's Decision	The appeal is dismissed.
Inspector's Comments:	<p>The Inspector considered that the main issues were:</p> <ul style="list-style-type: none"> a) The effect on the character and appearance of the area b) The effect upon the living conditions of future occupiers, with particular regard to the availability of private garden space; and c) The effect of the proposed parking arrangements upon highway safety. <p>In terms of the impact upon the character and appearance of the area, while acknowledging that the proposed dwelling would respect the design and style of the adjoining properties to which it would be attached, the Inspector considered that the locality was characterised by a relatively loose and low-density pattern of development. In considering this proposal, the Inspector concluded that due to the amount and location of amenity space and the layout of the site, the proposal would appear unduly cramped and would result in a discordant form of development that would represent an overdevelopment of the site.</p> <p>The Inspector concluded that there would be no concerns regarding the living conditions and amenity of future occupiers of the property or the residential amenity to adjoining neighbouring properties. Furthermore, due to the site's location in close proximity to the town centre, public transport links and the adjoining public car park, no highway safety or parking concerns would arise.</p> <p>Therefore, the proposal conflicts with Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (2009) and the proposal does not create a building or a place that is attractive with its own distinct identity and does not respect and make a positive contribution to the street scene and character of the area in which they are situated.</p>

Site	23 Talbot Road Ashford TW15 3PN
Planning Application No.:	19/00329/HOU
Proposed Development:	Erection of first floor side extension and two storey rear extension (Following the demolition of existing conservatory).
Reason for Refusal	The proposed two storey rear development by reason of its scale and location would have an adverse impact upon the amenity of the residential property no 25 Talbot Road in terms of loss of light and would be unduly dominant causing an overbearing impact on and overshadowing effect on the neighbouring patio/sitting area. The development is therefore contrary to policy EN1 of the 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/19/3229316
Appeal Decision Date:	02/09/19
Inspector's Decision	The appeal is dismissed. The appellant's requests for costs is dismissed
Inspector's Comments:	The Inspector considered that the main issue is the effect of the proposal on the living conditions of the occupiers of the neighbouring dwelling at 25 Talbot Road (No 25), having particular regard to matters of outlook and daylight. The Inspector noted that whilst a planning permission exists (ref. 18/00688/HOU) for a two storey rear extension extending 2.5 metres from the main back wall of the dwelling and having the same proximity to the boundary as the appeal proposal, the proposed two storey rear extension would result in an increase in the extension's depth by approximately 0.8 metre. It was noted that the extension would be in close proximity to a frequently used modest patio area belonging to the neighbouring bungalow. Although in the context of the appeal dwelling, the proposal represented a small over the approved scheme, the inspector considered that the effect of this would result in an extension of greater mass, height and projection from the main back wall when viewed from the neighbouring patio and garden. Together with the proposal's very limited separation from the boundary the overall effect was considered to be an uncomfortable feeling for people using the space alongside of being dominated by the building. The Inspector concluded that "whilst the proposed development would not harm the living conditions of No 25 Talbot Road in respect of daylight, it would

	<p>have an unacceptable impact on the outlook of its occupiers. And even though the appellant could build the development approved under 18/00688/HOU, the appeal proposal is more harmful than this fall back scheme”.</p> <p>The appellant made a costs claim against the Council which was considered by the Planning Inspector. These were submitted on the grounds that the Council’s “conclusions on the adverse impact on No 25 in terms of loss of light, were reached without reference to the Appellant’s Daylight and Sunlight Assessment (ADSA). Also, its refusal reason was vague and generalised and reached without proper analysis. Finally, it is stated that the Council has prevented or delayed development without providing robust justification.”</p> <p>In response, the Inspector noted that whilst the Council did not refer or provide analysis to the ADSA in officer’s report, he considered that this did not necessarily mean that it was not read or ignored. He was satisfied that the Council reached a different conclusion in fact covered in detail, used own judgement and guidance and as such in his view it was not unreasonable behaviour. On the matter of whether the Council prevented or delayed development, the Inspector commented that the “appellant would have had to contest the appeal on the grounds of the effect on neighbouring outlook, as well as loss of light”. Therefore he did not consider that any delay to development has occurred.</p>
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Site	62 Wheatsheaf Lane, Staines-Upon-Thames, TW18 2LR
Planning Application No.:	19/00530/HOU
Proposed Development:	Erection of a detached single storey outbuilding at the rear to be used as a residential annex.
Reason for Refusal	The proposed development, by reason of layout, location, scale 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 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/19/3232671

Appeal Decision Date:	09/09/19
Inspector's Decision	The appeal is allowed
Inspector's Comments:	<p>The Planning Inspector considered that the the main issues are whether the proposal would represent a separate self-contained residential unit, would be out of character with the locality, or would represent over-development of the site. He note that the flat roofed single storey outbuilding with an internal floor space of 46 sq. m containing a living room, bedroom, store room and kitchen located at the rear of the existing detached double garage would not represent a self-contained home. The development would not be visible from the street scene and whilst bigger than most garden local garden structures, the development would be broadly similar to larger garages found locally.</p> <p>In terms of the self-contained argument, the Inspector considered that the garden would be shared and the access would have to come via the main driveway. The Inspector also considered that by imposing a condition 'ancillary use', the development would not represent a self-contained home. The garden would be shared, the access would have to come via the main driveway, and there was no readily obvious position for the annex to be sited much nearer the existing house. The Inspector felt that the internal facilities were very modest to assist the needs of family members of varied generations. The Inspector also considered (and as referred to in the officer's report) that the scheme would not unduly intrude upon residential amenity for neighbours. He concluded that the appeal proposal would not represent a separate self-contained residential unit, or be out of character with the locality, or represent over-development of the site.</p>

