

Planning Committee

11 November 2020



Application Nos.	20/00876/HOU		
Site Address	18 Riverside Close, Staines-upon-Thames, TW18 2LW		
Proposal	The erection of a new boundary wall and gate at the western boundary		
Applicant	Mr Andy Ash		
Ward	Riverside and Laleham		
Call in details	The application has been called in by Councillor Harman as a result of concerns over the impact upon the character of the area.		
Case Officer	Matthew Churchill		
Application Dates	Valid: 10.08.2020	Expiry: 05.10.2020	Target: Extension of time agreed
Executive Summary	<p>This application is seeking planning permission for the erection of a wall and gates at the west of 18 Riverside Close, which would front onto Riverside Drive. The wall and gates would be situated between the existing garage and the northern boundary wall. The wall would measure a maximum height of 2.082 metres and would incorporate white render. The application also proposes cedar gates. At the time of the site visit the wall had been partially constructed, although the gates had not been installed.</p> <p>The wall adjoins a garage which was originally granted planning permission in April 2019 (19/00186/HOU). However, it has been constructed on site at variance to the approved plans. The alterations that do not benefit from planning permission, are currently under consideration in a further planning application (20/00874/RVC), which is also being considered at this Planning Committee meeting.</p> <p>The wall and gates are situated in a similar position to a previous fence and gates, which were removed when the current garage was constructed. The wall and gates would measure a maximum height of 2.082 metres, which would be similar to the height of the previous fence. Planning permission is required for the wall and gates as they would adjoin the highway and would exceed 1 metre in height.</p> <p>The wall and gates are considered to have an acceptable impact upon the character of the area. Walls, fences and gates are not uncommon features in this part of Riverside Drive and it is not considered that the wall and gates would be out of keeping with the surrounding locality in this regard.</p>		

	<p>The wall and gates are also considered to have an acceptable impact upon the light, privacy and amenity of all neighbouring and adjoining dwellings.</p> <p>In terms of the impact upon the highway, the wall and gates are located in a similar position to the previous wall and gates, which were removed prior to the construction of current garage. It is considered that the wall and gates would have an acceptable impact upon the highway as a result.</p> <p>The wall and gates are considered to be in accordance with the Council's planning policies and guidance and the application is recommended for approval.</p>
Recommended Decision	This application is recommended for approval subject to conditions.

MAIN REPORT

1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies Development Plan Document (CS&P DPD) 2009 are considered relevant to this proposal:

- SP1 - Location of Development
- SP6 – Maintaining and Improving the Environment
- EN1 - Design of New Development
- LO1 – Flooding
- CC2 - Sustainable Travel
- CC3 - Parking Provision

1.2 Also relevant is the Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development, 2011, and the National Planning Policy Framework (NPPF), 2019.

2. Relevant Planning History

The relevant planning history of 18 Riverside Close is outlined in the table below:

Application No.	Proposal	Decision
PLAN N/FUL/75/712	Erection of a two-storey side extension measuring approximately 14 ft 9 ins (4.5 m) by 31 ft 2 ins (9.5 m) to provide	Grant Conditional 24.11.1975

	new lounge with bedroom and bathroom over.	
98/00164/FUL	Erection of garage at front	Grant Conditional 11.05.1998
98/00571/FUL	Erection of rear conservatory.	Grant Conditional 17.11.1998
18/01573/HOU	Erection of a two-storey side extension following removal of existing garage, the erection of a first-floor extension to the eastern elevation, and roof alterations including the installation of two east facing and three west facing dormers following removal of existing dormers.	Grant Conditional 07.01.2018
19/00160/CPD	Certificate of Lawfulness for the proposed development of a single storey extension to the western elevation (following removal of existing conservatory)	Grant Certificate 01.04.2019
19/00186/HOU	Erection of a detached garage following demolition of existing garage.	Grant Conditional 08.04.2019
20/00874/RVC	Variation of Condition 2 (approved plans) imposed upon planning permission 19/00186/HOU, to allow for alterations to the garage to include an increase in eaves height, the installation of 3 roof lights and alterations to proposed window and door openings.	Pending Consideration

3. Description of Current Proposal

- 3.1 The application site is occupied by a two-storey detached dwelling that is situated in Riverside Close in Staines-upon-Thames. The property has street frontages at both the front and rear of site, with a garage and off-street parking contained at the front of the dwelling, and a further garage under construction at the rear of the site fronting onto Riverside Drive. A number of planning permissions have recently been granted at the property and the main dwelling is currently being extended.
- 3.2 The surrounding dwellings in Riverside Close are predominantly detached or semi-detached and are set over two storeys. The properties located to the west of the site, whilst being situated in Thames Side and facing the River Thames, generally contain a form of road frontage onto Riverside Drive. A number of surrounding properties in both Thames Side and Riverside Close contain ancillary outbuildings and garages at the rear. Some of the surrounding dwellings also contain driveways, fences, gates and parking

areas, which adjoin the roadway. Other properties contain grass verges, which leave a visual gap to the roadway.

