

PLANNING APPEALS

LIST OF APPEALS SUBMITTED BETWEEN 24 MARCH AND 18 MAY 2016

<u>Planning Application/ Enforcement No.</u>	<u>Inspectorate Ref.</u>	<u>Address</u>	<u>Description</u>	<u>Appeal Start Date</u>
15/01706/HOU	APP/Z3635/D/16/3147007	Montrose Abbey Road, off Towpath Shepperton	Erection of a pitched roof with 3 no. dormers to create first floor accommodation.	30/03/2016
15/00984/HOU	APP/Z3635/D/16/3146442	Brookside 2 Spout Lane Stanwell Moor Staines-upon-Thames	The erection of a first floor/roof extension that would include a hip to gable alteration within the front elevation and western side elevation and the installation of a dormer within the eastern and western side elevations.	01/04/2016
15/00427/FUL	APP/Z3635/W/16/3147648	6 Green Lane, Shepperton	Demolition of property and erection of a part three storey/part two storey block of 6 flats, comprising of 4 no. 1 bed and 2 no.2 bed units with associated hard and soft landscaping.	21/04/2016
15/01174/FUL	APP/Z3635/W/16/3145786	381 - 385 Staines Road West Ashford	Erection of 5 no. two bed terraced houses to the front of the site and 4 no. dwellings (comprising 1 no. 2 bed chalet bungalow, 2 no. three bed semi detached houses and 1 no. four bed detached house) to the rear of the site, all with associated parking, amenity and landscaping. Formation	21/04/2016

			of a new vehicular access to the site, following demolition of existing dwellings and commercial buildings.	
15/00096/ENF	APP/Z3635/C/16/3144265	Bruce Avenue, Shepperton	Unauthorised siting of a shipping container	05/05/2016

APPEAL DECISIONS RECEIVED BETWEEN 24 MARCH AND 18 MAY 2016

Site	33 School Road, Ashford
Enforcement Number	15/00214/ENF
Appeal Reference	APP/Z3635/C/15/3135684
Appeal Decision Date	30/03/2016
Inspector's Decisions	The appeal is dismissed, the notice as corrected is upheld, and planning permission is refused.
Planning Breach	The breach of planning control as alleged in the notice was the use of an outbuilding in the rear garden to the west of the dwellinghouse for primary residential purposes.
Reason for serving the Enforcement Notice	The use of the outbuilding for primary habitable purposes results in an unacceptable level of noise and disturbance to neighbouring residential properties and has a detrimental impact on their amenity and enjoyment of their houses and gardens. As such the proposal is considered to be contrary to policies EN1 and EN11 of the Core Strategy and Policies DPD 2009 and the Councils Supplementary Planning Document on the Design of New Residential Development (April 2011).
Inspector's Comments	The Inspector concluded that the harm to the living conditions of neighbours caused by the use of the outbuilding for primary residential purposes and the conflict with the development plan and national guidance, was not outweighed by any other considerations. The appeal therefore failed on ground a (i.e. that planning permission should be granted). The Inspector was also satisfied that the period specified in the notice was a reasonable period in which to cease the use of the outbuilding as primary residential accommodation and make the

	consequential changes to the main house. The Inspector dismissed the appeal, upheld the corrected notice and refused planning permission.
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Site	40 Oaks Road, Stanwell
Enforcement Number	15/00101/ENF
Appeal Reference	APP/Z3635/C/15/3133209
Appeal Decision Date	31/03/2016
Inspector's Decision	The appeal is dismissed, planning permission refused, and the notice upheld. The period for compliance has been increased from four months to nine months.
Planning Breach	The breach of planning control as alleged in the notice is the carrying out of building operations at variance to planning permission 14/00274/FUL, namely the flat roof style extension incorporating a rear dormer
Reason for serving the Enforcement Notice	Planning permission was originally granted following negotiations with the planning agent to amend the design of the roof addition by omitting the wide area of flat roof and the design of the rear dormer window. Work was carried out on site which deviated from the revised plans and was partly based on the plans which had been superseded. This resulted in an area of flat roof at the ridge and a larger rear dormer being constructed which extended up against the edge of the roof slope. These deviations from the approved plans resulted in a larger and obtrusive roof addition which was considered to have a harmful impact upon the character and appearance of the surrounding residential area including the setting of an adjacent listed building.
Inspector's Comments	In upholding the enforcement notice, the Inspector found that the alterations do not accord with the approved scheme and would result in substantial harm to the setting of the adjacent listed building. However, the Inspector accepted the practical problems of re-housing the whole family whilst carrying out the work to rectify the breach of planning control and on this basis, the compliance period was extended.

