



Planning Appeals

List of Appeals Submitted between 19 December 2019 and 14 May 2020

| Planning Application / Enforcement Number | Inspectorate Ref. | Address | Description | Appeal Start Date |
|---|------------------------|---|--|-------------------|
| 19/01026/HOU | APP/Z3635/D/19/3238943 | 5 Guildford Street Staines-upon-Thames TW18 2EQ | Proposed roof alterations including raising ridge height and installation of an eastern flank facing dormer with additional roof lights on the western flank elevation to create additional habitable space. | 20/12/2019 |
| 19/01043/HOU | APP/Z3635/D/19/3241929 | 76 Chaucer Road Ashford TW15 2QX | Erection of a two storey side extension | 20/12/2019 |
| 19/01290/HOU | APP/Z3635/D/19/3241650 | 101 Groveley Road Sunbury On Thames TW16 7JZ | Creation of a vehicle crossover. | 20/12/2019 |

| Planning Application / Enforcement Number | Inspectorate Ref. | Address | Description | Appeal Start Date |
|--|--------------------------|---|--|--------------------------|
| 19/00003/ENF | APP/Z3635/C/19/3240021 | Budget Car Sales Limited Sales Depot 648 London Road Ashford TW15 3AW | Without planning permission, the material change of use of the land from use for car parking for a car sales business and use of a porta cabin as an office, to car parking for a car sales business and use of a porta cabin as an office, and the siting of a second porta cabin and its use as an office. | 07/01/2020 |
| 19/01079/HOU | APP/Z3635/D/19/3239573 | 22 Montford Road Sunbury On Thames TW16 6EJ | Erection of a two storey front extension | 09/01/2020 |
| 19/00829/FUL | APP/Z3635/W/19/3243544 | 11 Gleneagles Close Stanwell Staines-upon-Thames TW19 7PD | Erection of an end of terraced dwelling in place of existing garage | 14/01/2020 |

| Planning Application / Enforcement Number | Inspectorate Ref. | Address | Description | Appeal Start Date |
|--|--------------------------|---|--|--------------------------|
| 18/00030/ENF | APP/Z3635/C/19/3225626 | Land To The East Of Moor Lane Staines-upon-Thames | Without planning permission, the making of a material change of use of the land from open Green Belt land to a mixed use comprising the following unauthorised uses. (1) storage of motor vehicles and vehicle parts (2) the stationing of a caravan (3) storage of plant machinery (4) other storage purposes including but not limited to the storage of other paraphernalia and general rubbish | 18/01/2020 |
| 19/01084/HOU | APP/Z3635/W/19/3243480 | 1 Jennifer Court Adelaide Road Ashford TW15 3GA | Installation of boundary fence and timber pergola (retrospective) | 23/01/2020 |
| 19/01400/FUL | APP/Z3635/W/19/3243922 | 5 New Park Road Ashford TW15 1EG | The erection of a detached bungalow with habitable accommodation in the roof space, with associated parking and amenity space following subdivision of the plot. | 03/02/2020 |
| 19/01077/FUL | APP/Z3635/W/19/3243283 | Former Garages/Lock-Up Stores Station Approach Sunbury On Thames TW16 6SA | Erection of 2 no. 2 bed flats over three floors with landscaping following the demolition of the existing 3 no. lock up garages | 03/02/2020 |

| Planning Application / Enforcement Number | Inspectorate Ref. | Address | Description | Appeal Start Date |
|--|--------------------------|--|---|--------------------------|
| 19/01024/HOU | APP/Z3635/D/19/3243479 | 1 Everest Road Stanwell Staines-upon-Thames TW19 7EA | Erection of a part single storey, part two storey, front side and rear extension, including the installation of an additional dormer and roof light in the roof space | 10/02/2020 |
| 19/00262/ENF | APP/Z3635/C/20/3244894 | 28 Hadrian Way Stanwell Staines-upon-Thames TW19 7HF | Erection of an outbuilding and the use of that building, without planning permission. | 11/02/2020 |
| 19/00679/PIP | APP/Z3635/W/19/324759 | Land To The Rear Of 32, 34 And 36 Commercial Road Staines-upon-Thames TW18 2QL | Permission in principle for a maximum of 4 dwellings | 21/02/2020 |
| 18/00194/ENF | APP/Z3635/C/20/3244698 | Unit 7 Shepperton Industrial Estate, Littleton Lane. TW17 0NF | The construction of a large workshop building and the use of that building, without planning permission. | 24/02/2020 |
| 19/01218/FUL | APP/Z3635/D/19/3244852 | 99 Feltham Road Ashford TW15 1BS | Alterations to roof including rear balcony to provide one new flat within existing roof space. | 02/03/2020 |
| 19/01564/OUT | APP/Z3635/D/19/3244874 | Land Adjacent To 7 Maxwell Road Ashford TW15 1RL | Erection of a single dwelling with associated parking and amenity space, on land adjacent to 7 Maxwell Road | 02/03/2020 |

