

Planning Appeals Report – V3.0 ISSUED

List of Appeals Submitted between 19 December 2019 and 3 July 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

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 terrace dwelling in place of existing garage	14/01/2020
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
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 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	Construction of a large workshop building and 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
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 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 and, 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
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	12/05/2020 ²

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

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			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.	
19/01529/FUL	APP/Z3635/W/20/3253447	10 Station Approach Ashford TW15 2QW	Construction of a third floor to create 1 no. flat within a mansard roof, and other associated alterations (including alterations to fenestration and addition of parapet wall at second floor).	01/06/2020 ³
20/00158/HOU	APP/Z3635/D/20/3253735	122 Ashridge Way Sunbury On Thames TW16 7RR	Erection of a front porch, a single storey and part two storey rear extension with a Juliet balcony. Loft alterations including a hip to gable alteration, the installation of a rear facing dormer with a Juliet balcony, and 2no. roof lights within the front roof slope.	04/06/2020 ⁴
19/01364/HOU	APP/Z3635/D/20/3245935	28 Hadrian Way, Stanwell, TW19 7HF	Erection of an outbuilding (retrospective) as shown on plan no. site location plan, existing block plan, proposed block plan, existing layout and proposed layout received on 10.10.2019	08/06/2020 ⁵

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18/01729/FUL	APP/Z3635/W/20/3255055	Land Rear Of 35-51 High Street Stanwell Staines-upon-Thames TW19 7LJ	Erection of 2 no 2 bedroom semi-detached houses together with associated parking following demolition of existing building.	29/06/2020 ⁶
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⁶ 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 3 July 2020

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, and an increase in the mass and bulk of the roof form. This would cause harm to the openness of the site, and would be considered a disproportionate addition causing 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
Inspector's Comments:	<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 impact on its openness. - 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.</p> <p>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 he concluded would significantly change the scale of the original building, and 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 would therefore be harmful to the character and 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 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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<p>Site</p>	<p>Plot 5 Las Palmas Estate Sandhills Meadow Shepperton</p>
<p>Planning Application No.:</p>	<p>18/01627/FUL</p>

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
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</p>

	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.
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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
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:	Whilst the appeal property was originally 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 and 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 the setting down of the proposed development he considered the

	<p>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 but 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
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, 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:	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

	<p>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, would not give rise to harm to highway safety and 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
Planning Application No.:	19/01026/HOU
Proposed Development:	Proposed roof alterations, including 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

<p>Inspector's Comments:</p>	<p>The Planning Inspector considered that the large size and flat roofed box-like dormer design would not be compatible with the main roof and would 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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<p>Site</p>	<p>The Outlook Towpath Shepperton TW17 9LJ</p>
<p>Planning Application No.:</p>	<p>19/00364/HOU</p>
<p>Proposed Development:</p>	<p>Erection of a single garage for domestic use.</p>
<p>Reasons for Refusal</p>	<p>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</p>
<p>Appeal Reference:</p>	<p>APP/Z3635/D/19/3233744</p>

Appeal Decision Date:	13/02/2020
Inspector's Decision	Appeal Dismissed
Inspector's Comments:	<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, with the dwellings 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 less mass and probably 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, close to the footway of Shaftesbury Crescent and how it would be perceived. It would be 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 the dwelling would appear as a weak and small corner feature in the context of its closest neighbour at no.283 Ashford Road, which 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, which the Inspector considered 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. It was noted that the proposal would necessitate removal of a significant proportion of its canopy, which the Inspector considered would compromise the trees amenity value. Excavations proposed beneath the 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 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:	<p>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 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 would not accord with Policy EN1.</p>

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
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 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</p>

	clearly outweighed by other considerations and therefore did not amount to the very special circumstances needed to justify the development.
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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.
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, but 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</p>

	<p>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 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.</p>
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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 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> <p>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.</p>

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> <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 and as such 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>

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:	The unauthorised erection of a large canopy and carwash structure is dismissed and the enforcement notice upheld. 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.

Site	11 Gleneagles Close Stanwell Staines-upon-Thames TW19 7PD
Planning Application No.:	19/00829/FUL
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 and 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 is contrary to Policy GB1 and the NPPF which serve to protect the Green Belt and its openness and dismissed the appeal.</p>

Site	Brecknock Stanwell New Road Staines-upon-Thames TW18 4HY
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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 which 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, failing to appear as one cohesively designed roof.

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

It was noted that the parking area would cover 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 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 the layout of the proposed flats would be cramped and would not provide a satisfactory level of amenity to future 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 also the Council's concerns that the upper floor unit would have insufficient headspace.

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.

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.

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.

Other Matters

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.

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.

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.

The Inspector concluded that the scheme failed to accord with the development plan and the appeal was dismissed.

Site	28 Hadrian Way Stanwell Staines-upon-Thames TW19 7HF
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.

