



Planning Committee

20 September 2023

Planning Appeals Report – V1.0 ISSUED

Appeals Started between 12 July – 06 September 2023

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
22/00483/OUT Land At Manor Farm Charlton Road Shepperton	14.07.2023	Written Representation	APP/Z3635/W/23/3319062 Outline permission for residential development of up to 30 residential units (with all matters reserved for future consideration except for means of access) as shown on drawings numbered Site location plan no. 211103 L002 Rev A, Constraints plan no. 211103 SK1.1 Concept plan no. 211103 SK1.3 received on 01/04/2022, Elevational drawings existing 2268, PL 030, 031 and 032 all rev 00

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			Land use plan no. 21103 L004 received on 17/05/2022, and Sketch elevational plan no. 21103SK2.0 received on 06/06/2022
22/01264/HOU 24 Jordans Close Stanwell Staines-upon-Thames	13.07.2023	Fast Track Appeal	APP/Z3635/D/23/3324703 Proposed erection of single storey outbuilding for use as annexe
22/01615/OUT Bugle Nurseries Upper Halliford Road Shepperton	01.08.2023	Public Inquiry	APP/Z3635/W/23/3325635 Outline application with approval sought for scale, access and siting, with details of appearance and landscaping reserved, for the demolition of existing buildings and structures, removal of waste transfer facility and the redevelopment of the site for up to 80 residential units and the provision of open space and a play area, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.
23/00443/HOU 4 Burgoyne Road Sunbury- on-Thames TW16 7PW	23.08.2023	Fast Track Appeal	APP/Z3635/D/23/3326719 Construction of a part two, part single storey side extension with raised eaves to provide accommodation in the roof space including a front dormer window and front porch with associated parking and amenity space following demolition of existing garage and single storey lean to (As shown on plans: L.201; B.201; P.201; 202; 203; 204; 205; 206; 207; 208; 209 received 04.04.2023)
23/00110/FUL Glenhaven Yard Stanwell Moor Staines-upon-Thames	01.09.2023	Written Representation	APP/Z3635/W/23/3327773 Redevelopment of Glenhaven Yard - removal of existing outbuildings to allow erection of a single storey structure to be used as a minibus depot for a holiday firm as per Certificate of Lawfulness (18/00941/CLD) with

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			associated parking area, delivery/service collection point, realigning the kerb line, reduction of existing hardstanding and improvement to grassed area / paddock.
22/01638/OUT Rear Of 37 - 51 Hithermoor Road Stanwell Moor Staines-upon-Thames	31.08.2023	Written Representation	APP/Z3635/W/23/3327945 Demolition of existing glasshouses, polytunnels and existing structures and the erection of a new single storey office building and panel making sheds. Provision of new hardstanding to accommodate external storage racks, staff and visitor parking, and access route. Provision of hard and soft landscaping to include the creation of a nature park (Outline)
22/01637/OUT Heathrow Fencing Gleneagles Farm Gleneagles Close	31.08.2023	Written Representation	APP/Z3635/W/23/3327951 Outline consent (with all matters reserved for future consideration except access) for the demolition of all existing buildings [including telephone mast] to enable the redevelopment of the site to erect up to 21 dwellings (Use Class C3), ranging from 2 to 3 storeys, including open space, garden areas, a play area, up to 28 car parking spaces including disabled parking, cycle parking, with vehicular access from Gleneagles Close. As shown on drawings numbered 20524_GC_PL_011, 012, 013, 020, 021,105 and 106 received on 25.11.2022

Appeal Decisions Made between 12 July – 06 September 2023

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21/00469/FUL 128 Staines Road East Sunbury On Thames TW16 5BB	20.04.2023	Written Representation	APP/Z3635/W/22/3300724 Construction of a two-storey detached, one bedroom dwelling with associated parking and landscaping.	Appeal Dismissed	30.08.2023	<p>The Inspector identified that the main issues were the impact upon the character and appearance of the area and highway safety.</p> <p>The Inspector considered that the proposal would significantly increase the amount of hard surfacing on the road, having a discordant impact upon the street scene. The position of the parking spaces and the need for a turntable were considered to result in cramped appearance. It was therefore concluded that the proposal would be contrary to policy EN1.</p> <p>In regard to highway safety the Inspector noted that the visibility splay to the south passed through land outside of the applicants ownership. A fence at the boundary would interfere with visibility, and one of the proposed parking spaces would also be located in the splay area. The Inspector considered that this would create an unacceptable risk of</p>

