



Planning Committee

26 June 2024

Planning Appeals Report – V1.0 ISSUED

Appeals Started between 23 April 2024 – 12 June 2024

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
23/00830/TPO 7 Thames Gate Laleham Staines-upon-Thames	24.04.2024	Fast Track Appeal	APP/TPO/Z3635/9874 TPO14/STA/T12 - 1 x Scotts Pine to remove the tree to ground level and replant with similar species.
23/01410/HOU	03.05.2024	Fast Track Appeal	APP/Z3635/D/24/3339668

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4 Russington Road Shepperton TW17 8HN			Erection of double storey side and rear wrap around extension with front porch As shown on drawing numbers: Site location Plan; RRP01; RRP02; RRP03; RRP04; RRP05; RRP06 ELEVATIONS-PROPOSED ; RRP06 FIRST FLOOR PLAN - PROPOSED; RRP07 received 23.11.2024
23/01536/FUL Fir Tree Place Church Road Ashford	01.05.2024	Written Representation	APP/Z3635/W/24/3340544 Construction of an additional floor to create 7 no. self-contained flats.
23/00121/OUT Land East Of Vicarage Road Sunbury-on-Thames TW16 7LB	28.05.2024	Public Inquiry	APP/Z3635/W/24/3342657 A Hybrid planning application for an Integrated Retirement Community to consist of: a) Full planning application incorporating 38 extra care and 28 close care units (Use Class C2) with an on-site village centre to include a medical facility. Means of access off Vicarage Road, associated infrastructure, landscape buffer and open space. b) Outline planning application for a care home (up to 60 beds) and up to 98 extra care units (Use Class C2), landscaping and open space, parking, infrastructure, and internal access roads (all matters reserved).

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23/01467/HOU 28 Hadrian Way Stanwell Staines-upon-Thames	03.05.2024	Fast Track Appeal	APP/Z3635/D/24/3341314 Erection of single storey rear outbuilding as shown on drawing numbered 28HW/28062022/REV-B received on 29.11.2023
24/00093/FUL Land Adjacent To 1 Hillview Cottages Moor Lane Staines-upon- Thames	22.05.2024	Written Representation	APP/Z3635/W/24/3341573 Erection of a new detached dwelling house with associated parking provision and amenity space
23/01339/FUL Wardle Dental Surgery 68 Church Road Ashford	05.06.2024	Written Representation	APP/Z3635/W/24/3342789 First floor rear extension to create two new studio flats (including amendments to the parking layout granted in planning permission 22/00581/FUL).
24/00110/FUL 68 Church Road Ashford TW15 2TW	05.06.2024	Written Representation	APP/Z3635/W/24/3342794 First floor rear extension to create one new studio flat (including alterations to the parking layout approved in planning permission 22/00581/FUL)

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24/00181/HOU 122 Laleham Road Staines-upon-Thames TW18 2NP	20.05.2024	Fast Track Appeal	APP/Z3635/D/24/3343853 Construction of a vehicle crossover

Appeal Decisions Made between 23 April 2024 – 12 June 2024

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23/00128/FUL Vivienne House Budebury Road Staines-upon-Thames	02.11.2023	Written Representation	APP/Z3635/W/23/3322831 Erection of an extension to the existing building, including an additional third and part fourth floor to provide eight additional flats together with additional car parking cycle storage, refuse and recycling and landscaping	Appeal Dismissed	04.06.2024	<p>The Inspector stated that the main issues were the impact of the proposals upon the character of the host building and the surrounding area, and the impact upon the living conditions of surrounding occupiers.</p> <p>The Inspector noted that the existing building has a symmetrical and largely simple form.</p> <p>The Inspector considered that the height of the extension, together with its projection forward of the building line, would result in an incongruous appearance. It would also dominate and detract from the simple form of the existing dwelling.</p> <p>As the proposals would cause harm to the character and appearance of the host building and to the surrounding area, the Inspector considered it would be contrary to policy EN1 and also to policy HO5.</p>