Site	The Willows, Moor Lane, Staines-upon-Thames
Enforcement Number	15/00087/ENF
Appeal Reference	APP/Z3635/C/15/3130268
Appeal Decision Date	01/04/2016
Inspector's Decision	The application for an award of costs in favour of the applicant has been allowed.
Planning Breach	The carrying out on the land of building, engineering, mining or other operations in particular carrying out of excavation works, including land raising and filling and receiving hardcore rubble and earth to compact into the Green Belt land. Also the storage of shipping containers, mechanical diggers, vehicles, Orange road barriers, oil drums and various pipings stored on the land.
Reason for serving the Enforcement Notice	The enforcement notice was served due to operational development which had taken place on land designated as Green Belt. Whilst the Appeal Hearing commenced, it was evident early on in the proceedings that there had been a technical error in the drafting of the enforcement notice. To avoid a situation where other more significant unauthorised work (not explicitly referred to in the remedy part of the enforcement notice) could lawfully be implemented in the Green Belt with much greater impact, the only option available was to withdraw the enforcement notice.
Inspector's Comments	In reaching the decision, the Inspector decided to award 'costs' due to the work which had been carried out and the costs that were incurred by the appellant in preparing his case on the enforcement appeal.

Site	103 Watersplash Road, Shepperton
Planning Application Number	15/01340/HOU
Appeal Reference	APP/Z3635/D/16/3141832

Appeal Decision Date:	05/04/2016
Inspector's Decision	The appeal is dismissed.
Proposed Development	Erection of a two storey rear extension, the installation of a ground floor side window and first floor side window within the northern elevation, and the erection of a detached outbuilding following the demolition of the existing detached garage.
Reasons for refusal	<p>The proposed two storey rear extension by reason of size, scale, and position would have a detrimental impact upon the light and amenity of the residential occupiers of no.101 Watersplash Road that would be contrary to Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (February 2009) and the Design of Residential Extensions and New Residential Development Supplementary Planning Document (April 2011).</p> <p>The proposed two storey rear extension would by reason of size and location have an overbearing impact upon the residential occupiers of no.101 Watersplash Road that would be contrary to Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (February 2009) and the Design of Residential Extensions and New Residential Development Supplementary Planning Document (April 2011).</p>
Inspector's Comments	<p>The Planning Inspector considered that the main issue was <i>"the effect of the proposed extension on the living conditions of the occupants of No 101 in relation to visual intrusion and loss of light."</i> The Inspector noted that no 101 has two windows in its rear elevation which serves a kitchen and provides outlook over the garden. One of these windows is very close to the shared boundary with No 103. He felt that the proposals would restrict the outlook from this window and the extension would appear overbearing and introduce a sense of enclosure into the kitchen of No 101. The Inspector felt that this <i>"would make this room a less pleasant place to be."</i> He noted that the 45° horizontal guide would be breached making the room darker than at present. He concluded by stating that <i>"the proposed extension would be harmful to the living conditions of the occupants of No 101, arising from visual intrusion and loss of light. It would be contrary to Policy EN1(b) of the Spelthorne Core Strategy and Policies Development Plan Document which requires development to achieve a satisfactory relationship with adjoining properties. It would also conflict with the guidance set out in the Council's SPD"</i>.</p>