| Planning Application / Enforcement Number | Inspectorate Ref. | Address | Description | Appeal Start Date |
|--|--------------------------|--|---|--------------------------|
| 19/01218/FUL | APP/Z3635/W/20/3244852 | 99 Feltham Road Ashford TW15 1BS | Alterations to roof including rear balcony to provide one new flat within existing roof space. | 02/03/2020 |
| 19/01201/FUL | APP/Z3635/W/20/3245241 | 6 - 8 Wolsey Road Ashford TW15 2RB | Erection of a 2nd floor extension to create an additional 1 no. 2 bed unit, alteration to approved 1 no. 1 bed duplex unit, external alterations, and provision of associated cycle parking and refuse storage. | 26/03/2020 |
| 18/00243/ENF | APP/Z3635/C/18/3218097 | Land Adjacent To Magnolia Ferry Lane Shepperton TW17 9LH | Without planning permission, the making of a material change of use of the land to a mixed use comprising agriculture, storage of shipping containers, storage of miscellaneous items including wooden barrels and other paraphernalia. | 05/05/2020 |
| 20/00063/HOU | APP/Z3635/W/20/3252421 | 96 Woodthorpe Road Ashford TW15 3JY | Construction of a vehicle crossover | 11/05/2020 ¹ |

¹ This is the appeal submission date to PINS but an official 'Start Date' has not yet been assigned to this appeal by PINS.

| Planning Application / Enforcement Number | Inspectorate Ref. | Address | Description | Appeal Start Date |
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| 19/01022/OUT | APP/Z3635/W/20/3252420 | Bugle Nurseries Upper Halliford Road Shepperton TW17 8SN | Outline application with all matters reserved other than 'access' for the demolition of existing buildings and structures and the redevelopment of the site for a residential-led development comprising up to 43 residential homes, a 62-bed care home and the provision of open space, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes. | 12/05/2020 ² |

* This is the appeal submission date to PINS but an official 'Start Date' has not yet been assigned to this appeal by PINS.

² This is the appeal submission date to PINS but an official 'Start Date' has not yet been assigned to this appeal by PINS.

Appeal Decisions Received 19 December 2019 and 14 May 2020

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| Site | Cockaigne Sandhills Meadow Shepperton TW17 9HY |
| Planning Application No.: | 19/00637/HOU |
| Proposed Development: | Extension to rear roof to create habitable accommodation including the raising of the rear ridge height and insertion of a juliet style balcony |
| Reasons for Refusal | <p>The proposed first floor rear extension would create habitable first floor space that would result in a significant increase in the floor space of the dwelling when compared with the original dwelling. The extension would also increase the mass and bulk of the roof form causing harm to the openness of the site and would therefore be considered a disproportionate addition which would cause unacceptable harm to the openness of the Green Belt for which no very special circumstances have been demonstrated. The proposal would therefore be contrary to Policy EN2 of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009), saved policy GB1 of the Spelthorne Borough Local Plan 2001 and the National Planning Policy Framework (February 2019).</p> <p>The proposed first floor rear extension, by reason of height and design, and the incorporation of a dual axis flat roof, is considered to be out of keeping with other properties within the surrounding Plotland Area and the traditional scale and design of Plotlands dwellings. It would be visible from Sandhills Meadow and would cause harm to the character of the wider area. The proposal would therefore be contrary to Policy EN2 and EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009).</p> |
| Appeal Reference: | APP/Z3635/D/19/3235586 |
| Appeal Decision Date: | 19/12/2019 |
| Inspector's Decision | Appeal Dismissed |

