



Planning Committee

29 June 2022

Planning Appeals Report – V1.0 ISSUED

Appeals Started between 19 May 2022 – 15 June 2022

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
21/01962/HOU 20 Florence Gardens Staines-upon-Thames TW18 1HG	03.05.2022	Fast Track Appeal	APP/Z3635/D/22/3297987 Construction of a double storey side extension, single storey side and rear extension and loft conversion comprising of side dormer and Velux skylights.
20/01112/FUL Phase 1C Charter Square High Street Staines-Upon-Thames	06.06.2022	Written Representation	APP/Z3635/W/22/3291661 Redevelopment of the site to provide 64 new residential units (Use Class C3) with flexible commercial, business and service floorspace (Use Class E) and drinking establishment floorspace (Sui Generis) at ground floor, rooftop amenity space; landscaping and enhancements to the central public square, associated highway works, and other ancillary and enabling works.

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21/01706/FUL Glenmore Green Street Sunbury- on-Thames	06.06.2022	Written Representation	APP/Z3635/W/22/3291625 Conversion of House of multiple occupation (HMO) to 9 residential flats involving extension and alteration to front and rear with associated parking, refuse storage and amenity space as shown on drawings numbered 19_1183/002 C, 008 A, and 015 C received on 24 Nov 2021 and 009 C, 010 B, 014 D, 105 B, 110 B and Proposed Site Plan and Proposed First Floor Plan received on 01 Nov 2021.

Appeal Decisions Made between 19 May 2022 – 15 June 2022

Case Ref & Address	Date Received	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
20/00643/FUL ¹ Riverbank The Creek Sunbury On Thames	07.07.2021	Written Representation	APP/Z3635/W/21/3268858 Retrospective application for the retention of a replacement 4 bedroom detached dwelling to allow the undertaken alterations to footprint, roof design and fenestration of the dwelling, and also alterations to the flood voids, additional walls and steps which vary from the approved planning permission ref. 17/01464/FUL. Retention of a boathouse and other alterations.	Appeal Dismissed	03.05.2022	<p>Planning permission was granted on a partly retrospective basis in April 2018 for a replacement, single storey dwelling and external works, including a garage, walls and a platform adjacent to the river. However, the development was not completed according to the approved plans. The permission 17/01464/FUL expired on the 18 April 2021 and the existing development on the site is unlawful.</p> <p>As the current house is unlawful, the proposal could no longer be 'replacement'. A new house and boat house are potentially not inappropriate development in the Green Belt, but the scale and form of the engineering operations was considered not to preserve the openness of the</p>

¹ Was in the previous report as this appeal was decided on 03.05.2022 but Inspector's Comments were '[TBC]' but have now been added.

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						<p>Green Belt and they are therefore inappropriate development.</p> <p>The development has removed flood plain storage, which will increase the flood risk elsewhere, and it has not been demonstrated that appropriate escape routes have been provided.</p> <p>Although I have not found conflict with Policy EN1 of the DPD in relation to the scale and design of the house, there is significant harm to the landscape features that contribute to the setting of the river and views along it.</p> <p>The proposal is therefore in conflict with Policies EN9, GB1 and LO1 of the DPD.</p>
<p>21/00652/T56²</p> <p>Land At Woodlands Parade Ashford</p>	01.12.2021	Written Representation	<p>APP/Z3635/W/21/3279081</p> <p>Prior approval application for the proposed development comprises the installation of 1no. 18m Phase 8 Monopole C/W wrapround Cabinet at</p>	Appeal Allowed	27.04.2022	<p>The main issue which the Planning Inspector was the effect of the siting and appearance of the proposal upon the safety and convenience of highway users. It was acknowledged that the proposed apparatus would be located on the grass near the boundary of the footway, he was</p>

² Was in the previous report as this appeal was decided on 27.04.2022 but Inspector's Comments were '[TBC]' but have now been added.

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			base and ancillary works thereto.			<p>however in a view that it would not unduly impede visibility of footway users during normal operation. The Planning Inspector noted that the Highway Authority raised concerns for an assessment required for a vehicle or roadside restraint system would return a requirement for one. Overall, there is no substantive justification demonstrating an assessment is necessary, or that there would be harm to highway safety without a restraint system. Consequently, the Planning Inspector took a view that the proposed siting and appearance of the development would not have a harmful effect upon on the convenience or safety of highway users. It would not conflict with Policies CC2 and EN1 of the CSP.</p> <p>No adverse views were taken in regards to the visual impact of the siting and appearance upon the character and appearance of the area.</p>