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						<p>accidents and would therefore cause a highway safety risk.</p> <p>The Inspector also considered that the proposed turntable could malfunction resulting in vehicles being unable to leave the site in a forward gear. The proposal was therefore considered to be contrary to policy CC2.</p> <p>The Inspector considered that the modest contribution of one additional dwelling to the Council's 5-year housing land supply did not outweigh the harm of the proposal and the appeal was dismissed.</p>
<p>22/00418/FUL</p> <p>Stanwell Farm Bedfont Road Stanwell</p>	16.12.2022	Written Representation	<p>APP/Z3635/W/22/3307473</p> <p>Change of use to a builders merchants yard (Sui Generis) with associated ancillary office and sales area.</p>	Appeal Dismissed	16.08.2023	<p>The Inspector considered that the change of use to a builder's merchants yard constituted inappropriate development in the Green Belt and would cause a harmful loss of openness in the Green Belt. He also considered that the development would harm the character and appearance of the area. Whilst the Inspector noted that there were some considerations in favour of the development, which he gave moderate weight, these did not outweigh the substantial harm to the Green Belt and</p>

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						character of the area and consequently 'very special circumstances' did not exist to justify the development.
22/00899/FUL Stanwell Farm Bedfont Road Stanwell	16.12.2022	Written Representation	APP/Z3635/W/22/3307480 Erection of a storage unit in connection with Builders Yard (retrospective)	Appeal Dismissed	16.08.2023	The Inspector considered that the storage unit was attached to the existing building and represented a disproportionate addition over and above the size of the original building. It therefore constituted inappropriate development in the Green Belt. It would also have an effect on openness in the Green Belt. Like the change of use to a builder's merchants, he considered that that the harm to the Green Belt clearly outweigh any considerations in favour of the development and consequently, 'very special circumstances' did not exist.
22/00666/FUL 192 Feltham Hill Road Ashford TW15 1LJ	27.03.2023	Written Representation	APP/Z3635/W/22/3311716 Retrospective application for the erection of wooden canopy to the front of the coffee shop to allow for sheltered seating and installation of new extraction fan unit	Appeal Dismissed	10.08.2023	The Inspector considered that the main issue was the effect of the proposed extraction fan unit on the character and appearance of the area. The Inspector considered that the height of the proposed extraction fan unit significantly projects above the height of the fence to the side of the building, and on the boundary with the adjacent flats. The extraction fan unit would project to approximately the height of the ridge of the roof. As the roof is pitched, and slopes away from the extraction fan unit,

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						<p>the system would be visually prominent and an incongruous feature on the side of the building. The scheme would be harmful to the street scene both immediately outside the site and outside the neighbouring flats.</p> <p>The Inspector concluded that the proposed extraction system, due to its height and massing, projecting above and out from the roof of the building, would not respect, or make a positive contribution to, the street scene and would be visually incongruous and prominent. An award for costs was also dismissed as the Inspector found that unreasonable behaviour by the Council resulting in unnecessary expense had not been demonstrated, thus the award of costs was not justified.</p>
<p>21/01772/FUL</p> <p>37 - 45 High Street Staines-upon-Thames TW18 4QU</p>	10.01.2023	Public Inquiry	<p>APP/Z3635/W/22/3312440</p> <p>Demolition of the former Debenhams Store and redevelopment of site to provide 226 Build-to Rent dwellings (Use Class C3) and commercial units (Use Class E) together with car and cycle parking, hard and soft landscaping, amenity space</p>	Appeal Dismissed	13.07.2023	<p>A Planning Inquiry was held at Spelthorne Borough Council on 3–5, 10-12 and 16 May 2023 and a site visit made on 5 May 2023.</p> <p>The Affordable housing reason was addressed and fell away before the appeal commenced.</p> <p>The Inspector noted the 3 main issues to be</p>

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			and other associated infrastructure and works			<ul style="list-style-type: none"> • The effect of the development on the setting of Staines Conservation Area and whether the development would preserve the setting of listed buildings in the vicinity of the appeal site. • The effect of the development on non-designated heritage assets; and, • The effect of the development on the character and appearance of the surrounding area. <p>The Inspector's report notes that the appeal site falls in the setting of the Staines Conservation Area, the setting of various listed buildings and non-designated heritage assets.</p> <p>The Inspector also took into account the impact of the scheme at Elmsleigh Road/Masonic Hall which is under construction.</p> <p>She notes that the ability to appreciate the significance of the conservation area and that of the relevant listed buildings within it, would be diminished by the development.</p> <p>Stating that</p> <p><i>'...it is proposed to erect two towers. When viewed travelling along Clarence</i></p>

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						<p><i>Street, within the conservation area, with a historic foreground of, for example, the Georgian buildings along the northern side of the street and the Blue Anchor, the front tower would dominate the view, drawing the eye and distracting from the much smaller scale of the historic foreground'</i></p> <p>The proposal would result in harm to the significance, and ability to appreciate the significance of, the conservation area and the relevant listed buildings in this appeal, through harm to setting. Concluding that the development would not preserve the setting of Staines Conservation Area or the setting of the relevant listed buildings in this case but would harm them. It would therefore conflict with policies EN5 and EN6 of the Core Strategy and Policies DPD.</p> <p>She considered that the benefits in this case attract significant weight, but considerable importance and weight must be given to the desirability of preserving the setting of listed buildings. Great weight must also be given to the conservation of designated heritage assets (Framework para 199). Given the multiple heritage assets she found to be adversely affected in this case, she</p>

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						<p>concludes that this harm is not outweighed by the public benefits.</p> <p>In addition, the development would conflict with Policy EN5 which, in respect of non-designated heritage assets, seeks to ensure that their character and setting is preserved in development proposal.</p> <p>In regard to character and appearance she noted that the proposal would conflict with Policy EN1 which requires new development to respect and make a positive contribution to the street scene and character of the area in which they are situated, paying due regard to the scale and height of adjoining buildings and land but found no material harm to the setting of the River Thames. Stating that:</p> <p><i>'The proposed tower on High Street would be introducing a vastly taller building in very close proximity to an area where the overriding character is human and domestic in scale. It would feel dominating and oppressive due to its height, when viewed in close proximity on High Street, bearing down on the pedestrians and buildings below.'</i></p>

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						<p>The Inspector noted other tall buildings referred to in the Inquiry and that these were generally set away from the High Street and in areas where there are larger buildings of various styles and forms adjacent, therefore, their impacts are not comparable to the specific impacts in this scheme.</p> <p>Concluding in the overall planning balance, that the harm to designated heritage assets is not outweighed by the public benefits in this case, disengaging the 'tilted balance' as it provides a clear reason for refusing the development. In addition, she found harm to non-designated heritage assets and harm to the character and appearance of the area. Cumulatively, these harms are significant and result in conflict with the development plan as a whole. The material considerations in this case do not outweigh the totality of this harm.</p>
<p>22/01264/HOU</p> <p>24 Jordans Close Stanwell Staines-upon- Thames</p>	13.07.2023	Fast Track Appeal	<p>APP/Z3635/D/23/3324703</p> <p>Proposed erection of single storey outbuilding for use as annexe</p>	Appeal Allowed	22.08.2023	<p>The Inspector was satisfied that the proposed outbuilding would constitute and function as an annex as it would replace an existing outbuilding; it is shown to be within the same ownership as the host property; it would be sited within part of the garden of the host</p>

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						property and would potentially share the services and utilities of the host. He also considered the annex would share the retained garden areas with the host property and would have a good 'visual link' to it. In addition, he stated the new outbuilding would be small-scale and subservient to the host property. He did not consider the proposal to be physically separate from the existing residential use of the appeal site or separate from the ownership of the host property.
22/01159/HOU 23 Chalmers Road Ashford TW15 1DT			Erection of a detached building as self-contained accommodation at the back of the garden. As shown on unnumbered drawings: Site Location plan received 14.11.2022; Site Layout and Floor Plans received 25.10.2022 and elevations received 17.08.2022.	Appeal Lapsed	13.07.2023	The Planning Inspectorate noted that appeals and all of the essential supporting documentation must be submitted to them within 12 weeks of the date of the local planning authority's notice of the decision. As they received the appeal after the time limit, they were unable to take any action on it.