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| <p>Inspector's Comments:</p> | <p>The Inspector identified that the main issues surrounding the appeal were:</p> <ul style="list-style-type: none"> - Whether the proposal would constitute inappropriate development in the Green Belt, including the impact upon the openness of the Green Belt. - The effect on the character and appearance of the area. - If inappropriate development, whether the harm is clearly outweighed by other considerations, which would amount to 'very special circumstances' to justify the development. <p><u>Green Belt</u></p> <p>The Inspector noted that a replacement dwelling was approved at the site in 2003 (03/00693/FUL), which has since been enlarged and that the NPPF states that proposals for new development in the Green Belt should be regarded as inappropriate, although one such exception to this is "<i>the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building</i>". The Inspector further noted that Policy EN2 states that extensions in the Green Belt will only be permitted where they do not significantly change the scale of the original building regardless of the size of the plot.</p> <p>He also noted that the original dwelling had a floor area of 70.5m², and the replacement dwelling had a footprint of 94.3m² with no habitable accommodation in the roof and that the property has been extended at ground floor level and now contains accommodation in the roof space. The dwelling now has a floor area of some 154.25m² and the proposed extension would add an additional floor area of 21.7m² which the Inspector concluded would significantly change the scale of the original building, and would result in a disproportionate addition over and above the scale of the original building, in conflict with Saved Policy GB1, Policy EN2 and the NPPF.</p> <p><u>Character and Appearance</u></p> <p>The Inspector noted that the site is located in the designated Plotlands Area, and whilst some properties have been rebuilt and altered, most dwellings in the vicinity of the site remain single storey with low profile roofs, in accordance with Policy EN2.</p> <p>The Inspector noted that the dwelling contains an upper floor in the roof space, and incorporates a modestly sized rear dormer. The Inspector commented that the proposal would create a dual access roof that would be a noticeable feature visible from Sandhills Meadow because of the forward siting of Cockaigne in relation to neighbouring dwellings. The Inspector concluded that the proposal would change the scale of the original building and detract from the character of the area in a sensitive riverside location and therefore would be harmful to the character and</p> |
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| | <p>appearance of the Plotlands area, contrary to policy EN2. The Inspector also considered that the proposal would conflict with the objectives of policy EN1 which requires proposals to respect the character of the area.</p> <p><u>Planning Balance</u></p> <p>The Inspector considered that the proposal would amount to inappropriate development in the Green Belt and would also cause harm to the character of the area. The existence of larger and altered buildings in the surrounding area was not considered to constitute a 'very special circumstance' to outweigh the harm of the scheme on the Green Belt or the character and appearance of the area. The Inspector concluded that the proposal was contrary to saved Policy GB1, Policy EN2 and the NPPF. For this reason, the appeal was dismissed.</p> |
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| Site | Plot 5 Las Palmas Estate Sandhills Meadow Shepperton |
| Planning Application No.: | 18/01627/FUL |
| Proposed Development: | Change of use of land to the keeping of horses, installation of post and rail boundary fencing and access gate |
| Reasons for Refusal | The proposal represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will diminish the openness of the Green Belt and conflict with the purposes of including land within it. Furthermore, it is considered to harm the rural woodland character and appearance of the area and result in a net loss of biodiversity. The development is therefore contrary to Saved Policy GB1 of the Spelthorne Borough Local Plan 2001, Policies EN1 and EN8 of the Core Strategy and Policies DPD 2009, and Government's National Planning Policy Framework 2019. |
| Appeal Reference: | APP/Z3635/W/19/3236959 |

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| Appeal Decision Date: | 27/01/2020 |
| Inspector's Decision | Appeal Dismissed |
| Inspector's Comments: | <p>The Inspector noted that the appeal site is bounded by existing woodland, and was part of the woodland until the trees were recently cleared. He commented that there are some remains of individual trees, tree stumps, and regenerating ground cover vegetation. In visual terms he considered the appeal site appears as part of the larger woodland. Notwithstanding the largely cleared state, its undeveloped nature, with regenerating ground plants and some trees, means it has the appearance of a (partly) cleared area within a woodland.</p> <p>The Inspector considered that the proposed change of use to the keeping of horses would erode the semi-natural appearance of the site, particularly as it would lead to the clearance of existing vegetation. He also considered that the proposed fence and gates would have a negative and unacceptable effect on the character of the woodland area and concluded that the proposal fails to comply with the requirements of Policy EN1 of the Core Strategy and Policies DPD.</p> <p>In terms of biodiversity, the Inspector considered that the loss of the existing regenerating ground plants and leaf litter would likely reduce its value to wildlife. In addition the presence of horses would be likely to hinder the growth of natural plants and lead to compaction of the soil. He therefore considered the proposal would diminish the biodiversity value of the site, contrary to Policy EN8 of the Core Strategy and Policies DPD.</p> |

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| Site | 76 Chaucer Road Ashford TW15 2QX |
| Planning Application No.: | 19/01043/HOU |
| Proposed Development: | Erection of a two storey side extension |

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| Reasons for Refusal | The proposed development by reason of its design, scale and proportion, would have an unacceptable impact on the character of the area and would harm the character and appearance of the host building and its setting. The proposed development would appear as over dominant and would be visually obtrusive in the street scene. The development 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/19/3241929 |
| Appeal Decision Date: | 03/02/2020 |
| Inspector's Decision | Appeal Allowed |
| Inspector's Comments: | <p>Whilst the appeal property was one of three identical pairs of dwellings, the Inspector noted that some alterations to the dwellings have occurred, such as a hip to gable with rear dormer to a neighbouring property, including the appeal sites recent single storey flank extension. The Inspector acknowledged that the proposed two storey side extension would exceed two-thirds of the width of the host building. Given the spacious gap between the appeal property, no 74 Chaucer Road, and that the proposed development would be set down from the main house, he considered that the proposal would appear as a subservient extension to the host building and would respect its design. The Inspector acknowledged that the proposal would imbalance the pair of semi-detached dwellings. However, he considered it not to be out of character taking into account existing alterations to some of these three pairs of previously identical buildings.</p> <p>Consequently, the Planning Inspector considered that the proposal would not be harmful to the character of the area and appearance of the host building.</p> |

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| Site | 101 Groveley Road Sunbury On Thames TW16 7JZ |
| Planning Application No.: | 19/01290/HOU |

