

PLANNING APPEALS

LIST OF APPEALS SUBMITTED BETWEEN 10 AUGUST AND 8 SEPTEMBER 2016

<u>Planning Application/Enforcement Notice</u>	<u>Inspectorate Ref.</u>	<u>Address</u>	<u>Description</u>	<u>Appeal Start Date</u>
15/01412/FUL	APP/Z3635/W/16/3147733	7, 9 and 11 Manygate Lane Shepperton	Demolition of existing houses and erection of a new building with three floors of accommodation to provide 16 no. 1 bed and 9 no. 2 bed sheltered apartments for the elderly including communal facilities. Creation of new access, associated parking area and landscaping.	31/08/2016

APPEAL DECISIONS RECEIVED BETWEEN LIST OF APPEALS SUBMITTED BETWEEN 10 AUGUST AND 8 SEPTEMBER 2016

Site	525 Staines Road West, Ashford.
Planning Application no.:	15/01299/OUT
Proposed Development	Outline Planning permission for the erection of 2 no. semi-detached dwellings (to consider access, layout and scale).
Appeal Reference	APP/Z3635/W/16/3147069
Appeal Decision Date:	10/08/2016
Inspector's Decision	Dismissed

<p>Reasons for Refusal</p>	<p>The proposed development, by virtue of its layout and scale would fail to respect the character of the surrounding area and would be detrimental to the visual amenity of the locality. Furthermore it would have an unacceptable overbearing impact and result in loss of light to 523 Staines Road West and 57 and 59 Denman Drive. The proposed rear garden to plot 525B falls short of the minimum garden area required by the Councils Supplementary Planning Document on the Design and represents a cramped and poor standard of development contrary to policy EN1 of the Councils Core Strategy and Policies DPD 2009, and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development April 2011..</p> <p>The location of the access and position of parking areas would adversely affect the residential amenity enjoyed by the occupiers of the adjoining properties contrary to policy EN1 of the Councils Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development April 2011.</p> <p>The proposed acoustic fence, by virtue of its siting and scale would have an unacceptable overbearing impact and result in loss of light no. 523 Staines Road West contrary to policy EN1 of the Councils Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development April 2011.</p>
<p>Inspector's Comments</p>	<p>The Inspector considered that the main issues were as follows:</p> <ul style="list-style-type: none"> • the character and appearance of the area; • the living conditions of neighbouring occupiers with particular regard to outlook, light, noise and disturbance and privacy; • The living conditions of future occupiers one of the proposed dwellings with regard to the provision of external space. <p>On the first issue the Inspector felt that the proposal would lead to a" <i>considerable amount of built development and would reduce the openness of the appeal site. The sub-division of the existing garden would also lead to the tightening of the grain of plot sizes. As such, there would be a significant loss of the spaciousness which characterises the area</i>". He also felt that the "<i>location and layout of the proposal would also be at odds with the otherwise consistent pattern of frontage development</i>". He concluded by saying that this would conflict with policy EN1 and also paragraphs 4.16 or 4.41 of the Council's SPD on residential extensions and new residential development.</p>

	<p>The Inspector also agreed with the Council on the second issue in terms of the impact on the adjoining dwellings and concluded that the proposal would be detrimental to the living conditions of the occupiers of both 523 and 527 by in terms of outlook and loss of light. It would, therefore, conflict with policy EN1 and paragraph 4.15 of the SPD which requires proposals to avoid having a significant harmful impact on adjoining properties in terms of outlook and light.</p> <p>The proposal provided a shortfall in terms of open space when assessed against the Council's standards, 63 sq. m compared with the requirement of 70 sq. m. The Inspector considered that "no justification for this shortfall or alternative provision for activities such as play, sitting out, clothes drying and external storage had been suggested". He concluded that "<i>the proposal would not provide satisfactory living conditions for future occupiers</i>" by reason of lack of external space, contrary to the Council's SPD.</p>
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Site	13 Station Crescent, Ashford
Planning Application no.:	15/01670/HOU
Proposed Development	Erection of a dormer to the front of the main roof, low pitched roof over front bays and a porch and erection of new rear dormer and enlarged dormer in the rear elevation of the dwelling of the main roof.
Appeal Reference	APP/Z3635/D/16/3151086
Appeal Decision Date:	15 August 2016
Inspector's Decision	Split Decision
Reasons for Refusal	The proposed new rear dormer and enlarged dormer in the rear elevation of the dwelling would by reason of their scale, location and design, be a dominant feature of the roof and have an unacceptable impact on the character of the area, 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 2011.