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21/00054/FUL The Boatyard Clarks Wharf Thames Street	21.01.2022	Written Representation	APP/Z3635/W/21/3283432 Retention of Part change of use of an existing building to provide a flood protected raised external work platform and secure internal workshop on the same level to include an office, store and washroom facilities for Wharf Craft an established boatyard operating on this site as shown on drawings numbered PWS 20/01- 8 received on 07/01/2021	Appeal Dismissed	25.05.2022	<p>The Inspector considered that the main issues are whether or not: the effectiveness of Flood Zone 3b to store and transmit water has been maintained and the development is flood resistant and/or resilient.</p> <p>Revised plans and FRA were submitted during the appeal. These show that the void beneath the work platform would now remain open and The EA were satisfied that the minimal loss of floodplain storage associated with the footings is acceptable and that flows would be unimpeded, however, the EA's advice was on the understanding that the workshop area was floodable. The Inspector concluded therefore that based on the evidence before me, flood storage has not been maintained and flows could be impeded during times of high flood, conflicting with Policy LO1 which states that flood storage and flow must be maintained in Flood Zone 3b by</p>

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						<p>not permitting any additional development..</p> <p>In regard to the lack of dry means of escape in the context of the development being used for residential accommodation, the Inspector notes that this is not the proposal before him, despite the history of the site, and that the site cannot be used as residential accommodation under the current description..</p> <p>The Inspector notes that the development could be made flood resilient and resistant, as required by Policy LO1, which could be controlled by condition. He also notes that there is a modest benefit from supporting the recreational use of the River Thames. However, it has not been demonstrated that the effectiveness of Flood Zone 3b to store and transmit water has been maintained and this is a matter of substantial weight, such that it</p>

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						outweighs any benefits from the scheme.
21/00588/FUL 8 Celia Crescent Ashford TW15 3NW	23.02.2022	Written Representation	APP/Z3635/W/21/3287914 Retrospective application for the retention of a single storey self-contained unit at the rear of existing property.	Appeal Dismissed	26.05.2022	<p>Given its location at the end of the garden, the proposal is located incongruously close to the side elevation of the neighboring detached bungalow which appears unsympathetic to the prevailing consistent pattern of development and also obscured from the highway.</p> <p>It has not then been demonstrated that sufficient amenity space will be provided for the proposed residential unit and the existing occupiers neither the Inspector was satisfied that will provide a good level of internal floor space.</p> <p>Consequently, the proposal would conflict with Policy EN1 of the CS and the SPD.</p>
21/00678/FUL 74 Stanley Road Ashford TW15 2LQ	23.02.2022	Written Representation	APP/Z3635/W/21/3288997 Erection of new detached dwelling following demolition of existing outbuildings	Appeal Dismissed	26.05.2022	The Inspector considered that the proposed detached dwelling would appear distinct from the pattern of semi-detached dwellings immediately around the site. He noted that whilst the

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						appellant describes a minimal difference in width between the proposed dwelling and No 74, the submitted street scene plan shows that the dwelling would have a noticeably narrow appearance compared to the neighbouring units, with a visibly steeper roof pitch. As a result, the proposed dwelling would have a cramped, incongruous appearance which is not commonplace within the surrounding area and would not reflect the established built form nor prevailing pattern of development within the locality.
21/00626/FUL Land Rear Of 40 Hetherington Road Shepperton	23.02.2022	Written Representation	APP/Z3635/W/21/3288718 Retrospective application for the siting of a water filling station	Appeal Dismissed	31.05.2022	The Inspector concluded that the main issue was the effect of the proposal on the living conditions of the occupants of nearby properties, with particular reference to noise, disturbance and the availability of access. The Inspector concluded that due to the proximity to residential dwellings, a facility that attracts vans and large vehicles used by window or car cleaners etc. would materially and noticeably increase

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						use of the area and with it the associated noise and disturbance from manoeuvring, parking, engine idling, doors shutting etc. and would be keenly felt, particularly at late evening/night or early morning. A temporary permission, an hours of use condition and any economic benefits did not outweigh the harm from noise and disturbance to local residents.
21/00874/FUL 241 Woodthorpe Road Ashford TW15 3NJ	02.03.2022	Written Representation	APP/Z3635/W/21/3284714 The erection of a single storey rear extension and single storey side extension to allow the conversion of existing house to form 2 no flats, together with associated bin and cycle storage (allocated amenity space only for the ground floor flat).	Appeal Dismissed	26.05.2022	Whilst no material harm was identified to the character and appearance of the surrounding area, the Planning Inspector noted that the none of the bedrooms will comply with the minimum size stipulated within the THS. In addition, the proposed unit 2 accommodation would not meet minimum standards. Whilst unit 1 would contain a large rear garden of private space, the Planning Inspector was in a view that nearby parks would be insufficient given unit 2 would not contain any private amenity space.

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						<p>Consequently, the proposal would conflict with Policy EN1 of the CS and the SPD, with particular reference to provision of internal and outdoor space.</p> <p>Whilst none of the unit provided off-street parking, the Planning Inspector considered the parking demands that would be likely to be generated by the additional unit would not have an unacceptable impact on highway safety or the flow of traffic in the locality. Accordingly, whilst there would be conflict with the parking requirements of DPD Policy CC3, there would be no conflict with the highway safety.</p>