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| Proposed Development: | Creation of a vehicle crossover. |
| Reasons for Refusal | The proposed vehicle crossover, by reason of its location would lead to the creation of a new access to Groveley Road (C233) where visibility is restricted in the leading direction, leading to conditions prejudicial to the safety of highway users. The proposal is therefore contrary to policy CC2 of the Core Strategy and Policies DPD 2009 and the National Planning Policy Framework, 2019. |
| Appeal Reference: | APP/Z3635/D/19/3241650 |
| Appeal Decision Date: | 03/02/2020 |
| Inspector's Decision | Appeal Allowed |
| Inspector's Comments: | <p>The Planning Inspector acknowledged that the vast majority of dwellings on both sides of the carriageway had direct accesses to Groveley Road. He noted that there were three trees separated along the Highway which were in sight lines to the west and were on the same side of the road as the appeal property. However, the Inspector took a view that the first tree of concern was a young tree, likely to have an extremely limited lifespan. In terms of the second and third trees, he agreed that they were larger and that the view could be interrupted to the west. He considered that this interruption would not be continuous given the distance across the width of the footway and verge, and that anyone egressing the site could see when a vehicle was approaching. Whilst the Inspector acknowledged the material being deposited on the footway and carriageway, he considered that this matter could be dealt and controlled by the Highways Authority under separate legislation.</p> <p>Consequently, the Planning Inspector considered that the proposal would result in a safe and suitable access to the site and would not, give rise to harm to highway safety and as such it would comply with Policy CC2 of the Spelthorne Core Strategy and Policies Development Plan Document and the NPPF.</p> |

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| Site | 5 Guildford Street Staines-upon-Thames TW18 2EQ |
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| Planning Application No.: | 19/01026/HOU |
| Proposed Development: | Proposed roof alterations that would include raising the ridge height and the installation of an eastern flank facing dormer with additional rooflights on the western flank elevation to create additional habitable space. |
| Reasons for Refusal | The proposed eastern flank dormer, by reason of its scale, position, design, and prominence would be visually obtrusive in the street scene and would have an unacceptable impact on the character of the area and its locality. The development 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/19/3238943 |
| Appeal Decision Date: | 03/02/2020 |
| Inspector's Decision | Appeal Dismissed |
| Inspector's Comments: | <p>The Planning Inspector considered that the large size and flat roofed box-like dormer would not be compatible with the main roof, and found the subject element to be over-dominant and out of proportion, failing to comply with the third and fourth dormers criteria within Council's SPD on design guidance. Because of its location, the Planning Inspector considered the appeal property could readily be seen from the public domain, which would emphasize the incongruous nature of the dormer and be intrusive in the wider street scene, harmful to the character and appearance of the area and represent poor design. He did not consider that the street trees would materially affect how the proposal would be viewed in the street scene, and whilst acknowledging that the raising of the ridge of the roof would not be out of character was of the view that the proposal had to be assessed as a whole.</p> <p>Consequently the Planning Inspector found the proposal to be harmful to the character and appearance of the area and therefore contrary to Policy EN1 of the DPD, the SPD and NPPF.</p> |

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| Site | The Outlook Towpath Shepperton TW17 9LJ |
| Planning Application No.: | 19/00364/HOU |
| Proposed Development: | Erection of a single garage for domestic use. |
| Reasons for Refusal | The proposed garage, by reason of its design, scale and siting, constitutes inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will diminish the openness of the Green Belt and conflict with the purposes of including land within it. In addition it will appear bulky and visually obtrusive on this prominent corner location causing harm to the character of this riverside location, contrary to policies EN1, EN2 and EN9 of the Core Strategy and Policies DPD 2009, Saved Local Plan GB1 and Section 13 of the National Planning Policy Framework 2019 |
| Appeal Reference: | APP/Z3635/D/19/3233744 |
| Appeal Decision Date: | 13/02/2020 |
| Inspector's Decision | Appeal Dismissed |

