

PLANNING APPEALS

LIST OF APPEALS SUBMITTED BETWEEN 19 MAY AND 17 JUNE 2016

<u>Planning Application/ Enforcement No.</u>	<u>Inspectorate Ref.</u>	<u>Address</u>	<u>Description</u>	<u>Appeal Start Date</u>
16/00162/HOU2 1	APP/Z3635/D/1 6/3149984	8 Wychwood Close Sunbury On Thames	Erection of a part two storey, part single storey rear extension.	27/05/2016
15/01299/OUT	APP/Z3635/W/ 16/3147069	525 Staines Road West Ashford	Outline Planning permission for the erection of 2 no. semi-detached dwellings (to consider access, layout and scale).	02/06/2016
15/01670/HOU	APP/Z3635/D/1 6/3151086	13 Station Crescent Ashford	Erection of new dormers in front and rear elevations of roof and enlarged dormer in rear elevation. New porch with pitched roof over.	09/06/2016
16/00025/FUL	APP/Z3635/C/1 63151477	Land to the rear of 1-27 Allen Road Sunbury on Thames	Erection of 4 no. 3/2 bedroom houses in the form of two pairs of semi-detached houses with associated gardens, parking and landscaping.	17/06/2016

APPEAL DECISIONS RECEIVED BETWEEN 19 MAY AND 17 JUNE 2016

Site	8 Edward Way Ashford
Planning application number	15/01136/FUL
Appeal Reference	APP/Z3635/W/15/3140874
Appeal Decision Date:	19/05/2016
Inspector's Decision	Dismissed
Proposed Development	Erection of two storey side extension and part single story rear extension to create a 2 bedroom self-contained unit, installation of solar panels on the side elevation together with associated external and internal alterations including the provision of off street car parking spaces, refuse and cycle stores.
Reason for refusal	The proposed development by reason of its siting, scale and bulk is considered to be an overdevelopment of the site, in particular in terms of the lack of space between the extended building and no. 10 Edward Way, which would be out of character with the surroundings. In addition, the small size of the plot, the dominance of hard standing to the front of the site including the provision of a substandard car parking space would lead to a development that would have a detrimental impact on the visual amenity of the street scene which exists in Edward Way. The design of the proposal, particularly in terms of the exaggerated width and expanse of roof form including the central flat roofed section and prominent solar panels would have insufficient regard to the appearance and character of other properties in this road. The proposed development is, therefore, contrary to Policies SP6 and EN1 of the Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 and Supplementary Planning Guidance on Parking Standards.
Inspector's Comments	The Inspector considered that the loss of another gap within the street scene would further erode the spaciousness of the area and would be materially harmful to the street scene, despite the set in from the boundary at first floor level.

	<p>He went to note that the width would be excessive and appear out of proportion with the existing house, failing to complement the extension that has been carried out at No 10, to the detriment of the wider street scene. He referred in detail about the roof design and that it's '<i>...disproportionate length would appear awkward and out of keeping with others in the vicinity. The complexity of the roof, which would include a section of flat roof, would add excessively to the bulk of the building.</i>'</p> <p>He stated that the lack of a set back from the front elevation, the fact that the ground floor level would be aligned with the porch and at first floor level would be flush with the front elevation, would diminish the role of the bay window as a distinctive feature of the house and increase the prominence of the extension in the street scene. He stated that, '<i>...These various factors demonstrate that the proposal would dominate the host property, rather than appearing subordinate to it. Consequently the proposal would not comply with the advice of the SPD and would adversely affect the character of the wider area.</i>'</p> <p>He commented that the sub-division of the plot would give rise to two plots that would be significantly smaller than others in the street, which would be out of character with the surrounding area, where side extensions appear to have enlarged the existing houses rather than being used to increase the number of dwellings.</p> <p>Although he appreciated the Council's concern that the extensive area of hard landscaping required to accommodate vehicles for two dwellings along with the lack of boundary treatment would be harmful to the area's character and appearance and the difficulty in providing sufficient landscaping, as the front of No 8 has already been paved and is being used as a parking area, the proposal would not bring about a material change to the character and appearance of the area.</p> <p>The inspector concluded that the extension would be harmful to the character and appearance of the area and dismissed the appeal.</p>
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Site	25-27 High Street, Stanwell
Planning application number	14/01943/FUL (Appeal A) and 14/01944/LBC (Appeal B)
Appeal References	APP/Z3635/W/3139090 and APP/Z3635/Y/3139093