Site	Cockaigne, Sandhills Meadow, Shepperton
Planning application number	15/01166/HOU
Appeal Reference	APP/Z3635/D/16/3142151
Appeal Decision Date:	08/04/2016
Inspector's Decision	The appeal is dismissed
Proposed Development	Erection of single storey rear extension, installation of ground floor window in western elevation, installation of rear dormer window with associated railings and provision of rear 600mm raised terrace with hand rails and steps.
Reasons for refusal	<p>It is considered the proposed decking area, by virtue of its height and position close to the flank windows of the adjoining dwellings, would lead to an unacceptable loss of privacy, which is considered to be unacceptable. The proposal is therefore considered unacceptable and is be contrary to Policy EN1 (b) of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document (February 2009) and the Councils Supplementary Planning Document for the Design of Residential Extensions and New Residential Development (April 2011).</p> <p>The proposal would by virtue of its height would have a greater visual impact on 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 Paragraph 89 of the National Planning Policy Framework 2012.</p>
Inspector's Comments	<p>The Inspector agreed with the Councils position that the increase in the height of the decking (200mm already approved, 600mm proposed) would, due to its location directly adjoining flank windows of both adjoining dwellings, lead to a significant increase in the potential for overlooking and thus a loss of privacy. The presence of heightened decking on other properties on the river front was not comparable to this application site due to its relationship with the adjoining dwellings.</p> <p>The Inspector considered the proposed decking would not have an unacceptable impact on the openness of the Green Belt.</p>

	<p>She noted that permission had already been granted for decking at a height of 200mm, and whilst the increase to 600mm would have a marginal effect on the openness of the greenbelt, it would not cause material harm to the openness of the greenbelt.</p> <p>The Inspector concluded the loss of privacy would harm the living conditions of adjoining properties, and despite its acceptability in greenbelt terms the proposal overall was unacceptable.</p>
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Site	Cockaigne, Sandhills Meadow, Shepperton
Planning application number	15/01167/HOU
Appeal Reference	APP/Z3635/D/16/3142167
Appeal Decision Date:	08/04/2016
Inspector's Decision	The appeal is dismissed
Proposed Development	Erection of part 2 storey and part single storey rear extension, installation of ground floor window and velux roof light in western elevation, installation of rear dormer window with associated railings and provision of rear 200mm raised terrace with hand rails and steps.
Reasons for refusal	<p>The proposal, by virtue of its design incorporating a dual axis roof is considered to be out of keeping with other properties within the surrounding Plotlands Area. It would not maintain the characteristic simple roof form which is found in properties in Sandhills Meadow and so would cause harm 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> <p>The proposal would involve a significant increase in the floorspace of the dwelling when compared with that which originally existed on site. The addition would therefore be considered a disproportionate addition which would cause 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</p>

	Borough Local Plan 2001 and Paragraph 89 of the National Planning Policy Framework 2012.
Inspector's Comments	<p>The Inspector considered the cumulative increase in the scale of the dwelling would represent a disproportionate addition which would conflict with local and national planning policy, and so would represent inappropriate development. The Inspector attached substantial weight to this factor.</p> <p>The Inspector considered the increase in the size of the dwelling would result in a small loss of openness, which would be harmful to the Green Belt. The Inspector attached limited weight to this matter.</p> <p>The Inspector considered the design and scale of the proposed extension would appear out of character within Sandhills Meadows and so be harmful to the Green Belt and Plotlands Area. The presence of other properties which have been enlarged or rebuilt had similar 'simple' dual pitch roofs which the proposal did not and the Inspector attached significant weight to this matter.</p> <p>In summary the Inspector considered the increase in scale of the dwelling would have an unacceptable impact on the Green Belt, its openness, and the character of the Plotlands Area.</p>

