



Planning Committee

5 April 2023

**Planning Appeals Report – V1.0 ISSUED**

**Appeals Started between 25 January 2023 – 21 March 2023**

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
20/00210/ENF <b>Land At The Boatyard Clarks Wharf Thames Street</b>	01.02.2023	Written Representation	APP/Z3635/C/23/3314071 Appeal against serving of an Enforcement Notice for without planning permission, the material change of use of the land from a sui generis use as a boatyard, to part boatyard and part residential use.
22/01432/HOU	15.02.2023	Fast Track Appeal	APP/Z3635/D/23/3315542

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<b>91 Maryland Way Sunbury-on-Thames TW16 6HP</b>			Erection of a two storey rear extension (demolition of single storey rear extension). Erection of single storey front extension and single storey side/rear extension. Proposed conversion of garage into a habitable space. The installation of three front facing dormers.

**Appeal Decisions Made between 25 January 2023 – 21 March 2023**

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
22/00056/T56  <b>Thames Street Sunbury-On- Thames Surrey</b>	27.07.2022	Written Representation	APP/Z3635/W/22/3299732  Prior approval for the installation of a 19 metre phase 8 street pole and associated cabinets and equipment.	Appeal Dismissed	30.01.2023	<p>The Inspector considered the main effect of the proposal was to the character and appearance of the Lower Sunbury Conservation Area, highway safety, and whether any harm was outweighed by the need for the installation.</p> <p>The Inspector considered that the site is surrounded by attractive features that strongly characterise the area. The Inspector considered that the mast would be substantially taller than any existing features, including streetlamps and nearby apartment buildings. The mast was considered to be an incongruously large structure and would be a discordant feature. Concern was also raised against the associated cabinets. The Inspector therefore considered that the mast would fail to preserve and enhance the Conservation Area contrary to policy EN1 and policy EN6.</p>

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						<p>The Inspector also considered that it had not been demonstrated that the installation would not have a harmful impact upon highway safety and would be inconsistent with policy CC2 and the NPPF in this regard.</p> <p>The Inspector also considered that insufficient information had been submitted to demonstrate that this was the least harmful site for the proposal.</p> <p>The inspector concluded that the limited public benefits would not outweigh the harm and the appeal was dismissed.</p>
<p>22/00451/FUL</p> <p><b>82 Village Way Ashford TW15 2JU</b></p>	11.10.2022	Written Representation	<p>APP/Z3635/W/22/3303412</p> <p>Erection of a detached bungalow to rear of the site with associated amenity space and parking.</p>	Appeal Dismissed	14.02.2023	<p>The Inspector considered that the main issues were the effect of the proposed development on the character and appearance of the area; and whether the future occupiers of the proposed development would have acceptable living conditions. With regard to character and appearance, while accepting that the scale and bulk of the proposed bungalow would be comparable to the other bungalows in</p>

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						<p>the vicinity, the proposal was in contrast to the prevailing pattern of development on the street, the bungalow would not have a rear garden. Instead, it would have a small garden area to its front and side. This would create a shallow, wide plot which would not reflect the character of the area and that the footprint would also cover a significantly greater proportion of its plot than the footprints of other dwellings. As a consequence, it was considered that the bungalow would be 'squeezed' onto the site in a manner that would appear cramped and concluded that the overall effect would be a somewhat contrived development that would be at odds with the established local pattern of development and would harm the character and appearance of the area, and so would be contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document 2009 (CSPDPD). In terms of living conditions, the Inspector considered that the proposed living conditions for</p>

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						<p>future occupiers to be acceptable and that the proposal complied with Policy EN1 of the CSPDPD in that regard. The Inspector took into account the Planning Balance and while the Council is unable to demonstrate a 5 year housing land supply, it was considered that there would only be limited benefits associated with the proposal and that an additional one bed residential unit would make a modest contribution to the overall delivery of housing. Therefore, the adverse impacts on the character and appearance of the area that were identified would significantly and demonstrably outweigh the benefits and it was concluded that the appeal should be dismissed.</p>
<p>21/01609/T56</p> <p><b>Verge Opposite 3 And 4 Powell Cottages, Long Lane Stanwell</b></p>	<p>25.07.2022</p>	<p>Written Representation</p>	<p>APP/Z3635/W/22/3298392</p> <p>Proposed 5G telecoms installation: H3G Phase 8 16m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.</p>	<p>Appeal Allowed</p>	<p>02.02.2023</p>	<p>The Inspector considered that the main issue was the effect of the proposal's siting on highway safety. The Inspector noted that the proposal would not include land used for the pedestrian footpath or the vehicular carriageway. The Inspector appreciated that the Council acted on the consultation response received</p>

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						from the highway authority requiring further drawings, however the drawings submitted clearly show the relationship between the proposal and the kerb line and other street furniture. Furthermore, the consultation response required footway widths, but the drawings clearly show that existing footways would not be impacted by the proposal. Consequently, the Inspector was not satisfied that the need for additional information has been substantiated and concluded that the siting of the mast would not have a harmful effect on highway safety.
22/00540/FUL  <b>Reedsfield Court Reedsfield Road Ashford</b>	12.10.2022	Written Representation	APP/Z3635/W/22/3303976 Formation of new roof to create 2 no. flats, new external staircase, associated parking, amenity and cycle/ waste storage.	Appeal Dismissed	27.01.2023	The appeal site comprises to 2 blocks of flats laid out in an L shape. The proposal would replace the existing roofs with new higher structures. These would incorporate 2 additional flats, 1 above each of the existing buildings.  Access to the proposed new flats would be gained solely via a

