



Planning Committee

6 March 2024

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

**Appeals Started between 30 November 2023 – 20 February 2024**

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
23/00958/FUL  <b>Shepperton Road Shepperton TW17 0JJ</b>	20.02.2024	Written Representation	APP/Z3635/W/23/3334047 Proposed NTQ telecommunications installation; Proposed 35.0m High FLI Type T3A Lattice Tower and associated ancillary works. Please refer to drawings
23/00541/OUT	08.02.2024	Written Representation	APP/Z3635/W/23/3327918

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<b>33 Ashford Crescent Ashford TW15 3EF</b>			Outline application with access, layout and scale to be assessed, for the demolition of the existing bungalow and erection of 3 new dwelling houses
22/001111/ENF  <b>99 Marlborough Road Ashford TW15 3PW</b>	01.12.2023	Written Representation	APP/Z3635/C/23/3331038  Appeal against serving of an enforcement notice. Without Planning Permission and within the last four (4) years, the carrying out of building, engineering, mining or other operations, specifically the erection of a two-storey side extension, new front porch and garage conversion, in the approx location shown edged in and hatched black on the plan.
23/00546/HOU  <b>Little Stoatswold 43 Lower Hampton Road Sunbury- on-Thames</b>	26.01.2024	Fast Track Appeal	APP/Z3635/D/23/3332038  Retrospective planning for a single storey wrap around extension and cantilevered deck extension.
23/00832/FUL  <b>58 Green Lane Shepperton TW17 8DT</b>	05.02.2024	Written Representation	APP/Z3635/W/23/3333577  Erection of a new two-storey 3 bedroom detached dwelling house at the rear of No. 58 Green Lane
23/00325/HOU	09.02.2024	Fast Track Appeal	APP/Z3635/D/23/3333634  Retrospective planning permission for a summerhouse/shed in the side garden

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<b>48 Elgin Avenue Ashford TW15 1QF</b>			
23/00865/FUL  <b>5-7 &amp; 9 Station Approach &amp; 21 Woodthorpe Road Ashford TW15 2RP</b>	20.12.2023	Written Representation	APP/Z3635/W/23/3333864  Demolition of existing office buildings, and construction of 40 new residential units together with Class E (Commercial, Business and Service), associated amenity and parking. As shown on drawings numbered TPH-01, 05, 06, 07, 08, 09, 10,11 and 28301A-1, 2, 2-1, and 3 received on 11 July 2023, and amended plans numbered TPH-02A, 03A and 04A received on 28 September 2023.
22/00058/ENF  <b>Land To The East Of Moor Lane Staines-upon- Thames</b>	07.12.2023	Written Representation	APP/Z3635/C/23/3334551  Appeal against serving of an Enforcement Notice. Without planning permission, the material change in use of the land to a mixed use of agriculture, a leisure plot, open storage and the storage of motor vehicles.
22/00231/ENF_A  <b>Land South East Of The Ranges (addressed As 1A Priory Stables) Chertsey Road</b>	12.02.2024	Written Representation	APP/Z3635/C/23/3335127  Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining or other operations in particular the laying of an area of hardstanding and a roadway on Green Belt land. Marked in blue on the attached plan and a change of use of the use of the land to the commercial storage of vehicles.

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21/00393/ENF  <b>11 Loudwater Road Sunbury-on-Thames TW16 6DB</b>	17.01.2024	Hearing	APP/Z3635/C/23/3333226  Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.
22/00099/ENF  <b>9 Loudwater Road Sunbury-on-Thames TW16 6DB</b>	17.01.2024	Hearing	APP/Z3635/C/23/3333218  Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.
22/00067/ENF  <b>4 Loudwater Road Sunbury-on-Thames TW16 6DB</b>	17.01.2024	Hearing	APP/Z3635/C/23/3333211  Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.
22/00057/ENF  <b>2 Loudwater Road Sunbury-on-Thames TW16 6DB</b>	17.01.2024	Hearing	APP/Z3635/C/23/3333204  Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.

**Appeal Decisions Made between 30 November 2023 – 20 February 2024**

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
23/00554/FUL  <b>Land Adjacent To 1 Hillview Cottages Moor Lane Staines-upon-Thames</b>	N/A	N/A	Erection of a new detached dwellinghouse with associated parking provision and amenity space	Appeal Withdrawn	08.02.2024	The appeal was withdrawn on 08/02/2024. The documents required from the applicant were not provided within the Inspector's timeframes.
22/01724/FUL  <b>4 Sandhills Meadow Shepperton TW17 9HY</b>	20.09.2023	Written Representation	APP/Z3635/W/23/3319801 Demolition of the existing dwelling and erection of a replacement (zinc) dwelling with accommodation in the roof	Appeal Dismissed	25.01.2024	The Inspector considered that the proposed replacement dwelling would be materially larger than the existing and would therefore be inappropriate development in the Green Belt. The development would also have a harmful impact on the openness of the Green Belt as the proposed dwelling would be more prominent from the river and from Sandhills Meadow by virtue of its greater height and mass. Furthermore, the lack of traditional eaves and metal end capping to the integral eaves and guttering would contrast sharply with the existing buildings in the area. Therefore, the appeal was dismissed along with the below scheme (22/01725/FUL

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22/01725/FUL  <b>4 Sandhills Meadow Shepperton TW17 9HY</b>	21.09.2023	Written Representation	APP/Z3635/W/23/3319800 Demolition of the existing dwelling and erection of a replacement (brick) dwelling with accommodation in the roof	Appeal Dismissed	25.01.2024	See above – as both appeals were considered together.
23/00258/HOU  <b>16 Sandhills Meadow Shepperton TW17 9HY</b>	12.10.2023	Fast Track Appeal	APP/Z3635/D/23/3324804 Loft conversion including raising of the ridge height and a balcony. Side porch extension	Appeal Dismissed	25.01.2024	<p>The main issues discussed include whether the development would be inappropriate in the Green Belt, its impact on the area's openness, character, appearance, and the living conditions of neighboring properties.</p> <p>The Inspector finds that the extension would not be disproportionate to the original building and so not inappropriate for the Green Belt.</p> <p>However, the Inspector had concerns about the proximity of the extension to a neighboring property, potentially impacting privacy and outlook. Despite the extension being in line with the area's character, its impact on living conditions led the Inspector to dismiss the appeal.</p>
22/00210/FUL	30.03.2023	Written Representation	APP/Z3635/W/22/3312221 Demolition of existing buildings and development of	Appeal Dismissed	15.01.2024	The main issues are the character and appearance of the area and highway safety, with regards to the access

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<p><b>280, 282 And 284 Staines Road East Sunbury-on-Thames TW16 5AX</b></p>			<p>a 47-bedroom care home with associated parking, facilities and landscaping as shown on drawings numbered H21.31 (00)2, 3 and 4 all Rev B, (005), (9)3, 4 and 5, (21)1 and 2, 1361-00 PRLP, EX SS, 2021-5917-001 (P1), 002 (P2) and 003 (P1) and 484.3 Rev 2 received on 14 February 2022.</p>			<p>The appeal site consists of three detached residential properties, one of which is vacant. surrounding area is mainly residential, a varied pattern of development in which buildings differed in style, age, size and position within their plots. However, area around the appeal site is suburban in appearance with a characteristic pattern of spaces between houses that are of a typical domestic scale. Inspector notes some feature of he proposed care home are common in the local area but has concerns about its scale noting that, <i>‘...the proposed building would fill almost the full width of the appeal site, with limited gaps to the neighbouring residential properties. The building is also shown as having considerable depth, such that while the front elevations of the building are shown as being approximately level with the neighbouring dwellings, the rear of the building extends far beyond the rear elevations of the neighbouring properties, albeit in one instance with a greater gap to the boundary.’</i></p>

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						<p>Further indication of scale and massing is displayed because the proposed development would, break a 45-degree, due to its rear projection close to the boundary and the proposed building and car parking covers much of the plot, with limited opportunities for soft landscaping concluding that</p> <p><i>'Fundamentally, the appeal scheme is a more intensive form of development than the existing dwellings, effectively filling the full width of the appeal site with a deep projection along boundary and greater mass of development particularly when viewed from properties to the rear and side. 'and as a result of the significant width, scale and massing of the proposed building in the context of typical residential dwellings, 'I find that the appeal scheme would harm the character and appearance of the area' contrary to Policy EN1</i></p> <p>In regard to Highway matters the Inspector notes that the appeal scheme would be accessed at a single point from Staines Road East (the A308). Which he noted is a busy thoroughfare consisting of a single lane in each</p>



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						<p>direction and a 40 mph speed limit, included buses and heavy goods vehicles.</p> <p>The Inspector considered the proposal would result in a '<i>...greater level of movements onto and off the site than is currently the case.</i>' And the proposal's visibility splay would be deficient and vehicles leaving the site would represent a clear hazard.</p> <p><i>Overall, I consider the development would lead to a material increase in traffic movements on to and off the site and the access would provide insufficient visibility. Consequently, I find that the development would have a harmful impact upon highway safety' contrary to Policy CC2.</i></p> <p>The Inspector considered there would be some limited social and economic benefits, redevelopment of the unsightly He also considered that the provision of a 47 bed care home would contribute to the choice of accommodation available, meeting the needs of an aging population and there would also likely be a consequential freeing-up of</p>

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						existing, potentially under-occupied, housing to the general market, for which he gave significant weight. However concluded that, <i>'Nonetheless, I am satisfied that the appeal scheme would harm the character and appearance of the area and harm highway safety contrary to the development plan and that this harm would significantly and demonstrably outweigh the benefits.'</i>
22/00470/OUT  <b>Land At 1-12 New Road Shepperton TW17 0QQ</b>	27.03.2023	Written Representation	APP/Z3635/W/22/3311540 Erection of 9 no. two storey dwelling houses with associated amenity space, car-parking and accesses (Outline).  As shown on drawings numbered LP; 203; HW1; HW2; HW3; HW4; HW5; HW6; HW7; HW8; Site Survey drawings 01 and 02 received 29 March 2022.	Appeal Dismissed	18.12.2023	The Planning Inspector considered the proposal would be inappropriate development in the Green Belt and would fail to preserve the openness of the Green Belt. Furthermore, the Planning Inspector took the view that the proposal would have unacceptable impact on flooding and would fail to make appropriate provision of smaller sized dwellings. Consequently, the appeal was dismissed.
22/01620/FUL  <b>Land To The Rear Of No. 46 And 46A And</b>	07.09.2023	Written Representation	APP/Z3635/W/23/3321949 Installation of a shipping container (retrospective) to be used as a dwelling and the provision of hardstanding	Appeal Dismissed	14.12.2023	The Inspector considered the main Issues to be character and appearance, living conditions for occupants and impact on the amenity of neighbours in respect of noise and disturbance.

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<b>Adajcent To No. 50-58 Reedsfield Road Ashford TW15 2HE</b>			(retrospective) as shown on amended drawings numbered 'Site location and Block Plan' received on 14/12/2022, Proposed Plan Rev A and Existing container Version FB received on 16/12/2022.			<p>The Inspector notes the surrounding plots have good sizes and accommodate dwellings facing the road with gardens to the rear.</p> <p>The plot is smaller than those surrounding, is located behind the residential properties facing Reedsfield Road, and he says is <i>'...markedly at odds with the prevailing pattern of development in the area which consists of street frontage development with rear gardens'</i>. and despite some properties having outbuildings, <i>'...do not justify the introduction of a residential plot in this location'</i>.</p> <p>He notes that the existing access appears incongruous, causing visual harm to the street scene, the dwelling has a utilitarian appearance, which reflects its original use as a shipping container and falls to create a visually attractive development.</p> <p>Concludes that <i>'...As such, the development fails to relate well with its receiving environment, to the detriment</i></p>

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						<p><i>of the character of the area.</i>’ Contrary to Policy EN1 and SPD .</p> <p>The Inspector also notes that the internal space is below standard, <i>noting that ‘... the container feels cramped and enclosed due to its modest floor area and limited floor to ceiling height’.</i> And, <i>‘... the development fails to provide an adequate amount of living space for its occupants.’</i></p> <p>He states that the development fails to create acceptable living conditions for its occupiers with particular regard to internal and external space, and outlook, contrary to Policy EN1.</p> <p>Concluding the development contributes to meeting a housing need, however, the benefits associated with a single dwelling are small and the adverse impacts attract substantial weight and significantly and demonstrably outweigh the benefits.</p>
22/01615/OUT	01.08.2023	Public Inquiry	APP/Z3635/W/23/3325635	Appeal Dismissed	18.12.2023	Located on the edge of a large built-up area, the appeal site encompassed several distinct areas including a

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<b>Bugle Nurseries Upper Halliford Road Shepperton</b>			<p>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.</p>			<p>bungalow and its curtilage, a small industrial estate, grazing paddocks and an overgrown former waste transfer station area now blended into the landscape. The site had considerable planning history including dismissed appeals, permission for housing on the previously developed area and an allocation for housing in a paused emerging local plan.</p> <p>At the outset the inspector made clear that he did not agree with the appellant's interpretation of NPPF paragraph 149(g) exception to inappropriate green belt for limited infilling or the partial or complete redevelopment of previously developed land, as applying to a scheme that includes, or predominantly includes, the redevelopment of previously developed land (PDL). In his view such an approach would open the door to a proposal where a small area of PDL could justify a substantial incursion into undeveloped land, seriously undermining the effectiveness of the green belt, and recorded that this was not how the exception was written. The inspector concluded the appeal scheme would not meet the exception, and went on to identify substantial harm to the</p>

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						<p>spatial and visual openness of the green belt from the urbanising impact of the development. The proposal was inappropriate development in the green belt.</p> <p>Housing land supply was agreed to be between 2.79 and 3.52 years, aggravated by significant under delivery and green belt constraints as well as delay in bringing forward the reasonably advanced new local plan. Mindful that the 'exceptional circumstances' test for allocating housing in the green belt through a development plan is a lower threshold than the 'very special circumstances' test required to grant planning permission following the submission of an application, the inspector concluded the cumulative advantages of providing market and affordable housing, reusing some brownfield land and the planned release of the site from the green belt for housing, were considerations that did not clearly outweigh the harm to the green belt. The scheme was contrary to the development plan and material considerations, including the NPPF and the very special circumstances test, did not indicate the proposal should be</p>

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						determined otherwise, the inspector dismissing the appeal.
23/00637/HOU  <b>48 Knightsbridge Crescent Staines-upon- Thames TW18 2QR</b>	20.09.2023	Fast Track Appeal	APP/Z3635/D/23/3326072 Erection of a two storey side extension (following demolition of existing garage and single storey side extension)	Appeal Allowed	30.11.2023	The main concern revolved around the potential impact on the amenity of neighbouring residents, specifically regarding privacy and overlooking. The Council points out that the extension's proximity to properties on Commercial Road violates separation distance guidelines in the SPD. Despite this non-compliance, the Inspector notes that mutual overlooking already exists as there are already three first-floor windows in the rear facade of the appeal property, providing views of the neighbouring rear garden. Therefore, the proposed new bedroom window is not considered to significantly increase overlooking or result in harm to privacy.

**Current/Future Hearings/Inquiries**

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21/00393/ENF  <b>11 Loudwater Road Sunbury-on-Thames TW16 6DB</b>	17.01.2024	Hearing	APP/Z3635/C/23/3333226 Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.			The appeal process has started and a Statement of Case has been submitted to the Planning Inspectorate. The Hearing not yet been scheduled.
22/00099/ENF  <b>9 Loudwater Road Sunbury-on-Thames TW16 6DB</b>	17.01.2024	Hearing	APP/Z3635/C/23/3333218 Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.			The appeal process has started and a Statement of Case has been submitted to the Planning Inspectorate. The Hearing not yet been scheduled.



22/00067/ENF <b>4 Loudwater Road Sunbury-on-Thames TW16 6DB</b>	17.01.2024	Hearing	APP/Z3635/C/23/3333211 Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.			The appeal process has started and a Statement of Case has been submitted to the Planning Inspectorate. The Hearing not yet been scheduled.
22/00057/ENF <b>2 Loudwater Road Sunbury-on-Thames TW16 6DB</b>	17.01.2024	Hearing	APP/Z3635/C/23/3333204 Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.			The appeal process has started and a Statement of Case has been submitted to the Planning Inspectorate. The Hearing not yet been scheduled.
19/00015/ENF <b>Riverbank 1 The Creek</b>	07.06.2023	Public Inquiry 7-8 February 2024	APP/Z3635/C/23/3320593 Appeal against serving of an Enforcement Notice. Without planning permission the unlawful development of a new			The Public Inquiry overran the 2 days allocated and closing comments were presented via MS Teams on the 16 February 2024. Outstanding submissions of 'as built' plans submitted now by the

<b>Sunbury On Thames</b>			dwelling house, garage, boathouse, associated terracing and planters, steps, walls, pillars and hardstanding.			Appeallant to PINS as requested by the Inspector. Decision pending.
22/01615/OUT  <b>Bugle Nurseries Upper Halliford Road Shepperton</b>	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.	Appeal Dismissed	18.12.2023	The appeal was dismissed on 18/12/2023. See table above for more details.
23/00507/CLD  <b>Roslin Rookery Road Staines- upon-Thames</b>	07.11.2023	Public Inquiry	APP/Z3635/X/23/3331411  Certificate of Lawfulness relating to failure to comply with condition 2 of 09/00277/COU in respect to pupil numbers			Decision pending.

			As shown on site location plan and detailed in a planning statement, statutory declarations and occupancy numbers received 21.04.2023			
20/00257/ENF_A  <b>Stanwell Farm Bedfont Road Stanwell</b>	07.11.2023	Public Inquiry 12-13 March 2024	APP/Z3635/C/23/3331902 Appeal against serving of an Enforcement Notice. The material change of use of the land from open land to use comprising the storage of builders merchants materials in connection with a builders merchants business, including pallets and scaffolding,			The inquiry will open at 10.00am on 12 March 2024.
20/00257/ENF_B  <b>Stanwell Farm Bedfont Road Stanwell</b>	07.11.2023	Public Inquiry 12-13 March 2024	APP/Z3635/C/23/3331903 Appeal against serving of an Enforcement Notice. Without planning permission, the carrying out on the land of building, engineering, mining or other operations in particular the erection of a warehouse building and			The inquiry will open at 10.00am on 12 March 2024.

			the use of that building on Green Belt land. Marked in blue on the attached plan.			
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