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| <p>Inspector's Comments:</p> | <p>The Inspector identified the main issues surrounding the appeal were the layout and scale of the development on the character of the area and on a protected Sycamore Tree.</p> <p><u>Character and Appearance</u></p> <p>The Inspector noted that the appeal site has a tapering triangular shape measuring 2.2 metres in Ashford Road and widening to 12.65 metres at the western end of the Shaftesbury Crescent frontage. The Inspector commented that the surrounding area was residential in character but mixed in form, although the dwellings are generally sited in rectangular plots of varying width. He also commented that there was not a single consistent pattern and grain of dwellings in the immediate surroundings of Ashford Road and Shaftesbury Crescent.</p> <p>The Inspector considered that a two storey detached house would not be out of keeping with the mixed character of surrounding dwellings, although the appeal scheme would contrast with neighbouring dwellings in Ashford Crescent, as it would be narrower, of lesser mass and would probably be of lower height. The Inspector considered that there would be less of a contrast with Shaftesbury Crescent where dwellings are more mixed.</p> <p>In terms of layout, the Inspector was concerned with the siting of the house and how it would be perceived. It would be close to the footway of Shaftesbury Crescent, sited wholly forward of its neighbor at Orchid Lodge and would be highly conspicuous from both sides of the splayed junction with Ashford Crescent, as well as from the west of Shaftesbury Crescent.</p> <p>The Inspector considered that the dwelling would appear as a weak and small corner feature in the context of its closest neighbour at no.283 Ashford Road, and that it would be understated in the wider street scene of Ashford Road in such a prominent corner plot position, appearing squeezed onto a narrow plot in the context of Shaftesbury Crescent.</p> <p>The scheme was therefore considered to conflict with the objectives of Policy EN1 and the Council's SPD on design. The Inspector considered that Policy EN1 and the SPD, whilst pre-dating the NPPF, were consistent with it.</p> <p><u>Sycamore Tree</u></p> <p>There is a Sycamore Tree within the site, subject to a Tree Preservation Order. The Inspector considered this makes a significant contribution to the visual amenity of the area as it has an even canopy and is in a prominent position in the street scene.</p> <p>It was noted that the proposal would necessitate removal of a significant proportion of the tree's canopy, which the Inspector considered would compromise the trees amenity value. Excavations proposed beneath the</p> |
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| | <p>crown could also compromise the survival. The Inspector also considered that future occupiers may seek to reduce the tree given its proximity to the house and therefore concluded that the development would be contrary to policy EN7.</p> <p><u>Other Matters</u></p> <p>The Inspector noted that the development would result in the benefit of providing an additional dwelling to the Council's 5 year housing supply. However, when the benefits of one additional dwelling was weighed against the harm to the character of the area and to the Sycamore tree, the Inspector considered that the adverse impacts would outweigh the benefits when considered against the NPPF as a whole.</p> <p>The Inspector concluded that the development would have a harmful effect upon the character and appearance of the area and the Sycamore Tree, and as such the appeal was dismissed.</p> |
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| Site | 22 Montford Road Sunbury On Thames TW16 6EJ |
| Planning Application No.: | 19/01079/HOU |
| Proposed Development: | Erection of a two storey front extension |
| Reasons for Refusal | The proposed development would, by reason of its scale and design, appear visually obtrusive and out of character with the area, 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/19/3239573 |
| Appeal Decision Date: | 14/02/2020 |
| Inspector's Decision | Appeal Dismissed |
| Inspector's Comments: | The appeal property is a two storey semi-detached dwelling. The proposal is for a two storey front extension. The Inspector noted that the dwellings on Montford Road are positioned parallel to the street, largely |

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| | <p>in continuous building lines. Although there have been numerous alterations to the ground floor footprints of the dwellings to the front he considered that these have not necessarily diminished the rhythm created by the facades of the dwellings in the street, which are largely uninterrupted above ground floor. Taken together, he considered that these features make a positive contribution to the character and appearance of the area.</p> <p>The proposed two storey front extension would project forward of the front façade of the appeal property. The Inspector concluded that its scale and design would be inharmonious with the consistent rhythm of the facades of the dwellings found within the street. The proposal would therefore be significantly at odds with the prevailing character of the area and hence would not accord with Policy EN1.</p> |
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| Site | Section Of The Creek Between Fordbridge Road And Riverbank The Creek Sunbury On Thames TW16 6BY |
| Planning Application No.: | 19/00757/FUL |
| Proposed Development: | Erection of walls and piers at the entrance to The Creek, walls and piers adjacent to Riverbank and May Cottage, and planter adjacent to entrance to Riverbank (part retrospective) |
| Reasons for Refusal | The proposal constitutes inappropriate development for which no very special circumstances have been demonstrated and would, by definition, have a harmful impact on the Green Belt. Furthermore, insufficient evidence has been provided to demonstrate that the proposal would not impede the free flow of flood water nor reduce flood storage capacity within the Flood Zone 3b. The proposal is therefore contrary to policy LO1 of the Core Strategy and Policies Development Plan Document (2009) and section 13 of the National Planning Policy Framework (2019). |
| Appeal Reference: | APP/Z3635/W/19/3239669 |
| Appeal Decision Date: | 26/02/2020 |
| Inspector's Decision | Appeal Dismissed |

