

**PLANNING APPEALS**

**LIST OF APPEALS SUBMITTED BETWEEN 29 JANUARY AND 25 FEBRUARY  
2016**

<b><u>Planning Application/ Enforcement No.</u></b>	<b><u>Inspectorate Ref.</u></b>	<b><u>Address</u></b>	<b><u>Description</u></b>	<b><u>Appeal Start Date</u></b>
15/00698/FUL	APP/Z3635/W/16/3143696	Land Northumberland Close Stanwell	At Erection of a Class B1(Business) building with associated parking and landscaping, and construction of access onto Northumberland Close, together with dedication of land fronting Bedfont Road as Public Open Space.	09/02/2016
15/001375/HOU	APP/Z3635/D/16/3144044	187 The Avenue Sunbury on Thames	Erection of first floor side extension, two storey rear extension, loft conversion incorporating side dormers of both roof flanks and rear dormer to create habitable accommodation in the roofspace, erection of single storey rear extension and pitched roof over front porch (amended from previous refused scheme 15/00950/HOU).	12/02/2016
15/01531/HOU	APP/Z3635/D/16/3143791	28 Crescent Road Shepperton	Erection of a first floor side extension and other alterations to dwellinghouse.	12/02/2016

**APPEAL DECISIONS RECEIVED BETWEEN 29 JANUARY AND 25 FEBRUARY  
2016**

<b>Site</b>	46 Thames Meadow, Shepperton
<b>Enforcement Number:</b> <b>Planning Application Number:</b>	14/00203/ENF  15/00394/HOU
<b>Appeal Reference</b>	APP/Z3635/D/15/3132156
<b>Appeal Decision Date:</b>	02/02/2016
<b>Inspector's Decisions:</b>	Enforcement notice is dismissed. Split decision on the planning appeal – the raising of the roof is dismissed but the new front porch is permitted.
<b>Proposal</b>	The erection of a single storey front porch and roof alterations at the rear that would include raising of the roof height and the installation of a Juliet balcony.
<b>Reasons for refusal/ Reasons for serving the Enforcement Notice</b>	<p>The proposed roof alterations that would include an increase in the roof height and the installation of rear facing Juliet balcony, would by virtue of size, scale, location, proportion and height, have a detrimental impact upon the designated Plotlands Area and would be contrary to policy EN1 and Policy EN2 of the Spelthorne Development Plan Core Strategy and Development Plan Document (February 2009). The proposed roof alterations by virtue of form, height, bulk and design, would not be in-keeping with surrounding buildings and would impact upon the openness of the Green Belt contrary to saved policy GB1 of the Spelthorne Local Plan 2001 Saved Policies and Proposals (as updated December 2009).</p> <p>The proposed roof alterations that would include an increase in roof height and the installation of a rear facing Juliet balcony, would result in an increase in the opportunity for overlooking over no.45 Thames Meadow, that would have a detrimental impact upon the amenity and privacy for the occupiers of this property and would be contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Development Plan Document (February 2009).</p>
<b>Inspector's Comments</b>	The Inspector considered that the main issues for both appeals were:

	<p><i>“Whether the development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy and, if it is, whether there are very special circumstances that justify it;</i></p> <p><i>The effect of the development on the openness of the Green Belt and the character and appearance of the area; and Its effect on living conditions at the neighbouring 45 Thames Meadow.”</i></p> <p>The Inspector noted on his site visit that the dormer had been removed.</p> <p>With regard to the first issue, he concluded that <i>“the rear dormer would be a significant addition to a building of this scale, but not so large as to be disproportionate in my judgement. Accordingly, it is not inappropriate development within the Green Belt.”</i></p> <p>In terms of the second issue, the Inspector felt that the dormer <i>“would have a marked, harmful effect on the roof form and the appearance of the building”</i> and that <i>“box dormers of this type are not a notable characteristic of nearby properties. Accordingly, the proposed development would be incongruous within this setting”</i> {and } <i>“would harm the character and appearance of the area.”</i></p> <p>On the third issue, the Inspector felt that the prospect of overlooking to the rear of no. 45 would be limited and that the relationship with the neighbouring dwelling was satisfactory.</p> <p>The Inspector therefore dismissed the appeal in relation to the alterations to the roof but allowed the porch which the Council considered to be satisfactory.</p>
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<b>Site</b>	Land to The South West Of Dolphin Road South And To The Rear Of 170 Windmill Road, Sunbury On Thames.
<b>Planning Application Number</b>	15/00284 /FUL
<b>Appeal Reference</b>	APP/Z3635/W/15/3133773
<b>Appeal Decision Date:</b>	11/02/2016
<b>Inspector’s Decision</b>	Dismissed