Site	15 Sunbury Court Island, Sunbury-on-Thames
Planning application / Enforcement Numbers	<p>Appeal A - 15/00149/ENF (enforcement appeal)</p> <p>Appeal B - 14/00129/ENF (enforcement appeal)</p> <p>Appeal C - 15/00277/HOU (planning appeal)</p> <p>Appeal D - 14/01480/HOU (planning appeal).</p>
Appeal References	<p>Appeal A - Ref: APP/Z3635/C/15/3131286</p> <p>Appeal B - Ref: APP/Z3635/C/15/3131028</p> <p>Appeal C - Ref: APP/Z3635/W/15/3131285</p> <p>Appeal D - Ref: APP/Z3635/W/15/3131027</p>
Appeal Decision Date:	11/04/2016
Inspector's Decisions	<p>Appeal A - The appeal is dismissed, planning permission is refused and the notice is upheld.</p> <p>Appeal B - The appeal is allowed, the notice is quashed and planning permission is granted.</p> <p>Appeal C - The appeal is dismissed</p> <p>Appeal D - The appeal is allowed and planning permission is granted.</p>

Planning Breach	<p>Appeals A and C are linked. The planning breach for appeals A and C was the unauthorised erection of a detached outbuilding and raised decking.</p> <p>Appeals B and D are linked. The planning breach for appeals B and D was the unauthorised raising of the existing outbuilding and erection of associated decking.</p>
Reason for serving the Enforcement Notices	<p>(1) The outbuildings and decking would adversely impact the functional flood plain.</p> <p>(2) The Outbuildings would constitute inappropriate development within the greenbelt.</p> <p>(3) The scale of the outbuildings would be out of character in this riverside location.</p>
Inspector's Comments	<p>Appeals A and C – The Inspector considered the scale and location of this outbuilding would constitute inappropriate development in the Green Belt. In addition it would have a material impact on the flow and storage of floodwater which would be contrary to flooding policy. Finally the scale and position of this outbuilding would harm the character of the area and be harmful.</p> <p>Appeals B and D – The Inspector considered that as the outbuilding already existed and had been raised and had decking erected around it, it would not materially increase flood risk. Its increase in height was concluded to not harm the Green Belt and the fact that it was already in place for some time meant its increase in height would not harm the character of the area.</p> <p>The Inspector agreed that the outbuilding dealt with by appeals A and C was unacceptable and agreed 6 months was an acceptable time period for this to be removed. He considered the outbuilding dealt with by appeals B and D to be acceptable and dismissed the appeal and quashed the enforcement notice.</p>

Site	Land to rear of 267and 269 Kingston Road, Ashford
Planning Application Number	14/02067/FUL
Appeal Reference	1580066 (CIL Appeal)
Appeal Decision Date:	14/04/2016

Valuation Office Agency Decision	Dismissed
Proposed Development	Erection of a detached 2 bedroom dwelling with associated parking and amenity space.
Reasons for refusing to alter the CIL payment	The Council requested a CIL figure of £10,640 based on its adopted CIL levy. This was based on a chargeable area of 76 sq. m @ £140 per sq. m.
Valuation Office Agency Comments	<p>The appellant claimed that the application was submitted before the CIL levy was introduced and the Local Planning Authority (LPA) deliberately delayed the decision by refusing the scheme (the second refusal, the first was on a smaller site) and requiring the applicant to go to appeal and CIL was applicable when the appeal decision was issued. Some garages comprising 33 sq. m which had been on the site and were an integral part of the application should be discounted from the 76 sq m floorspace.</p> <p>The Valuation Office Agency agreed with the LPA. The Valuer considered that the LPA did not deliberately conspire to delay the approval of this application which resulted in CIL being applicable but that the application followed the natural and due process in arriving at the final decision. He also agreed that as the garages had been demolished prior to the planning application, the floorspace could not be taken into account in calculating the net chargeable area.</p>

Site	Willowmead, Dunally Park, Shepperton
Planning application number	15/01294/HOU
Appeal Reference	APP/Z3635/D/16/3142317
Appeal Decision Date:	12/04/2016
Inspector's Decision	Dismissed
Proposed Development	Erection of a part two storey, part single storey front extension incorporating a garage at ground floor and bedroom above.