Appeal Decision Date:	26/05/2016
Inspector's Decision	Appeal A is dismissed. Appeal B is allowed Application by the appellant for an award of costs against the Council is refused
Proposed Development	Erection of 2 no. 3 bed houses, conversion of existing grade II Listed Building into 2 no. dwellings and erection of detached garage/orangery building, along with associated parking and landscaping following demolition of existing pool house and garage (Appeal A). Listed Building Consent: Erection of 2 no. 3 bed houses, conversion of existing grade II Listed Building into 2 no. dwellings and erection of detached garage/orangery building, along with associated parking and landscaping following demolition of existing pool house and garage (Appeal B).
Reasons for refusal	<u>Appeal A:</u> Due to their size, siting and design, the proposed houses represent an overdevelopment of the site, which fails to preserve the setting of the adjacent Listed Buildings of Brook Cottage and Cheyne Cottage and fails to either preserve or enhance the character of the surrounding Stanwell Conservation Area, contrary to Policies EN1, EN5 and EN6 of the Core Strategy and Policies DPD 2009. The proposed houses would by reason of their size and siting have a poor relationship with the adjacent dwellings and represent an overbearing development, resulting in an unacceptable loss of light, outlook and visual amenity to the adjacent residential properties contrary to policy EN1 of the Core Strategy and Policies DPD 2009 <u>Appeal B</u> Due to their size, siting and design, the proposed houses represent an overdevelopment of the site, which fails to preserve the setting of the adjacent Listed Buildings of Brook Cottage and Cheyne Cottage, contrary to Policy EN5 of the Core Strategy and Policies DPD 2009.
Inspector's Comments	<u>Planning and Listed Building Applications</u> The Inspector considered that the main considerations were the effect of the development on the character and appearance of the area, including the setting of Brook Cottage, Cheyne Cottage (both listed) and the Stanwell Conservation area, as well as the effect of the proposal on the living conditions enjoyed by occupants of adjoining properties.

The Inspector considered that the removal of the existing modern pool building has a number of significant benefits, creating more space and open up views of the rear of the building, making a positive enhancement to the appearance of the conservation area. He noted that the proposed single storey garage and orangery would be limited in size and scale and have little impact on conservation area and the impact on the Listed buildings would also be acceptable. He commented that the proposed semi-detached houses would result in increased development on the northern arm of the site, replacing the existing garage on an enlarged footprint. He noted that it would have a greater presence, height and be more visible from public locations and result in change. However he considered that *“change does not equate to harm and can be accommodated whilst still preserving the character and appearance of a conservation area or the setting of a listed building.”*

In noting the Council’s concern that the proposed houses would be out of keeping behind the frontage development which characterised the area and would appear cramped, the Inspector commented that there was no coherent layout of pattern of development and as such the proposed houses would not appear out of place. He stated *“...on this basis the proposed house would not appear out of keeping but sit within the existing more complex pattern and layout of buildings that currently exist.”*

He observed that the proposed houses would be set in a relatively isolated location, screened from surrounding properties by mature landscaping. He explained that the part of the site where the houses were proposed is not historically significant to Brook Cottage and the applicant has demonstrated there will be limited views in which the proposed houses and Brook cottage can be seen together and therefore will not harm on the setting of Brook Cottage. He also considered that it would preserve the setting of Cheyne Cottage, as although they could be viewed together, the mature landscaping, other modern housing and the fact that they would be recessed, the proposed houses would not significantly intrude into views which are important to the significance of Cheyne Cottage.

He considered that the removal of the modern pool house a positive enhancement and the *‘...proposed development would not result in material harm to the character and appearance of the area, including the setting of Brook Cottage and Cheyne Cottage which would be enhanced and the character and appearance of the Stanwell Conservation Area, which would also be enhanced..’*

The inspector was satisfied that there will be no significant harm to the amenity enjoyed by the occupant so Cheyne Cottage or

the maisonettes at 9 and 11 Oaks Road. He noted that No 6 Christiane Crescent has been extended and has features in the garden but felt that it did not reduce the appropriateness to ensure satisfactory living conditions of the occupants to that property. However, he noted that the proposal represented a significant increase in bulk and mass compared to the existing garage. The garage was already a visible and dominate feature from street. The houses will have greater footprint, longer flank elevations, higher eaves and ridge height and would be positioned closer to the boundary. He stated that the proposals *'...in my view would dominate a significant part of the rear garden and outlook from that property. This would appear excessively conspicuous and enclosing, resulting in material harm to the outlook and reducing the visual amenities of the immediate vicinity for the occupants of No. 6.substantial'*

The Inspector concluded that the development would result in material harm to the living conditions of the occupiers of the adjoining property at no. 6 Chrislaine Close but this would not be outweighed by the enhancement to the conservation area and the setting of the listed building from the removal of the modern building

Appellants' application for costs against the LPA

The appellants claimed costs against the Council's decision. They argued that the Council, in refusing the application for listed building consent did so with reference to the effect of the proposed development on the setting of the listed building. However the appellants felt that this was a flawed interpretation of the requirements for listed building consent. They pointed out that the Council did not object to those elements of the works which did require listed building consent and indeed stated that it did not object to the subdivision of the property. In this regard they argued that it was unreasonable behaviour by the Council to refuse the listed building consent as it would have been open to them to grant listed building consent for those parts of the scheme which required such authorisation and to which it did not object. The appellant also considered that the Council has failed to adequately support its case in relation to the impact on the listed building and conservation area and required the appellant to produce a detailed heritage statement which resulted in significant expense. The appellants also claimed that the Council did not substantiate its concerns about the impact on sun light to the adjoining properties and that the reason for refusal lead the appellant to instruct experts at additional expense.

The Inspector commented that the Council did not identify the significance of the heritage assets or those matters that contribute to their significance, including the setting of the listed

	<p>building and he also felt that there was little assessment of the effect of the proposals on that significance. However, the Inspector considered that the production of a heritage statement had not lead to any unnecessary or waste expense by the appellants as it was information that was required to address the substance of the proposals and was required to be provided by the NPPF and did not, therefore, result in unnecessary expense for the appellants. On the impact issue, the Inspector considered that the assessment of the potential affect of the development, taking account of the scale, bulk, mass and orientation of the development was reasonable.</p> <p>The Inspector concluded that <i>“overall I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.”</i></p>
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Site	Brookside, 2 Spout Lane, Stanwell Moor
Planning application number	15/00984/HOU
Appeal Reference	APP/Z3635/W/15/3140874
Appeal Decision Date:	13 June 2016
Inspector's Decision	Dismissed
Proposed Development	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.
Reasons for refusal	The proposed first floor/roof extension that would include a hip-to-gable alteration within the front and western elevations, the installation of a dormer within the eastern and western side elevations, and a dormer extension within the rear elevation, would by reason of the increase in bulk, volume and scale of the roof form have an unacceptable impact upon the character of the existing dwelling house, and the character of the area. In addition, the proposed dormers would not be in compliance with the Council's guidance upon dormer design, and as a result are considered to have an unacceptable impact upon the character of the area. The proposal would therefore be contrary to Policy EN1 of the Core Strategy and Policies Development Plan Document (February 2009) and the Design of Residential

	<p>Extensions and New Residential Development Supplementary Planning Document (April 2011).</p> <p>The proposed hip to gable alteration would by reason of size, scale and position have an overbearing impact upon the residential occupiers of 'Sarnen' that would be contrary to Policy EN1 of the 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>In dismissing the appeal, the Inspector felt that the principle of altering the roof from a hip to gable roof design was acceptable, but considered that the introduction of the dormer windows would show 'little respect for the character or appearance of the existing dwelling'. The appeal decision refers to the flat roof design of the dormers being incompatible with the main roof and would dominate the dwelling, mask the majority of the roof slope and have windows that would not align with lower window openings. As a result of the above, the Inspector stated that 'the overall effect would be a building with an incongruous and top heavy roof configuration that would appear poorly conceived and harmful to the residential character of the area'. In addition, the Inspector recognised that the flank wall would be raised in height and would be significantly taller in close proximity to the neighbouring property at no. 2 Brookside; and due to the lack of separation between buildings, the appeal proposal would cause serious harm to the neighbours living conditions resulting from its visual intrusion and overbearing impact.</p>

FUTURE HEARING / INQUIRY DATES

Council Ref.	Type of Appeal	Site	Proposal	Case Officer	Date
15/00698 /FUL	hearing	Land at Northumber-land Close Stanwell	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	JF	26/07/2016

Council Ref.	Type of Appeal	Site	Proposal	Case Officer	Date
			as Public Open Space.		