<b>Proposal</b>	Erection of a 45.1metre lattice telecommunications tower together with associated equipment compound (to replace existing tower at Brooklands Close.)
<b>Reason for Refusal</b>	The proposal represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will result in the site having a more urban character, will diminish the openness and harm the visual amenities of the Green Belt, and conflict with the purposes of including land within it. It is therefore contrary to Policy GB1 of the Spelthorne Borough Local Plan 2001 and Section 9 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2012.
<b>Inspector's Comments</b>	<p>The Inspector considered that the main issues were “ (i) whether the proposal would be inappropriate development in the Green Belt having regard to the NPPF and any relevant development plan policies; (ii) the effect on the openness of the Green Belt; (iii) the effect on the character and appearance of the area; (iv) whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, and (v) if so, whether this would amount to the very special circumstances required to justify the proposal.”</p> <p>The Inspector took the view that the proposal was inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In terms of the second and third issue, he considered that the development would be <i>“intrusive to this openness and therefore have a clear and significant harmful effect.”</i> He felt that <i>“the tower would be visible from a very wide area”</i> and <i>“would have a significantly harmful effect on the character and appearance of the area”</i>. When discussing other considerations of the scheme put forward by the appellant, the Inspector concluded that <i>“the appellants have failed to demonstrate that there are no suitable sites within the extensive industrial areas in close proximity to the appeal site and within the urban area outside the Green Belt.”</i></p> <p>The Inspector concluded by stating <i>“I accept that the Designated Search Area restricts the potential for new sites but nonetheless consider that there is a reasonable prospect of a location being found within the industrial estates of the area. Bearing in mind that in addition to the harm arising from inappropriateness I have found significant harm would be caused both to the openness of the Green Belt and to the character and appearance of the area, I do not consider that this overall harm would be ‘clearly outweighed’ by the other considerations raised.</i></p> <p><i>The proposal would accordingly be in conflict with Policy GB1 of the Spelthorne Borough Local Plan 2001 and Government policy</i></p>

	<i>in the Framework, and as 'very special circumstances' do not exist to justify it the appeal is dismissed."</i>
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<b>Site</b>	187 The Avenue Sunbury On Thames.
<b>Planning Application Number</b>	15/00950/HOU
<b>Appeal Reference</b>	APP/Z3635/D/15/3137705
<b>Appeal Decision Date:</b>	15/02/2016
<b>Inspector's Decision</b>	Allowed
<b>Proposal</b>	Erection of first floor side extension, two storey rear extension, loft conversion incorporating side and rear dormer window to create habitable accommodation in the roofspace, erection of single storey rear extension and pitched roof over front porch (amended from previous approved scheme 14/02153/HOU).
<b>Reason for Refusal</b>	The proposed first floor flank element of the extension, by virtue of its design, scale and position would lead to a closing of the distinctive gap between dwellings (no's 187 and 189 The Avenue), and would therefore not respect the wider character of the area which is characterised by detached dwellings with distinct gaps between dwellings, and so constitute an incongruous feature within the street scene. The proposal is therefore considered contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document and the Councils Supplementary Planning Document 2009 for the Design of Residential Extensions and New Residential Development 2011.
<b>Inspector's Comments</b>	The inspector considered that the proposed first floor flank extension element, whilst closing some of the gap between the two dwellings (nos. 187 and 189 The Avenue) would still leave a sufficient gap so as not to result in a form of development that was out of character within the locality. In reaching this conclusion the Inspector considered the first floor elements set in and set back from the boundaries to reduce its impact, and would be viewed as a subservient feature on the dwelling.

## FUTURE HEARING / INQUIRY DATES

<b>Council Ref.</b>	<b>Type of Appeal</b>	<b>Site</b>	<b>Proposal</b>	<b>Case Officer</b>	<b>Date</b>
15/00087 /ENF	Hearing	The Willows, Moor Lane, Staines Upon Thames.	Enforcement notice relating to the unauthorised storage on open land.	JF	15/03/2016
12/00246 /ENF	Inquiry	48 Park Road, Ashford	Cessation of unauthorised residential use and demolition of garage extension	MCI/RJ	19/07/2016