Reason for refusal	It is considered that the proposal by reason of its scale, height and proportions would have an unacceptable impact on the character of the area, appearing visually obtrusive in 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 April 2011.
Inspector's Comments	The Inspector considered that the main issue was "the effect of the proposal on the character and appearance of the surrounding area". Referring to the Council's SPD on extensions, he felt that the proposed roof extension may not detract from the street scene but was "less convinced as to the appropriateness of the proposed extension's design, particularly as the roof forms overlying both the ground and first floor projections would not reflect the gable-ended characteristics of the host dwelling". The Inspector considered that the variety of roof designs "would represent an awkward arrangement with additions to the original dwelling that would not sit comfortably with each other" and would conflict with policy EN1.

Site	187 The Avenue, Sunbury on Thames
Planning application number	15/01375/HOU
Appeal Reference	APP/Z3635/D/16/3144044
Appeal Decision Date:	12/05/2016
Inspector's Decision	Allowed
Proposed Development	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).
Reason for refusal	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

	<p>incongruous feature within the street scene. In addition the flat roof dormer is considered to not respect the character of the host dwelling, and would appear at odds with the proposed dormer on the southern roof slope which would have a pitched roof over. This arrangement is considered to be harmful to the character of the host dwelling and the wider area. 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.</p>
Inspector's Comments	<p>The Inspector considered the main issue to be the effect of the proposal on the character of the area and host property. The Inspector considered the proposal would result in a similar separation between dwellings as seen on other dwellings in this part of The Avenue, and also put due weight on the previous appeal which was allowed on the site. The proposed dormers were considered not to cause harm the streetscene or character of the host building by virtue of their separation from each other, and the set back from the street front.</p> <p>The Inspector considered the proposed extensions would not have an adverse impact on the character of the area and considered its design complied with Policy EN1 on design, and consequently allowed the appeal subject to conditions.</p>

Site	28 Crescent Road, Shepperton
Planning application number	15/01531/HOU
Appeal Reference	APP/Z3635/D/16/3143791
Appeal Decision Date:	17/05/2016
Inspector's Decision	Allowed
Proposed Development	Erection of a first floor side extension and other alterations to dwellinghouse.
Reason for refusal	The proposal, in terms of design, scale and location is considered to have an unacceptable overbearing impact on the amenity of 26 Crescent Road. The development is therefore contrary to Policy EN1 of the Core Strategy and Policies Development Plan Document 2009 and the Supplementary

	Planning Document on the Design of Residential Extensions and New Residential Development 2011.
Inspector's Comments	<p>The Inspector considered that the main issue was “<i>the effect of the proposed development on the living conditions at no. 26 Crescent Road, with particular regard to the outlook from that property, and the availability of light to it</i>”.</p> <p>The Inspector noted that 28 Crescent Road faces the road whilst the southerly neighbour at 26 Crescent Road was located at an angle that gives its rear elevation an aspect across the garden of 28 Crescent Road. The proposed extension would be clearly visible from no. 26 but “<i>it would be set in 1m from the boundary and its maximum height would be much lower than the host property. The proposed dual hipped roof with a shallow pitch, and the sloping roof to the floor beneath, would limit its bulk, and assist in breaking-up its perceived mass</i>”. The Inspector therefore considered that the proposed first floor extension would not have a significant overbearing impact on the dwelling at no. 26 Crescent Road.</p> <p>The Inspector also considered as no. 28 was located to the north of no. 26 and because of the skewed relationship between the two properties, the proposal would not cause significant loss of light, would cause little or no overshadowing, and would not cause significant loss of privacy to no. 26 Crescent Road.</p> <p>The Inspector concluded that the scheme would not have a significant adverse effect on the living conditions at no. 26 Crescent Road and the appeal was allowed.</p>

FUTURE HEARING / INQUIRY DATES

Council Ref.	Type of Appeal	Site	Proposal	Case Officer	Date
12/00246 /ENF	Inquiry	48 Park Road, Ashford	Cessation of unauthorised residential use and demolition of garage extension.	MCI/RJ	19/07/2016
15/00698 /FUL	hearing	Land at Northumber -land Close Stanwell	Erection of a Class B1(Business) building with associated parking and landscaping, and	JF	26/07/2016

Council Ref.	Type of Appeal	Site	Proposal	Case Officer	Date
			construction of access onto Northumberland Close, together with dedication of land fronting Bedfont Road as Public Open Space.		