Site	Former Nursery Site, Rear 37-51 Hithermoor Road, Stanwell Moor, Staines-upon-Thames, TW19 6AH
Planning Application No.:	19/00518/FUL 19/00778/FUL
Proposed Development:	<p><u>19/00518/FUL</u> 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.</p> <p><u>19/00778/FUL</u> Change of use from former nursery site to a fencing supply business. Demolition of existing glasshouses and polytunnels and erection of a 3 metre high acoustic fence. Retention of existing hardstanding and provision of new hardstanding to</p>

	accommodate car parking and building storage area. Retention of existing fencing and gates.
Reasons for Refusal:	<u>19/00518/FUL & 19/00778/FUL</u> The 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. In particular, it would not comply with the Green Belt purposes: to prevent neighbouring towns merging together; and to assist in safeguarding the countryside from encroachment. It is therefore contrary to Saved Policy GB1 of the Spelthorne Borough Local Plan 2001, and Section 13 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2019.
Appeal Reference:	APP/Z3635/W/19/3233509 APP/Z3635/W/19/3241856
Appeal Decision Date:	15/05/2020
Inspector's Decision	Appeal Dismissed
Inspector's Comments:	<p>The Inspector considered that the proposed change of use together with the associated storage of building materials, hardstanding, car parking and other associated development would constitute 'inappropriate development' in the Green Belt, and would cause a harmful loss of openness. He also considered the proposed workshop building associated with the first application (19/00518/FUL) to be 'inappropriate development' and harmful to openness. Moreover, he considered that the proposed change of use would result in a harsher, more urban appearance to the site compared to the former horticultural use, and would therefore be harmful to the character and appearance of the area.</p> <p>The Inspector gave significant weight to the benefit of continuing the business and its contribution towards the local economy, and moderate weight towards other economic factors, the lack of alternative available sites, the impact on employees and other businesses, and the advantages and convenience of single site operation associated with the first application (19/00518/FUL). However, he did not consider these benefits in favour of the development would clearly outweigh the harm to the Green Belt and the character and appearance of the area. Accordingly, both appeals were dismissed.</p>

Site	Land Adjacent To 7 Maxwell Road, Ashford, TW15 1RL
Planning Application No.:	19/01564/OUT
Proposed Development:	Erection of a single dwelling with associated parking and amenity space, on land adjacent to 7 Maxwell Road
Reasons for Refusal:	The proposed dwelling is considered to harm the character and appearance of the area and will fail to make a positive contribution to the street scene, 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/19/3244874
Appeal Decision Date:	28/05/2020
Inspector's Decision	Appeal Dismissed

Site	Clock Bungalow, 191 Ashford Rd, Staines-upon-Thames, TW18 1RS
Planning Application No.:	19/00716/FUL
Proposed Development:	Change of use of land to extended residential curtilage for Clock Bungalow, 191 Ashford Road.
Reasons for Refusal	The proposed extension to the curtilage of the dwelling represents inappropriate development within the green belt for which no very special circumstances have been demonstrated. As such it is contrary to 'saved' local plan policy GB1 and guidance contained in the National Planning Policy Framework.

Appeal Reference:	APP/Z3635/W/19/3237690
Appeal Decision Date:	04/06/2020
Inspector's Decision	Appeal Allowed
Inspector's Comments:	<p>The Inspector considered that the main issues relating to the appeal are whether the proposal represents inappropriate development in the Green Belt, including any effect on openness. If the proposal were found to be inappropriate development, whether by reason of inappropriateness and any other harm, would this be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.</p> <p>The Inspector noted that the National Planning Policy Framework (NPPF) identifies some such 'not inappropriate' forms of development, and this includes, at part e, material changes in the use of land, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. He concluded that the change of use to a domestic garden, which is essentially what was proposed in the appeal, should fall outside this category of material changes in the use of land. Furthermore, the Inspector considered that in the absence of any physical development, the openness of the Green Belt would be protected and would not be eroded by the proposal. In addition, in respect of the visual element of openness, the site is tucked away from public view, thus further reducing any possible effect in this regard.</p> <p>The Inspector also considered the five purposes of including land within the Green Belt as outlined in the NPPF and concluded that this proposal would not conflict with these purposes and therefore represented 'appropriate development' within the Green Belt. Therefore, very special circumstances would not be required to justify the development.</p> <p>As such, the proposal accords with the aims of national policy set out within the Framework and with Saved Policy GB1 of the Local Plan insofar as they seek to prevent development which would conflict with the purposes of the Green Belt and which would not maintain the openness of the Green Belt.</p>

An appeal for costs was also submitted and the Inspector granted a partial award of costs.

The Inspector considered that, in assessing the proposal, while his final conclusions differ from those reached by the Council, the reasons behind the Council's decision are clearly set out and a matter of judgement. Accordingly, the Inspector did not consider that the Council acted unreasonably, and therefore the appeal could not have been avoided and unnecessary or wasted expense has not been incurred.

However, in the appeal statement, the Council suggested a condition requiring the submission of a scheme of the means of enclosure to be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The Inspector noted that the applicant never intended to erect any such boundary treatment and that a condition removing Permitted Development Rights could have been imposed. As such, the Inspector concluded that while the applicant may not have been put to large amounts of additional expense in countering the Council's position, unnecessary and wasted expense was incurred in preparing the aforementioned section of their final comments and a partial award of costs is justified in this specific respect.