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						<p>The Inspector noted that the Council's 45° horizontal and vertical guides would be breached by the extension at windows in the existing building, albeit that the horizontal guide would only be breached marginally. It was also noted that the extension would be located to the south of the affected windows. The Inspector concluded that there would be unacceptable harm to outlook and natural light received by those windows.</p> <p>It was noted that the Council does not have a 5-year housing land supply. However, the benefits of the scheme were not considered to outweigh the harm when assessed against the NPPF as a whole and the appeal was refused.</p>
<p>22/01474/FUL</p> <p>The Corner House 2 Staines Road Laleham</p>	20.11.2023	Written Representation	<p>APP/Z3635/W/23/3322916</p> <p>Extension and conversion of existing garages and conversion and works to pool building to create 2no. apartments including hard and soft landscaping, car</p>	Appeal Dismissed	26.04.2024	<p>The Inspector considered the main issues to be the effect of the development on future occupiers and the effect of the development on the character of the area.</p> <p>The Inspector noted 'Flat A' would have a single aspect. Views from</p>

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			<p>parking and new vehicular access including new opening in boundary wall, onto Staines Road, with associated works</p>			<p>the living spaces would all be onto a proposed 2m high hedge in close proximity, where some form of boundary treatment is necessary to avoid overlooking. The Inspector further considered that the bedrooms at 'Flat A' would have views impeded by the two-storey built form of the 'Corner House'. Outlook to 'Flat A' would therefore be impeded to an unacceptable degree. The Inspector further considered that the first-floor windows at the 'Corner House' would result in a perception of overlooking.</p> <p>The Inspector further considered that the amenity space for 'Flat A' would not meaningfully function as garden or amenity space given its restricted size and would be afforded little privacy. It would also fall significantly short of the 60m² minimum garden size guidance in the SPD on design. The Inspector therefore found that the living conditions for future occupiers of 'Flat A' would be unacceptable.</p>

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						<p>In terms of character, the Inspector noted that the site sits in Staines Road and the Broadway, and there are further small plots in the Broadway. For this reason, the Inspector found no harm to the character of the area.</p> <p>Whilst the Inspector noted that the Council cannot demonstrate a 5-year housing land supply, the benefits of the addition of dwellings to 5-year land supply were not considered to outweigh the harm to future occupiers of 'Flat A'. The appeal was therefore dismissed.</p>
<p>23/00494/ADV</p> <p>River View Lodge 7 - 11 Manygate Lane Shepperton</p>	12.10.2023	Written Representation	<p>APP/Z3635/Z/23/3325743</p> <p>Display of adverts including 1 x Monolith; 2 x flags; 2 x hanging signs; various banners/boards as shown on drawings numbered 20058SP P01 and 291 Rev D received on 19 April 2023</p>	Appeal Dismissed	10.06.2024	<p>The Inspector considered the main issue was amenity.</p> <p>He considered the flags would be tall and large, with the monoliths and railing banners also being large and clearly visible. These larger signs would be arranged and seen in succession along the front boundary, resulting in significant and harmful visual clutter.</p> <p>He concluded that, '<i>... the number, size and scale of the advertisements</i></p>

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						<p><i>proposed would make them an unduly prominent and dominant feature in the street scene.' And the cumulative impact would harm amenity in this residential area where advertisements are not part of the character of the area.</i></p> <p>Consequently, the proposal would harm amenity and would therefore conflict with NPPF which sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.</p>
<p>23/00541/OUT</p> <p>33 Ashford Crescent Ashford TW15 3EF</p>	08.02.2024	Written Representation	<p>APP/Z3635/W/23/3327918</p> <p>Outline application with access, layout and scale to be assessed, for the demolition of the existing bungalow and erection of 3 new dwelling houses</p>	Appeal Allowed	03.06.2024	<p>The Inspector considered that given the variation in property widths and design on this side of the road the proposed would not cause visual harm.</p> <p>The Inspector noted that although concerns had been raised in respect of the detailed design and materials, matters of appearance and landscaping would be considered at reserved matters stage. The Inspector considered that the proposal would have an acceptable</p>