Inspector's Comments	<p>The Inspector considered that the main issue in this case was the effect of the proposed development on the character and appearance of the local area. With reference to the rear flat roofed dormers, the Inspector felt they would appear as "<i>unduly large and alien features which would detract from the character and appearance of the appeal property and local area</i>". He felt that this was at odds with the NPPF which seeks to promote sustainable development and should be dismissed</p> <p>With regard to the other elements, the proposed front dormer, low level mono-pitch roof and porch, the Inspector considered that these would "<i>not result in undue harm to the character or appearance of the host property or local area</i>" and that they accorded with policy EN1 and the Council's SPD and the would represent sustainable development as sought by the NPPF. He therefore allowed these parts of the appeal.</p> <p>It should be noted that the Council did not object to those parts of the proposal which the Inspector allowed.</p>
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Site	381 - 385 Staines Road West, Ashford
Proposal	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 of a new vehicular access to the site, following demolition of existing dwellings and commercial buildings.
Planning Application no.:	15/01174/FUL
Appeal Reference	APP/Z3635/W/16/3145786
Appeal Decision Date:	17 August 2016
Inspector's Decision	Dismissed
Reason for Refusal	The proposed terraced dwellings by reason of their design, scale and siting would be out of character with the surrounding area and would appear at odds with the existing lower form of development on this corner of Staines Road West and Hughes Road. This would be visually obtrusive and detrimental to the

	<p>appearance of the street scene and contrary to Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (2009) and the Supplementary Planning Document on the Design of New Residential Extensions and New Residential Development, April 2011.</p>
<p>Inspector's Comments</p>	<p>The Inspector found that the proposal would not meet the identified need for 80% 1 and 2 bedroom dwellings in the Borough by failing to comply with the housing aims of policy HO4. The proposal provided 66% but with the three mid terraced dwellings having a single room in the roof space, which would likely to be used as bedrooms, despite the label of a study, this would take that figure down to 33%. As such the appeal was dismissed on this basis only.</p> <p>The Inspector did not agree with the Council's concerns about the design and impact on the character of the area or the impact or the amenity of neighbouring residential bungalows on Hughes Road.</p> <p>The inspector considered that there was no dominate character to development on the road and no particular design. He considered that the Council's concerns about the terraced block appearing as bulky in comparison to the adjacent properties would be the case only in isolated views and noted that the building would be seen in the context of the wider street scene and not as a juxtaposition with the bungalows on Hughes Road. He considered that due to the varied character of the street scene, the scale, mass and design of the proposed development would not cause demonstrable harm to the character and appearance of the area. He noted that the removal of the car/van sales and advert hoarding would be an improvement to the street scene and residential use is more in keeping with the characters of the immediate vicinity.</p> <p>The Inspector did not consider the relationship of the proposed bungalow with the existing bungalow at no. 6 Hughes Road would be poor given that the proposed building would not cover the entire rear boundary and the roof slopes away which will ensure the impact on outlook and loss of light is not significant. He also considered that the relationship with no. 2 Hughes from the proposed terraced block was also acceptable. He concluded that the proposed development would cause any significant harm to the living conditions of the occupants of Hughes Road with regard to outlook and loss of light.</p>

<p>Site</p>	<p>16 Springfield Road Ashford</p>
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Planning Application no.:	15/01478/FUL
Proposed Development	Use of existing dwelling as a house of multiple occupation.
Appeal Reference	APP/Z3635/W/16/3146759
Appeal Decision Date:	17 August 2016
Inspector's Decision	Allowed
Reasons for Refusal	<p>The proposed change of use, by virtue of the inadequate parking provision within the site, and the resulting increased demand that would occur for on street parking from the occupiers of the HMO together with the limited scope to utilise alternative means of transport in this particular location, the proposed development would have a detrimental impact on the parking opportunities available in the locality and be harmful to the appearance of the area as well as to the convenience and amenity of neighbouring residential occupiers. As such, the proposed parking provision for the occupiers of the HMO property would be unsatisfactory, would lead to unacceptable parking pressure upon the local streets and would thereby impact upon highway safety. For these reasons, the proposed development would not comply with Policy CC3 of the Spelthorne Borough Core Strategies and Policies DPD (2009).</p>
Inspector's Comments	<p>The Inspector considered that there were three main issues:</p> <ul style="list-style-type: none"> • Whether the proposed development makes adequate provision for parking off road and the effect on highway safety. • The effect of the proposed car parking provision on the character and appearance of the area. • The effect of the proposed car parking provision on the living conditions of the occupants of the proposed development and nearby residents. <p>On the parking issue, the Inspector noted that Surrey County Council, as county highway authority (CHA), had not raised any highway safety concerns. The CHA had calculated that the development would generate a demand for five parking spaces. Of these, two spaces would be provided on site, took the view</p>

that three on street parking spaces could be safely accommodated on the street. The Inspector commented that he attached *“considerable weight to the views of the highway authority on this matter”*.