- 3.3 The application proposes the erection of a wall and gates at the western boundary that would measure a maximum of 2.082 metres in height. The scheme proposes cedar gates and white rendered walls. The wall and gates front onto Riverside Drive and are located in a similar position to the previous fence and gates that were removed prior to the construction of the existing garage. The construction of the wall and gates had commenced at the time of the site visit, although the gates had not been installed.

4. Consultations

Consultee	Comment
Environmental Health	No comments
County Highway Authority	The site is accessed from Riverside Close, which is a private road and falls outside of the County Highway Authority's jurisdiction.

5. Public Consultation

- 5.1 The Local Planning Authority has consulted the occupiers of the neighbouring properties. A total of letters 8 of representation have been received, which object to the proposal on the following grounds:

- The boundary wall would not make a positive contribution to the street scene or character of the area and would encroach on the building line.
- The proposal would be contrary to property deeds (Officer Note: this is not a planning matter).
- The wall and gate are overbearing.
- The wall projects beyond the boundary (Officer Note: The location of the boundary is a civil matter).
- Flooding concerns.
- Concerns the planning department are not being fair and objective in the determination of this application (Officer Note: the application is being determined against the relevant planning policies and guidance).
- There may be damage to parked vehicles (Officer Note: this is not a planning matter).
- The boundary gate is a dominant feature.
- The scheme reduces the width of the highway (Officer Note: The wall and gates are in a similar position to the previous fence and gates).
- Concerns over access to the road for emergency vehicles.
- The area was previously used as a footway.
- A car may not be able to turn in the site.

- Work has already taken place.

5.2 It should be noted that the Council received revised plans during the application process, which were advertised to the occupiers of neighbouring and adjoining dwellings on 06.10.2020. Further plans were also on 21.10.2020, which clarify the position of the northern boundary wall. It was not considered necessary to re-advertise such plans, as they do not materially alter the proposal.

6. Planning Issues

- The character and appearance of the development
- Amenity
- Parking provision
- Flooding

7. Planning Considerations

Design & Appearance

- 7.1 Policy EN1 of the CS&P DPD, states that the LPA will require a high standard in the design and layout of new development. The policy further states that development proposals should demonstrate that they will create buildings and places that are attractive with their own distinct identity, and should make a positive contribution to the street scene and character of the area in which they are situated, paying due regard to the scale, height, layout, materials and other characteristics of adjoining buildings and land.
- 7.2 The NPPF states that planning decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping, and are sympathetic to the local character and history and surrounding built environment, whilst not preventing or discouraging appropriate innovation or change.
- 7.3 It is considered that the wall and gates have an acceptable impact upon the character of the area. It is noted that gates, walls and fences are prevalent features in Riverside Drive, and the siting, scale and maximum 2.082 metre height of the wall and gates is not considered to cause undue harm to visual amenity. The proposed materials consisting of white render and cedar gates are also considered to have an acceptable visual impact.
- 7.4 Some of the surrounding properties in Thames Side and Riverside Close, which incorporate vehicle accesses onto Riverside Drive, contain fences, gates, walls, driveway areas and parking areas, which project up to the roadway. Other properties contain grass verges which creates a gap to the roadway. Given this, the siting of the wall and gates is not considered out of keeping with the surrounding locality, particularly when viewed in the context of the previous wall and gates, which were situated in a similar position.

- 7.5 The wall and gates are therefore considered to be in accordance with the requirements of policy EN1 and the NPPF in design terms.

The Amenity of Neighbouring Occupiers

- 7.6 Policy EN1 of the CS&P DPD states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk proximity or outlook.
- 7.7 The wall and gates would be situated in a similar position to the previously removed gate and fence. It is not considered that they would have an adverse impact upon the light, privacy or amenity of any neighbouring and adjoining dwellings. The works are also not considered to have an overbearing impact upon the occupiers of any surrounding properties.