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| Inspector's Comments: | <p>The Planning Inspector took the view that the proposals would change the physical nature of the land and would constitute engineering operations. The Inspector noted that the appeal scheme would constitute features of a distinctly urban appearance beyond the existing built-up area of Sunbury On Thames, which would contribute to urban sprawl. The proposal would therefore conflict with the purposes of including land within the Green Belt, so would form inappropriate development in the Green Belt. Whilst the inspector agreed that the Creek was a private carriageway for its residents, he however considered that the presence of existing planting or additional or replacement planting would fail to negate the increase in built form and the physical presence of the proposals, notwithstanding other development in the area. Therefore, the proposed development was considered to result in a harmful loss of openness of the Green Belt in both visual and spatial terms, albeit this would be limited given the scale of the proposals. The appeal scheme is therefore contrary to the main aims of Green Belt policy at local and national levels.</p> <p>In terms of flooding, the Inspector acknowledged the applicant's statement that flood water could potentially flow around the proposed planter and between the proposed walls and piers. However, he took a view that the volume of the proposed walls and the effect of funnelling flood water in this manner would/will be likely to inhibit the storage and flow of water, which would/will be harmful to people and property elsewhere in the floodplain, and concluded that the proposed development would/will be likely to increase the risk of flooding elsewhere. Hence, the proposal would not accord with Policy LO1 of the CSPDPD and would also be in conflict with paragraph 163 of the Framework.</p> <p>The Planning Inspector found that the harm to the Green Belt, and the other harm resulting from the proposal, would not be clearly outweighed by other considerations and therefore did not amount to the very special circumstances needed to justify the development.</p> |
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| Site | 22 Church Road Ashford TW15 2UY |
| Planning Application No.: | 19/00889/FUL |
| Proposed Development: | Erection of two storey rear extension to provide additional office accommodation at ground floor level, a second floor extension and conversion of first floor to form 2 no. 2 bedroom flats. |

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| Reasons for Refusal | The proposed development, by virtue of the rear extension and the resulting adverse impact upon the residential amenity of the adjoining property at 24a Church Road in terms of loss of light and outlook/visual intrusion, would be contrary to Policy EN1 of the Spelthorne Core Strategy and Policies DPD (2009) |
| Appeal Reference: | APP/Z3635/W/19/3240130 |
| Appeal Decision Date: | 10/03/2020 |
| Inspector's Decision | Appeal Dismissed |
| Inspector's Comments: | <p>The Inspector considered the main issue to be the effect of the proposed development on the living conditions of the occupants of 24a Church Road in terms of outlook, daylight and sunlight.</p> <p>The Inspector noted the existing approval on the site, however considered that this proposal would add significantly to the scale and bulk of the existing building, and would be considerably larger than the consented scheme. Moreover, the resultant development would present a substantial blank solid wall along the boundary with No 24a, which would appear oppressive and imposing when viewed from the rear facing windows of that property.</p> <p>In terms of outlook, the Inspector acknowledged that the existing rear outlook of No 24a is toward commercial outbuildings, a parking court and an electricity substation and that the outlook from the property would therefore not be of a high quality. Nonetheless, he considered that this would not justify the harm that would be caused by the additional bulk of the proposed extension in close proximity to the boundary of that property. Moreover, the outlook from the property would be far worse with the proposed development, to the extent that the living conditions of the occupiers of No 24a would be unacceptably affected.</p> <p>With regard to light and overshadowing, the Inspector noted that due to existing circumstances, it was likely that the rear elevation of No 24a will already be in shade for a large part of the day. While noting that the proposal would result in some overshadowing, due to the existing situation, the proposed extension would not cause unacceptable harm to the living conditions of the occupiers of that property in relation to the availability of daylight and sunlight.</p> <p>The Inspector concluded that the appeal development would appear oppressive and overbearing when viewed from No24a, and so would unacceptably harm the living conditions of the occupiers in terms of outlook. Hence, the proposal would not accord with Policy EN1 of the Core Strategy and Policies Development Plan Document (Adopted 26</p> |

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| | February 2009), which requires that new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of, amongst other things, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook. There were not considered to be any material considerations that would have meant that the proposal should have been determined other than in accordance with the development plan. |
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| Site | 1 Jennifer Court Adelaide Road Ashford TW15 3GA |
| Planning Application No.: | 19/01084/HOU |
| Proposed Development: | Installation of boundary fence and timber pergola (retrospective) |
| Reasons for Refusal | The proposed boundary fence and pergola, by reason of their design, scale and location would be visually obtrusive and detrimental to the visual amenities of the streetscene contrary to Policy EN1 of the Spelthorne Development Plan -Core Strategy and Policies Development Plan Document (February 2009) |
| Appeal Reference: | APP/Z3635/W/19/3243480 |
| Appeal Decision Date: | 26/03/2020 |
| Inspector's Decision | Appeal Dismissed |
| Inspector's Comments: | <p>The Inspector noted that the proposed fencing was not comparable to surrounding properties as they step down, or are otherwise much lower than the appeal development at the corner of the site and therefore preserve the open character of the open frontages. The Inspector states the proposal would be uncharacteristic and visually incongruous, overly tall and a stark boundary feature to the street-scene.</p> <p>Furthermore the proposed pergola was noted to be out of keeping with the character of the area as the height and appearance are at odds with the established character of the street-scene.</p> |

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| | The Inspector states that overall the appeal development does cause significant harm to the character and appearance of the area by virtue of its appearance, height and prominence. |
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| Site | 32 - 34 Feltham Road Ashford TW15 1DH |
| Planning Application No.: | 19/00714/RVC |
| Proposed Development: | Variation of condition 2 of planning permission 18/00503/FUL (the plans condition) to allow a larger canopy and car washing area. |
| Reasons for Refusal | The proposal comprising a larger canopy and car wash structure would as a result of its scale, location and design, together with the associated noise, spray and vehicle movements, cause unacceptable harm to the amenity of neighbouring residential properties contrary to Policy EN1 of the Council's Core Strategy and Policies Development Plan Document 2009. |
| Appeal Reference: | APP/Z3635/W/19/3235760 |
| Appeal Decision Date: | 02/04/2020 |
| Inspector's Decision | Appeal Dismissed |
| Inspector's Comments: | <p>The Inspector noted that the the proposed structures are located very close to the rear of 2-storey houses at Abbey Gardens, significantly closer to the dwellings than approved under the original planning permission. He commented that, as highlighted in the appeal submissions, the significantly increased size of the structures would enable a greater number of vehicles to be cleaned at the same time. In addition he noted that the new design results in vehicles manoeuvring a full turn and entering the carwash structure next to the boundary with the Abbey Gardens properties, and unlike the approved design, the carwash structure as built has a large open elevation facing the dwellings with limited screening of the operations taking place within.</p> <p>He agreed that these features result in an unacceptable and material increase in the amount of noise and disturbance caused to residents relative to the approved scheme.</p> |

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| | <p>He concluded that the development's scale, location and design together with the associated noise and vehicle movement causes significant harm to the living conditions of neighbours in terms of noise and general disturbance. As such it is in conflict with Policy EN1 of the Spelthorne Borough Council Core Strategy and Policies Development Plan Document 2009 which seeks to ensure a high standard in the design and layout of new development.</p> |
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| Site | 32 - 34 Feltham Road Ashford TW15 1DH |
| Enforcement No.: | 19/00129/ENF |
| Breach: | The unlawful operational development of the land, by the erection of a large canopy and carwash structure. |
| Appeal Reference: | APP/Z3635/C/19/3236361 |
| Appeal Decision Date: | 02/04/2020 |
| Inspector's Decision | Appeal Dismissed |
| Inspector's Comments: | <p>The unauthorised erection of a large canopy and carwash structure is dismissed and the enforcement notice upheld.</p> <p>The enforcement notice gives 3 months in order for the unauthorised canopy and carwash structure subject of the notice to be removed from the site.</p> |

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| Site | 11 Gleneagles Close Stanwell Staines-upon-Thames TW19 7PD |
| Planning Application No.: | 19/00829/FUL |

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| Proposed Development: | Erection of an end of terraced dwelling in place of existing garage |
| Reasons for Refusal | The proposed development 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. The proposal is therefore contrary to Section 13 (Protecting Green Belt land) of the National Planning Policy Framework 2019 and Saved Local Plan Policy GB1. |
| Appeal Reference: | APP/Z3635/W/19/3243544 |
| Appeal Decision Date: | 06/04/2020 |
| Inspector's Decision | Appeal Dismissed |
| Inspector's Comments: | <p>The Inspector considered the main planning issues are whether the proposal is inappropriate development in the Green Belt, the impact on openness and whether there are any very special circumstances to outweigh any harm caused.</p> <p>The appellant suggested that the site is not located within the Green Belt. However, the Inspector concluded that with the evidence before him, on the balance of probability the site is located within the Green Belt. He noted that new dwellings are not in the list of exceptions to development in the Green Belt in the NPPF and therefore the proposal constitutes inappropriate development in the Green Belt.</p> <p>The Inspector referred to openness being a lack of built form. He stated that replacing the lightweight car port with a new dwelling would be a substantial increase in built form in the Green Belt which would result in a loss of openness. He went on to note that given the context of the site and its surroundings, there would be material harm to the openness of the Green Belt.</p> <p>The Inspector noted that the above matters carry substantial weight in terms of harm to the Green Belt and despite examples given by the appellant and their personal circumstances, it does not outweigh the harm and therefore very special circumstance do not exist.</p> <p>He concluded that the proposal will be contrary to Policy GB1 and the NPPF which serve to protect the Green Belt and its openness and dismissed the appeal.</p> |