The Inspector noted that the site was located within a reasonable walking distance of public transport links and the site was in a sustainable location” *with access to a range of services and where there are opportunities to travel other than by car”*. He also took the view that the occupants are likely to be transient in nature and it was doubtful that all residents of the proposed HMO would have access to a car and would be likely to use the alternative transport means available in the locality.

The Inspector also considered that the proposal would not give rise to any demonstrable highway safety issues. On parking within the local area, the Inspector noted that he observed during his site visit *“that there was ample opportunity to park on Springfield Road and the surrounding streets..... although I accept that the demand for on street car parking is likely to increase in the evening.”* However he made reference to the fact that the highway authority was quite clear that the proposed parking arrangements were adequate for the proposed development.

The Inspector concluded on this issue that overall he *“found that the site lies within a sustainable location and that the proposed two car parking spaces are adequate to accommodate the scale of HMO use proposed. Consequently, the proposal would make adequate provision for off street parking which would not result in any highway safety issues. As such, there would be no conflict with Policy CC3 {of the Local Plan}”*

On the issue relating to character and appearance, the Inspector note that the front of the site already had a hardstanding and it could be used for the parking of cars, bicycles and motorcycles. However he felt that the *“this use of the hard-standing area would not be any different to that of several other properties in the locality and in particular those directly opposite”* and would not *“cause any demonstrable harm to the character and appearance of the area”*.

The inspector commented further that it was *“not uncommon for streets in urban areas where there are limited opportunities for off street parking to have a significant number of cars parked on both sides of the street”*. Indeed, he observed at his site visit that unrestricted parking occurred on both sides of the street on Springfield Road and the surrounding streets and that this was *“part of the established character and appearance of the area”*. *The Inspector also felt that if the area is already fully*

	<p>parked in the evening, <i>“it would not unacceptably change the appearance of the area.”</i></p> <p>On the issue relating to living conditions, the Inspector I did not consider that the parking of vehicles on the frontage of the site would cause any detrimental noise and disturbance of an extent which could result in the appeal being dismissed. He observed that the outlook from the front windows which would overlook the parking area would be very similar to that from the front windows of the bungalows opposite and this was not uncommon in relatively dense residential urban environments, such as the area of the appeal site.</p> <p>Accordingly the appeal was allowed subject to conditions.</p>
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Site	Satsun, Park Road, Shepperton
Enforcement Notice ref.:	15/00033/ENF,
Breach of Planning Control:	<p>The carrying out on the land of building, engineering, mining or other operations being;</p> <p>Erection of rear and side extension following demolition of toilet and shower building and use of the building as a permanent residential dwelling.</p>
Appeal Reference	APP/Z3635/C/15/3136493
Appeal Decision Date:	23 August 2016
Inspector’s Decision	Dismissed
Reasons for serving the Enforcement Notice	<ol style="list-style-type: none"> 1. The proposal represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated, contrary to Saved Local Plan Policy GB1 and Section 9 of the National Planning Policy Framework 2012. 2. The site is located within Flood Zone 3b (greater than 1 in 20 year chance of flooding) and the use of the building as a permanent residential unit and therefore the creation of a new dwelling, is a 'more vulnerable' use in this area, and would be inappropriate to place more people at risk from flooding. Furthermore, the extension will impede the

	<p>flow of flood water and cause greater flood risk on people in a wider area. The proposal is therefore contrary to Policy LO1 of the Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on Flooding July 2012.</p>
Inspector's Comments	<p>The appellant appealed on the following grounds:</p> <p><i>d) that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice;</i></p> <p><i>f) that steps required to comply with the requirements of the enforcement notice are excessive and lesser steps would overcome the objections; and</i></p> <p><i>g) the time given to comply with the notice is too short.</i></p> <p>On ground (d): the Inspector concluded that at the time the enforcement notice was issued it was not too late to take enforcement action against the alleged breaches of planning control and therefore the appeal on this ground should fail.</p> <p>On ground (f), the Inspector noted that the appellant had not advanced any argument to suggest that the second requirement was excessive and he concluded that its requirements were not unduly onerous or excessive and that there were no lesser steps which might remedy the breach in planning control. The appeal on ground (f) therefore failed.</p> <p>Lastly with regards to ground (g) the Inspector concluded that the period for compliance (six months) would be a reasonable and proportionate response to the breaches of control and therefore the appeal on ground (g) also failed.</p>