Parking Provision & Highway Impacts

- 7.8 Policy CC2 of the CS&P DPD states that the LPA will seek to secure more sustainable travel by only permitting traffic generating development where it can be made compatible with transport infrastructure in the area taking into account access and egress to the public highway and highway safety. Additionally, policy CC3 states that the LPA will require that sufficient provision is made for off-street parking in accordance with its Parking Standards.
- 7.9 The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact upon highway safety or if the residual cumulative impacts on the road network would be severe.
- 7.10 The wall and gates would be situated in a similar position and would be of a similar height to the previously removed wall and fence and would not encroach upon the roadway. The applicant has also submitted a vehicle tracking plan, which demonstrates it would be possible for a vehicle to leave and enter the site using the gates.
- 7.11 It is noted that the LPA has received a number of letters of representation raising concerns that the wall and fence would reduce the roadway and footpath. The wall and gates would be situated in a similar position to the previous wall and fence and would not reduce the width of the roadway. It should also be noted that there is no formal pavement along Riverside Drive, with some of the properties in Riverside Close and Thames Side containing parking areas, driveways, fences, walls and gates that project up to the roadway of Riverside Drive and some properties containing grass verges, which leave a gap to the roadway.
- 7.12 It The proposal is therefore considered to be in accordance with policy CC2 and CC3.

Flooding

- 7.13 The application site is located in the 1 in 100 year flood event area (flood zone 3a). The conditions recommended by the Environment Agency in its Standing Advice are recommended to be attached to the decision notice. These conditions are regularly attached to proposals for outbuildings and domestic extensions in the borough, which are located in flood zone 3a. The proposal is considered to be in accordance with policy LO1 provided that these conditions are adhered to.
- 7.14 It is noted that a letter of representation has been received, which raises concerns that other planning proposals in Riverside Close have been rejected on flooding grounds. Whilst specific application numbers have not been provided, it is noted that the flood risk varies across Riverside Close with some properties being situated in the 1 in 1000 year flood event area (flood zone 2), which is of lower flood risk than the application site, and a significant number of properties being located in the 1 in 20 year flood even area (flood zone 3b) which is the highest level of flood risk. In any event each planning application must be determined on its own particularly planning merits and the wall and gates are considered to be acceptable in flooding terms.

Other Matters

- 7.15 The LPA has received a total of 8 letters of representation in objection to the proposal. Of the objections not already covered in this report, requirements in the property's deeds fall outside of planning legislation and would not be a planning reason to justify a recommendation for refusal.

Equalities Act 2010

- 7.16 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed.

Given the nature of the proposal, the wall and gates are not considered to impede accessibility to the site for disabled individuals.

Human Rights Act 1998

- 7.17 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.18 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.19 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.20 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Finance Considerations

- 7.21 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.
- 7.22 In consideration of S155 of the Housing and Planning Act 2016, the proposal is not CIL liable.

8. Conclusions

- 8.1 It is noted that walls, gates and fences are prevalent features in Riverside Drive. Some of the properties in Thames Side and Riverside Close contain walls, gates, fences, driveways and parking areas that project up to the roadway of Riverside Drive, other properties contain grass verges that create a gap to the roadway. The siting and scale of wall and gates is considered to have an acceptable impact upon the character and appearance of the area in the context of surrounding walls, gates and fences and the fence and gates it would replace.
- 8.2 The wall and gates are considered to have an acceptable impact upon amenity of all neighbouring and adjoining properties owing to their siting, scale and location.

- 8.3 The wall and gates are situated in a similar position to the previous wall and gates and are not considered to have an adverse impact upon the highway. The wall and gates area also considered to have an acceptable impact upon the 1 in 100-year flood event area. The application is therefore considered to be in accordance with policies EN1, LO1, CC2 and CC3 and is recommended for approval subject to the following conditions:

9. Recommendation

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 05-EX-GAR-000 Revision 15, 05-EX-GAR-001 Revision 15, 05-PR-GAR-000 Revision 15, 05-PR-GAR-001 Revision 15, (Received 22.09.2020) 02-PR-GAR-000 Revision 17, 03-EX-GAR-000 Revision 17, 03-PR-GAR-000 Revision 17 (Received 21.10.2020) 05-PR-GAR-002 Revision 17 (Received 30.10.2020)

Reason: For the avoidance of doubt and in the interest of proper planning.

- 2 There shall be no raising of existing ground levels on the site within the area liable to flood, other than in accordance with the approved details.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction in flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 3 All spoil and building materials stored on site before and during construction shall be removed from the area of land liable to flood upon completion.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

INFORMATIVES TO APPLICANT

- 1 Access by the Fire Brigade
Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).
- 2 The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's

building/boundary. The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary.