



Planning Committee

3 April 2024

Planning Appeals Report – V1.0 ISSUED

Appeals Started between 21 February 2024 – 20 March 2024

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
22/01666/FUL Land At Ashford Road Ashford Road Shepperton	07.03.2024	Written Representation	APP/Z3635/W/23/3331965 Demolition of the existing buildings/ structures including Ash House and Oak House in Littleton Road and redevelopment of the site with the erection of two buildings subdivided into seven units for speculative B2 general industrial, B8 storage and distribution, and E(g)(iii) light industrial purposes with ancillary

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			offices, together with associated car parking, servicing and landscape planting.
23/00687/FUL Osmanstead Condor Road Laleham	05.03.2024	Written Representation	APP/Z3635/W/23/3334656 The demolition of existing house to be replaced by five dwellings. As shown on drawing numbers (all preceded by 712 CDA) ZZ ZZ DR A 00 0100 rev 01; ZZ 00 DR A 01 1000 rev 02; ZZ 00 DR A 01 0100 rev 02; ZZ 01 DR A 01 0101 rev 02; Z1 ZZ DR A 01 0200 rev 02; Z1 ZZ DR A 01 0201 rev 02; Z1 00 DR A 05 0100 rev 02; Z1 01 DR A 05 0101 rev 02; Z1 02 DR A 05 0102 rev 02; ZZ 03 DR A 05 0103 rev 01; Z1 ZZ DR A 05 0200 rev 02; Z1 ZZ DR A 05 0201 rev 02; Z1 ZZ DR A 05 0202 rev 02; Z1 ZZ DR A 05 0203 rev 02; Z1 ZZ DR A 05 0204 rev 02; Z1 ZZ DR A 05 0205 rev 02; Z1 ZZ DR A 05 0206 rev 02; Z1 ZZ DR A 05 0207 rev 02; Z1 ZZ DR A 05 0208 rev 02 received 01.06.2023.
23/01407/HOU 16 Nursery Gardens Sunbury-on-Thames TW16 6LQ	06.03.2024	Fast Track Appeal	APP/Z3635/D/24/3338213 Retrospective planning application for the retention of outbuilding in rear garden.

Appeal Decisions Made between 21 February 2024 – 20 March 2024

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23/00212/FUL Land To Rear Of 176 And 178 Feltham Road Ashford TW15 1AD	02.11.2023	Written Representation	APP/Z3635/W/23/3323562 Erection of 2 no. two storey semi-detached houses with parking and amenity space.	Appeal Allowed	23.02.2024	<p>The Inspector was satisfied that the proposal would sit comfortably on the appeal site and the footprint and scale of the new building and plot sizes would not appear out of character or result in any harm to the streetscene.</p> <p>He noted that there would be some visual impact and overshadowing of the rear garden of no. 174. However, he was satisfied that the level of impact would be modest and not so significant as to justify the refusal of planning permission.</p> <p>He found that the proposal would not appear overbearing or have any harmful impact on the outlook and light to the rear garden at No.174 and would not result in any significant harm to their living conditions.</p>

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23/00423/FUL 56 Kingston Road Staines-upon-Thames TW18 4NL	19.10.2023	Written Representation	APP/Z3635/W/23/3325176 Construction of three-storey building above existing car park to form two Houses of Multiple Occupation (HMOs) as shown on drawings numbered C3522-1, 2A, 3A, 4C, 5B and 6 received on 31 March 2023.	Appeal Dismissed	11.03.2024	<p>The Inspector considered the main issues were the character and appearance of the area and living conditions for future occupiers with particular regard to outlook, sunlight and communal space.</p> <p>In regard to character the inspector notes that the rear area of the appeal site, together with the adjacent car park, make an important contribution to the spaciousness of the station forecourt area.</p> <p><i>'The proposed development would retain a limited gap to the existing building and would be located close to the side and rear boundaries of the site, thereby resulting in a prominent and cramped form of development that would erode the open aspect of the site's rear area.'</i></p> <p>Would <i>'...unduly reduce the positive contribution that the site makes to</i></p>

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						<p><i>the spaciousness of the area in front of the station and harm the character of the area' little room for soft landscaping resulting in '...a hard, unattractive environment with limited planting to assist softening the built form, thereby failing to create an attractive place and make a positive contribution to the streetscene'.</i></p> <p>Not comparable to the adjacent scheme, different circumstances.</p> <p>He concludes that the proposal would have a harmful effect on the character and appearance of the area, failing to comply with Policy EN1 which requires a high standard in the design and layout of new development. And The NPPF which seeks to support development that is sympathetic to local character and consistent with the overall streetscene.</p>

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						<p>In regard to Living Conditions The Inspector notes that it is reasonable to expect that future occupants of each HMO should have access to good standard of communal accommodation to prepare food, dine and mix with fellow residents and that social interaction is important for mental health and well-being.</p> <p>He goes on to note that the only communal space provided are the kitchens, which are limited in size, failing to provide a functional space for the HMOs' future occupants. in addition, bedrooms 2 and 5 in block A, and bedroom 7 in block B, would have their windows facing a wall at a short distance, which would appear visually intrusive, resulting in poor outlook and poor levels of sunlight.</p> <p>Noting that the limited provision in terms of communal space nor the poor outlook and restricted sunlight to some of the bedrooms. In conclusion, the proposal would fail</p>

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						<p>to provide acceptable living conditions for future occupiers with particular regard to outlook, sunlight and communal space, contrary to Policy EN1 which requires a high standard of layout of new development and NPPF, which seeks to create spaces with a high standard of amenity for future users.'</p> <p>He concludes that the proposal would be harmful to the character and appearance of the area and create poor living conditions for future occupiers. These matters attract substantial weight. Consequently, the adverse impact of the developments would significantly and demonstrably outweigh the moderate benefits of the schemes when assessed against the policies in the Framework taken as a whole.</p>
23/00192/FUL	19.10.2023	Written Representation	APP/Z3635/W/23/3326553 Construction of Mansard roof to form 7 dwellings as	Appeal Dismissed	11.03.2024	<p>Appeal B</p> <p>The Inspector considered the plans clearly showed the previous</p>

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<p>56 Kingston Road Staines-upon-Thames TW18 4NL</p>			<p>shown on drawings numbered site location plan, block plan, C3490-4B, 6A, 8 (existing layout plan), 9 and 10 received on 16 February 2023, amended plan numbered 11 received on 30 March 2023 and 8C (proposed layout plan) received on 16 May 2023.</p>			<p>permission for the conversion of the office building to flats noting that ‘<i>Indeed, the size of the proposed bin and bike storage facilities before me is commensurate with 21 no. residential units. On this basis, there is a real prospect that the previous permission will be implemented and so I have proceeded with my assessment on this basis.</i>’</p> <p>He considered the main planning issues to be character and appearance of the area and living conditions for future occupiers with particular regard to outlook and entrance arrangements .</p> <p>The Inspector notes that the existing bin storage facilities to the side retains a significant distance to Kingston Road and are modest in size, so they do not appear visually obtrusive in this street scene. However he notes that in contrast, ‘<i>...the proposed facilities would be substantial in size and be sited</i></p>

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						<p><i>close to Kingston Road, thereby resulting in a cramped and prominent form of development within this street scene. ' and is not characteristic of the pattern of development in Kingston Road, where waste storage facilities do not appear readily visible, appear conspicuous and at odds with the street scene.</i></p> <p>In addition, existing planting within the site would be lost to accommodate the bin storage, failing to enhance the setting of the building and would be harmful to the character of the area.</p> <p><i>'On the evidence, I am not persuaded that there would be adequate space within the site to provide the required bin storage facilities without causing harm to the character of the area, even more so when considering the practicalities of refuse collection. Further, limited evidence has been put forward to</i></p>

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						<p><i>demonstrate that waste storage could successfully be provided elsewhere on site. Therefore, in this instance, I am unable to conclude that the proposal would be made acceptable through the use of such a condition.'</i></p> <p>The Inspector concludes the proposal to be harmful to the character and appearance of the area, contrary to Policy EN1 which requires a high standard in the design and layout of new development and NPPF, where it seeks to support development that is sympathetic to local character.</p> <p>In regard to amenity of future occupants, the Inspector notes that the proposed bin storage facilities would be sited directly in front of several windows which would serve habitable rooms, following conversion of the building, restricting the outlook, and the only entrance doors to the building would</p>

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						<p>be located behind the bin storage facilities, which would result in an unpleasant access arrangement for residents. <i>'The quality of the access would be poor as it would be hidden and cause undue harm to future occupiers, to the detriment of their living conditions.'</i></p> <p>The proposal would be harmful to the living conditions for future occupiers with particular regard to outlook and the entrance arrangements. The proposal would be contrary to Policy EN1 of the DPD insofar as this policy requires a high standard of layout of new development. The proposal would also fail to accord with the Framework, which seeks to create spaces that are safe with a high standard of amenity for future users.</p> <p>Despite the proposal meeting an identified housing need, the proposal would be harmful to the character and appearance of the area and create poor living conditions for future occupiers.</p>

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						These matters attract substantial weight. Consequently, the adverse impact of the developments would significantly and demonstrably outweigh the moderate benefits of the schemes when assessed against the policies in the Framework taken as a whole.
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)	Appeal Dismissed	05.03.2024	TBC
22/01637/OUT	31.08.2023	Written Representation	APP/Z3635/W/23/3327951	Appeal Dismissed	05.03.2024	The Inspector considered the main issues to be whether development is appropriate in the Green Belt; the

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Heathrow Fencing Gleneagles Farm Gleneagles Close			<p>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</p>			<p>openness of the Green Belt; and whether very special circumstances exist.</p> <p>The exception set out within paragraph 154(g)(bullet 2) of the Framework allows for limited infilling or the partial or complete redevelopment of previously developed land where this would not cause substantial harm to the openness of the Green Belt and would contribute to meeting an identified affordable housing need. As most of the appeal site is not previously developed land, the appeal proposal cannot benefit from the exception set out within paragraph 154(g).</p> <p>Therefore, the development would be inappropriate in the Green Belt, conflicting with saved Policy GB1. Inappropriate development is by definition harmful.</p>

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						<p>In regard to openness, the Inspector notes that the paddock and circulation spaces are open with the absence of structures, containers, stacked materials, and parking related to unauthorised use of the broader site, it too would be open. This provides the baseline for his assessment.</p> <p>The proposed development would result in built form spread across a larger proportion of the site than previously permitted, indicative plans show 3-storeys building arranged in linear blocks, the overall height and massing, volume and footprint would be significantly increased, and further space would be taken by play equipment and parking.</p> <p>Given this is outline application, it is unlikely that the effects would fundamentally differ in relation to any alternative design which might be developed at reserved matters</p>

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						<p>stage. He concludes that the development would spatially diminish the openness of the Green Belt, and this would be perceived visually from surrounding land, and upon accessing the site itself. <i>'I therefore conclude that the development would cause significant harm to the openness of the Green Belt, further conflicting with saved Policy GB1'</i>.</p> <p>In Other Considerations the Inspector addresses those put forward by the applicant including purposes, Housing provision, character, appearance and amenity, public open space and business and economy which the Inspector has afforded various weight including no weight, limited little weight.</p> <p>In the Planning Balance and Conclusion, the Inspector notes that the development would be inappropriate in the Green Belt, causing significant harm to its openness attaching substantial weight to the overall harm that</p>

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						<p>would be caused to the Green Belt concluding that:-</p> <p><i>'The other considerations advanced in favour of the development at best attract limited weight. These other considerations do not therefore clearly outweigh harm by reason of inappropriateness, or therefore demonstrate the existence of the very special circumstances necessary to justify approval. The appeal scheme conflicts with the development plan, and there are no considerations which alter or outweigh this finding.'</i></p>
<p>23/00881/HOU</p> <p>95 Feltham Road Ashford TW15 1BS</p>	03.11.2023	Fast Track Appeal	<p>APP/Z3635/D/23/3330837</p> <p>Erection of first floor rear extension and loft conversion facilitated by new roof with higher ridge and rear dormer</p>	Appeal Allowed	23.02.2024	<p>The Inspector considered that the impact of the proposed extensions and dormer window on the host dwelling and streetscene would be modest and would not appear visually obtrusive or be harmful to the host or to the streetscene. Furthermore, the Inspector concluded that the proposal would not have an overbearing impact on the outlook and light to neighbouring</p>

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						occupiers and would not result in any significant harm to neighbours living conditions.
23/00507/CLD Roslin Rookery Road Staines-upon-Thames	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 As shown on site location plan and detailed in a planning statement, statutory declarations and occupancy numbers received 21.04.2023	Appeal Allowed	23.02.2024	The Inspector considered all the evidence that was presented at the Inquiry and concluded that the evidence was sufficiently precise and unambiguous to show, on the balance of probabilities, that there has continued to be more than 30 children at the nursery at any one time for a ten year period in breach of condition. Consequently, the appellant is entitled to an LDC legitimising the breach of condition to the extent of allowing up to 45 children at any one time.

Current/Future Hearings/Inquiries

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
21/00393/ENF 11 Loudwater Road Sunbury-on-Thames TW16 6DB	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 9 Loudwater Road Sunbury-on-Thames TW16 6DB	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 4 Loudwater Road Sunbury-on-Thames TW16 6DB	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 2 Loudwater Road Sunbury-on-Thames TW16 6DB	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 Riverbank 1 The Creek	07.06.2023	Public Inquiry	APP/Z3635/C/23/3320593 Appeal against serving of an Enforcement Notice. Without planning permission the unlawful			The Public Inquiry overran the 2 days allocated and closing comments were presented via MS Teams on the 16 February 2024. Outstanding submissions

Sunbury On Thames		7-8 February 2024	development of a new dwelling house, garage, boathouse, associated terracing and planters, steps, walls, pillars and hardstanding.			of 'as built' plans submitted now by the Appellant to PINS as requested by the Inspector. Decision pending.
23/00507/CLD Roslin Rookery Road Staines-upon-Thames	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 As shown on site location plan and detailed in a planning statement, statutory declarations and occupancy numbers received 21.04.2023	Appeal Allowed	23/02/2024	The Inspector considered all the evidence that was presented at the Inquiry and concluded that the evidence was sufficiently precise and unambiguous to show, on the balance of probabilities, that there has continued to be more than 30 children at the nursery at any one time for a ten year period in breach of condition. Consequently, the appellant is entitled to an LDC legitimising the breach of condition to the extent of allowing up to 45 children at any one time
20/00257/ENF_A Stanwell Farm Bedfont Road Stanwell	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	Nullity	12.03.2024	The notices are a nullity, Inquiry closed

			connection with a builders merchants business, including pallets and scaffolding,			
20/00257/ENF_B Stanwell Farm Bedfont Road Stanwell	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 use of that building on Green Belt land. Marked in blue on the attached plan.	Nullity	12.03.2024	The notices are a nullity, Inquiry closed