Site	8 Wychwood Close, Sunbury On Thames
Planning Application no.:	16/00162/HOU
Proposed Development	Erection of a part two storey, part single storey rear extension
Appeal Reference	APP/Z3635/D/16/3149984
Appeal Decision Date:	30 August 2016

Inspector's Decision	Allowed
Reasons for Refusal	The proposed development by reason of its scale, location and design, would have an unacceptable overbearing impact on no. 143 Vicarage and result in a harmful loss of privacy. The proposal is therefore contrary to Policy EN1 of the Spelthorne Local Development Framework 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 <i>"ethe main issue to be determined in this appeal is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance or intrusion on privacy)"</i>.</p> <p>The Inspector considered that because of its scale the proposed new extension would not have an undue visual impact on its closest neighbours to the north of south.</p> <p>With regards to the impact of the proposal on no. 126 Vicarage Road to the rear of the site, he considered that at ground floor level neither the additional bulk of the building, nor its rear facing windows would be particularly noticeable in view of the nature of the rear boundary fence and the outbuilding which is situated against it.</p> <p>He acknowledged that the first floor projecting element and rear bedroom window would be more obvious from the neighbouring garden. However he noted that no. 126 Vicarage Road has a much deeper rear garden with a result that there is a <i>'good separation distance between the dwellings themselves'</i>. He considered that although the extension at first floor would have a closer relationship to the rear of the neighbours garden (in terms of bulk and appearance) <i>'it would not be constructed across the full width of the existing house, being more limited in scale and would be subservient to the main house in visual terms.'</i></p> <p>The proposed rear window of the extended bedroom would be closer to the boundary, but the Inspector considered that there would <i>"be only a modest decrease in the distance between the neighbouring garden and the nearest window."</i> He also commented that the boundary was marked by a row of conifers that do not appear to be under threat. He concluded that the extension would not cause unacceptable intrusion into the privacy of neighbours.</p>

Site	15 Stanwell Gardens, Stanwell
Planning Application no.:	16/00001/HOU
Proposed Development	Hip to gable roof alteration with a rear dormer and installation of rooflights in front elevation, as well as erection of a part single, part two storey rear and side extension.
Appeal Reference	APP/Z3635/D/16/3153977
Appeal Decision Date:	6 September 2016
Inspector's Decision	Dismissed
Reasons for Refusal	The proposed development by reason of its scale, location and design would unbalance the pair of semi-detached properties of 14 and 15 Stanwell Gardens. It fails to respect the design and proportions of the host building, would cause a terracing effect and would be harmful to the character of the area. Furthermore, the proposed dormer is considered to be unacceptably bulky and a dominant feature of the roof. The proposal is therefore contrary to Policy EN1 of the Spelthorne Local Development Framework 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 the effect of the proposal on the character and appearance of the area.</p> <p>The Inspector considered that the proposed side and rear extensions and the dormer extension would in combination significantly increase the volume of the property. He stated that the proposed extensions would envelop the property <i>'to the flank and rear with what would appear to be a series of cumulative additions, creating a complicated and bulky arrangement of forms and roof profiles'</i> which would not be in keeping with the character and appearance of the surrounding area.</p> <p>The Inspector felt that the two storey side extension would appear subservient to the host building but stated that <i>'the presence of the two-storey extension to no. 16 means that even so it would create a terracing effect, closing the gap between the</i></p>

	<p><i>two buildings, and failing to respect the character and appearance of the area.'</i></p> <p>The Inspector noted the appeal decision relating to no. 5 Stanwell Gardens but considered that the two cases are not entirely comparable as it was possible to retain a gap between the nos. 5 and 6 in keeping with the area.</p> <p>Finally, the Inspector concluded that <i>'the proposed development would harm the character and appearance of Stanwell Gardens'</i> and that it was contrary to Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.</p>
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FUTURE HEARING / INQUIRY DATES

Council Ref.	Type of Appeal	Site	Proposal	Case Officer	Date
16/00025 /FUL	Hearing	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.	KW/LT	TBA