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| Site | Brecknock Stanwell New Road Staines-upon-Thames TW18 4HY |
| Planning Application No.: | 19/00696/FUL |
| Proposed Development: | The erection of a part two storey, part single storey side and rear extension including a roof extension incorporating side and rear dormers, and conversion into flats, comprising 3 no.2 bedroom flats, and 1 no. studio flat with associated parking and amenity space. |
| Reasons for Refusal | <p>The proposed development by reason of density, lack of amenity space, inadequate parking provision and design would represent an unacceptable overdevelopment of the site. The design of the roof form and rear facing dormer would also have an unacceptable impact upon the character of the area and the character of the host dwelling. The proposal is therefore contrary to Policies EN1, CC3 and HO5 of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009), the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011, and the National Planning Policy Framework (February 2019).</p> <p>The proposed development would contain insufficient internal floor space and bedroom space when assessed against minimum requirements of the Technical Housing Standards and the Council's minimum requirements, and would have poor level of outlook in bedroom 1 of Flat A and bedroom 2 of Flat D, resulting in a poor level of amenity for future occupiers. The proposal would therefore have an unacceptable layout and poor level of amenity for future occupiers that would be contrary to the objectives of policy EN1, of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009), the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011, the Technical Housing Standards (March 2015) and the National Planning Policy Framework (February 2019).</p> |
| Appeal Reference: | APP/Z3635/W/19/3237477 |
| Appeal Decision Date: | 17 April 2020 |
| Inspector's Decision | Appeal Decision |
| Inspector's Comments: | The Inspector identified that the main issues surrounding the appeal scheme were: |

- The effect on the character and appearance of the host dwelling and local area.
- Whether the proposal would provide satisfactory living conditions for future occupiers.

Character and Appearance

The Inspector noted that the appeal property is occupied by a modest detached dwelling in a fairly prominent location. The Inspector considered that the proposed extensions would significantly enlarge the building and would appear cramped and overly large within the plot, and further commented that cumulatively the proposed dormer windows would dominate the host dwelling, and the different elements of the roof would sit awkwardly together and would fail to appear as one cohesively designed roof.

The Inspector considered that the removal of the bay window at ground level would further disrupt than the rhythm, balance and proportions of the dwelling and would exacerbate the harm of the scheme.

It was noted that the parking area would have covered significantly more than half of the properties frontage, adding to the visual clutter and further eroding the character and appearance of the dwelling. The Inspector concluded that the bulk and design of the proposed alterations would fail to respect the modest proportions of the host dwelling and would also fail to integrate effectively with other buildings in the street scene. The Inspector therefore considered that the proposal would conflict with policy EN1.

The Inspector noted that the scheme would have a density of 115 dwellings per hectare, exceeding policy HO5 which states that higher density development in residential areas should not normally exceed 75 dwellings per hectare. As the appeal scheme did not accord with policy EN1, the Inspector also considered that it did not accord with policy HO5.

The Inspector concluded that in terms of character and appearance the proposal would fail to meet the objectives of Policy HO5, EN1 and the NPPF.

Living Conditions

The Inspector noted that the nationally described Technical Housing Standards (THS) (March 2015) set out minimum Gross Internal Floor Areas for new dwellings, and there are also similar requirements set out in the Council's SPD on design.

The Inspector considered that layout of the proposed flats would be cramped and would not provide a satisfactory level of amenity to future

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| | <p>occupiers. The Inspector noted the Council's calculations that some of the bedroom sizes would fail to meet the minimum standards set out in the THS, and noted the Council's concerns that the upper floor unit would have insufficient headspace.</p> <p>The Inspector commented that the occupants of two of the flats would be provided with a poor level of outlook, with one flat looking out directly onto a car parking space, and a further flat containing a bedroom with no windows.</p> <p>It was noted that the garden at the rear of the property would have an area of some 126m², which would fall short of the 140m² garden space requirements for this number of units, which the Inspector considered would further erode the living conditions of future occupiers.</p> <p>The Inspector concluded that the appeal scheme would conflict with the requirements of the THS and the Council's SPD, and would result in inappropriately cramped accommodation. The appeal scheme therefore conflicted with policy EN1 which requires a high standard in design and layout. It was further considered that it would conflict with the NPPF which requires a high standard of amenity for future users.</p> <p><u>Other Matters</u></p> <p>The Inspector noted that there was an existing planning permission at the property (17/01122/FUL) for subdivision into two dwellings, and for extensions to the property. However, the Inspector considered that the approved scheme was more sympathetic with the host dwelling and would have provided satisfactory living conditions for its occupiers.</p> <p>It was also noted that the proposal would fall 2 spaces short of the Council's Parking Standards. Whilst this would not have warranted refusal in itself, the Inspector considered that this was a further indicator of the over-development of the site.</p> <p>It was further noted that the Council does not have a 5 year housing supply. However, the cumulative benefits of the scheme were not considered to outweigh the harm.</p> <p>The Inspector concluded that the scheme failed to accord with the development plan and the appeal was dismissed.</p> |
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| Site | 28 Hadrian Way Stanwell Staines-upon-Thames TW19 7HF |
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| Enforcement No.: | 19/00262/ENF |
| Breach: | Erection of an outbuilding and the use of that building, without planning permission. |
| Appeal Reference: | APP/Z3635/C/20/3244894 |
| Appeal Decision Date: | 12/05/2020 |
| Inspector's Decision | Appeal Dismissed |
| Inspector's Comments: | The basis of the appeal is that more time is required to await the outcome of a planning appeal. The Inspector could not justify extending compliance on this basis, as such a situation could continue indefinitely with further applications and appeals being made. |