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						<p>proposed external staircase located in the space between the 2 blocks.</p> <p>The Inspector agreed that although limited details were available the proposed staircase would be 'unlikely to be silent'. Moreover, being set within a confined space between the 2 blocks, he considered noise may reverberate and be particularly unneighbourly.</p> <p>He also agreed that the proposed staircase would create privacy issues.</p> <p>He considered there would be oblique overlooking of windows from certain points on the staircase and its landing at roof level. Even if it largely avoids direct views into rooms, he stated occupants in the existing flats are likely to be very aware of persons moving up and down the staircase in uncomfortably close proximity to their windows, perception is likely to be exacerbated if the windows are open. These effects would be unneighbourly and intrusive and would erode the living conditions of existing residents through actual and perceived overlooking effects and</p>



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						loss of privacy, particularly given the frequency with which the staircase is likely to be used.
22/00285/FUL  <b>45 Metcalf Road Ashford TW15 1HB</b>	25.11.2022	Written Representation	APP/Z3635/W/22/3304397 Erection of an attached two storey dwelling house (following demolition of existing detached garage) together with associated parking and amenity space. The creation of a new vehicular access onto Metcalf Road.	Appeal Dismissed	06.02.2023	The Inspector considered that the proposed development would not reflect the prevailing pattern of buildings, visually disrupting the balanced appearance of the existing semi-detached dwellings onto which it would be attached. The development would result in a cramped and incongruous form of development which would detract from and harm the existing qualities, character and appearance of the area. The proposed dwelling also would fail to meet the Government's minimum space standards which would feel cramped to future occupiers. The Inspector concluded that the effect of the proposed development on the character and appearance of the area and the living conditions of future residents outweigh the provision of one additional house which could make a helpful contribution to addressing the housing shortfall. Therefore, the appeal was dismissed.

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22/01010/HOU  <b>2 Ripston Road Ashford TW15 1PQ</b>	25.11.2022	Fast Track Appeal	APP/Z3635/D/22/3309327 Erection of part two storey part single storey rear extension	Appeal Dismissed	15.02.2023	<p>The proposed rear extension would significantly increase the depth of the property.</p> <p>The Inspector noted that the resultant flank wall would project along the entire length of the boundary with No.17 Goffs Road, the flank to rear separation distance being significantly less than the 13.5m laid out in the Council's Design SPD. As a result, and together with the existing structures to No.15 to the south, No.17 would be enclosed by built form. Furthermore the Inspector noted its imposing nature would be amplified by the difference in height and even the single storey element would extend some distance above the existing boundary treatment.</p> <p>Given the existing relationship there is an outlook from the rear upper windows of the appeal property over the gardens in Goffs Road. However, the extension would position the windows further back and a limited distance from the boundary with No.19. Consequently, he considered there would both be an increased</p>

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						<p>loss of privacy and a perceived sense of intrusive overlooking for the occupiers of No.19</p> <p>Overall, he agreed the scale, design and siting of the extension would result in a poor relationship with the neighbouring properties in Goff's Road to the harmful detriment of the living conditions of the occupiers of Nos.17 and 19.</p>
<p>22/00905/HOU</p> <p><b>80 Thames Side Staines-upon-Thames TW18 2HF</b></p>	25.11.2022	Fast Track Appeal	<p>APP/Z3635/D/22/3308024</p> <p>New roof extension over existing single storey side extension and extension to an existing rear facing dormer to create further accommodation in roof space.</p>	Appeal Dismissed	27.01.2023	<p>The Inspector noted that the existing roof structure would be increased by 5.3m to extend to a length of 11.7m with a vertical height of 2.95m. He considered that this would result in an 'unfortunately vertical faced second storey having almost entirely replaced the original pitched roof of the house. The already somewhat unprepossessing façade would become more dominant and overbearing, falling well short of compliance with the Councils Design Guidance, unfortunately adding to the bulk and dominance of the existing first floor structure'.</p>

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						He concluded that the roof extension works would cause further significant harm to the appearance of the host dwelling, contrary to Policy EN1 that states that developments should make a positive contribution to the street scene and the character of the area.
22/01113/HOU  <b>62 Briar Road Shepperton TW17 0HY</b>	20.12.2022	Fast Track Appeal	APP/Z3635/D/22/3312265 Construction of a vehicle crossover	Appeal Dismissed	01.03.2023	The inspector noted that the proposed access would be on the 3-way junction of Briar Road and Rosewood Road at the apex of a bend in the road where visibility would be restricted in this location. Sight lines would also be further restricted by the adjacent garden wall. Furthermore, there is no provision for turning within the site to allow a vehicle to enter and exit in forward gear, leading to reversing onto and off the highway at a junction. The inspector therefore considered that the proposal would lead to an increased risk of vehicle conflict and other road users (pedestrians and cyclists). The location of the primary school on the road and the resulting large number

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						of children travelling through further increases these concerns. The Inspector concluded that the proposal is unacceptable on highway safety grounds and the appeal was dismissed.