Site	Land at the rear of The Thornes, Long Lane, Stanwell, Surry, TW19 7AU
Enforcement No.: :	18/00295/ENF
Planning Breach:	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.
Reasons for Issuing the Enforcement Notice	The development represents inappropriate development in the Green Belt for which no very special circumstances are considered to exist. It results in the site having a more urban character, diminishes the openness of the Green Belt and conflicts with the purposes of including land within it. It is therefore contrary to saved Policy GB1 of the

	<p>Spelthorne Borough Local Plan and Section 9 (Protecting Green Belt Land) of the Governments National Planning Policy Framework 2012.</p> <p>The use of the site for airport car parking would encourage the use of the private car for journeys to and from Heathrow Airport, which is highly accessible by alternative modes of transport, and would therefore be contrary to the sustainability aspirations of the National Planning Policy Framework 2012 and Policies SP7 and CC2 of the Spelthorne Borough Council Core Strategy and Policies DPD 2009.</p>
Appeal Reference:	APP/Z3635/C/18/3219560
Appeal Decision Date:	10/09/19
Inspector's Decision	The appeal is dismissed and the enforcement notice is upheld without variation.
Inspector's Comments:	<p>The appeal was only against ground (g) of the enforcement notice relating to the time period of compliance (given as 3 months). The Inspector noted that some 9 months had elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of decision, the appellant will have had 12 months to submit a planning application and for it to be determined.</p> <p>In these circumstances, the Inspector saw no good reason to extend the compliance period further and consider the 3 months given in the notice to be adequate. The ground (g) appeal accordingly failed.</p>

Site	525 Staines Road West, Ashford TW15 2AB
Planning Application No.:	19/00159/HOU
Proposed Development:	Erection of outbuilding for use as granny annexe
Reason for Refusal	The proposed development, in terms of its design, scale and location, would be tantamount to the formation of a separate means of accommodation that would be out of character with the surrounding area and have an unacceptable impact on the amenity of neighbouring properties, contrary to Policy EN1 of the Core Strategy and Policies Development Plan Document 2009 and the Supplementary Planning

	Document on Design of Residential Extensions and New Residential Development 2011.
Appeal Reference:	APP/Z3635/D/19/3230773
Appeal Decision Date:	17/09/19
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The appeal site is a detached house with a long rear garden. The proposed outbuilding would be located at the end of this garden adjacent to the boundaries with neighbouring properties and was intended for use as a Granny Annexe. The Inspector noted that No.525 has a very long garden and the outbuilding would be located as far away as possible from the house. She also noted that it would be fully self-contained with a living area, kitchen, bathroom/shower room bedroom and separate study. She considered that the accommodation proposed could be occupied independently and that it would be possible to access it from Staines Road West without going through the house. The level of accommodation could provide for independent living. The Inspector also noted that the building would be of a substantial size within the garden and that its size, location so close to the boundaries of neighbouring properties and its potential uses would affect the character and appearance of the area and therefore conflict with EN1 and the SPD. In addition, the Inspector noted that as the building was very close to the boundary with neighbouring dwellings and its overall height and size would introduce a prominent and intrusive structure which would have a harmful impact on the living conditions of the occupiers of adjoining properties.</p>

Site	19A Gordon Road, Ashford TW15 3ES
Planning Application No.:	19/00144/FUL
Proposed Development:	Loft extension to existing first floor flat comprising rear facing dormer to create additional accommodation in the roofspace, creation of a balcony and 3 roof lights in front roof slope.
Reason for Refusal	The proposed development would by reason of its scale, location and design, appear visually obtrusive and out of character with the surrounding area and would fail to make a positive contribution to the locality. The proposal 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.
Appeal Reference:	APP/Z3635/D/19/3231133
Appeal Decision Date:	17/09/19
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The appeal site is a first floor flat in a two-storey semi-detached residential property. The adjoining semi has a large rear extension. The proposal was for a rear dormer that would be set below the main ridge height of the property and in from the side wall on one side. The side adjoining No 21 would extend close to the boundary. The rear dormer would include a window and glazed doors onto a roof terrace which includes a 1.8 metre high frosted glass screen.</p> <p>The Inspector noted that the rear of the house was not visible from the street and the adjoining property has been extended although not with a dormer. Nevertheless, she considered that the dormer extension and the roof terrace would add bulk to the roof which would not be in keeping with the existing dwelling. She concluded that it would create an incongruous addition to the roof of the building which would be out character with the area. This would conflict with Policy EN1. She also noted that the roof lights on the front of the dwelling would not be consistent with the advice in the SPD in terms of their alignment with the windows below.</p>

Future Hearing / Inquiry Dates

Council Ref.	Type of Appeal	Site	Proposal	Case Officers	Date
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