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						effect on the living conditions of the occupants of No.35. The Inspector noted that the Council accept that it is unable to demonstrate a five-year supply for housing and the proposal benefits from the presumption in favour of sustainable development, this is a material consideration which weighs in favour of the development. The appeal was therefore allowed.
23/00546/HOU Little Stoatswold 43 Lower Hampton Road Sunbury-on-Thames	26.01.2024	Fast Track Appeal	APP/Z3635/D/23/3332038 Retrospective planning for a single storey wrap around extension and cantilevered deck extension.	Appeal Dismissed	24.05.2024	The Inspector noted that planning permission was granted for a replacement dwelling on the site in December 2019. The Council assert that the replacement house had a gross internal area of 51sqm and that the extension that is the subject of this appeal adds a further 32sqm. the extension has entailed a significant increase in the size of the property. The extension does not therefore conform to the exceptions to inappropriate development set out in the Framework and would conflict with Policy GB1 as it is not a limited extension of the existing

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						<p>dwelling. The development is therefore inappropriate by definition.</p> <p>The Inspector also noted the appeal site is within flood risk zone 3 with a high probability of flooding. The appellant's flood risk assessment appears to relate to an outbuilding and is dated 2019 and does not provide reassurances of the effects of the extension and decking. In the absence of substantive evidence to the contrary, the development could cause harm in terms of flood risk. The proposal would conflict with Policy LO1 of the CS and the Flooding SPD 2012, as well as the Framework.</p> <p>While there would be benefits arising from the size of the accommodation, this would not clearly outweigh the harm identified to the Green Belt and to the risk of flooding, which attract substantial weight. As a consequence, the very special circumstances necessary to justify the development do not exist.</p> <p>The proposal would conflict with the development plan as a whole and</p>

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						there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore the appeal is dismissed.
23/00832/FUL 58 Green Lane Shepperton TW17 8DT	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	Appeal Dismissed	28.05.2024	The Inspector considered that the introduction of built form on this site, in the layout and scale proposed would unacceptably undermine the open rear area and harmfully erode the characteristic pattern of development in this location. Furthermore, the design of the proposed roof form would be overly bulky and would not be characteristic of the locality. The proposed development would also have a harmful impact on the living conditions of nearby occupiers. Although the proposal would provide a single new dwelling which would support the Government's target to significantly boost the supply of homes, the significant adverse effects of the development would outweigh the modest benefits. Consequently, the Inspector concluded that the presumption in

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						favour of sustainable development would not apply, and the appeal was dismissed.
23/00958/FUL Shepperton Road Shepperton TW17 0JJ	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	Appeal Allowed	04.06.2024	<p>The Inspector identified that the main issues were whether the proposals amounted to inappropriate development in the Green Belt, the effect upon the openness of the Green Belt, the impact upon the character of the area, and whether the harm by reason of inappropriateness, and other harm would clearly be outweighed by other considerations amounting to 'very special circumstances'.</p> <p>The Inspector considered that the proposal did amount to inappropriate development.</p> <p>The Inspector further considered that the proposal would result in harm to spatial openness, as well as visual harm to openness.</p> <p>However, the Inspector considered that the proposals would not harm the character of the area in the</p>

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						<p>context of the existing electricity pylons.</p> <p>The Inspector was satisfied that there were no alternative sites for the proposals. They also noted the benefits of 5G coverage.</p> <p>The Inspector concluded that the benefits of the proposals, in the most suitable location, clearly outweigh the harm to the Green Belt, and was satisfied that 'very special circumstances' exist which justify the development. The appeal was therefore allowed.</p>
<p>23/00563/FUL</p> <p>Land To Rear Of 12 Park Road Ashford TW15 1EY</p>			<p>Retrospective application for the change of use of the land from private parking to use as a short-term car parking storage for airport parking</p>	<p>Invalid</p>	<p>25.04.2024</p>	<p>The appellant did not submit the required documents within the 6-month appeal period and the Inspectorate turned away the appeal.</p>

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.

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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.

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19/00015/ENF Riverbank 1 The Creek Sunbury On Thames	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 dwelling house, garage, boathouse, associated terracing and planters, steps, walls, pillars and hardstanding.			<p>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 Appellant to PINS as requested by the Inspector.</p> <p>June 2024 – The Inspector has requested further comments from the Appellants and the Council regarding the steps required in the Enforcement Notice. The Inspector may reopen the hearing for further submissions of evidence. Currently waiting for a decision from the Inspector.</p>