



Planning Committee

24 July 2024

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

**Appeals Started between 13 June 2024 – 08 July 2024**

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
24/00179/HOU <b>22 Cecil Road Ashford TW15 1RJ</b>	17.06.2024	Fast Track Appeal	APP/Z3635/D/24/3345780 Erection of a single storey side and rear extension (following the demolition of existing side garage and side glass lean to).

**Appeal Decisions Made between 13 June 2024 – 08 July 2024**

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
23/01073/FUL  <b>34 Village Way Ashford TW15 2LB</b>	25.03.2024	Written Representation	APP/Z3635/W/23/3333645  Extension of a driveway facilitating change of use from amenity land to residential parking	Appeal Dismissed	04.07.2024	<p>The main issue is the effect of the development on the character and appearance of the area.</p> <p>The Inspector states the proposal would result in the loss of a section of the grassed area to accommodate a parking bay. The Inspector states the consolidated presence of a vehicle, in an area clearly not originally designed for parking would appear incongruous in this setting. Therefore, the Inspector concludes that the proposed development would result in the harm to the character and appearance of the area contrary to Policy EN1 and the Policies DPD 2009.</p>
23/00865/FUL  <b>5-7 &amp; 9 Station</b>	20.12.2023	Written Representation	APP/Z3635/W/23/3333864  Demolition of existing office buildings, and construction of 40 new residential units together	Appeal Dismissed	05.07.2024	<p>The Inspector considered that the main issues are character and appearance and effects on the living conditions of the occupants of nearby properties.</p>

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<p><b>Approach &amp; 21 Woodthorpe Road Ashford TW15 2RP</b></p>			<p>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.</p>			<p>In regard to the character of the area, the inspector notes that the proposal would respect the building heights of the surrounding area, and the top storeys would be recessed. He notes that <i>'...given the dispersed nature of taller buildings across the area and their existing impacts on the townscape, I do not consider the visual effects of the height and massing of the blocks would cause visual harm.'</i> He concluded that the proposed site layout would not appear uncharacteristic in this context.'</p> <p>Notwithstanding this, the Inspector notes there is consistency in the appearance of the buildings on the street frontage. The proposal would deviate significantly from the established storey heights, window levels and horizontal lines and when viewed in combination with the detailed design and proportions, <i>'...this would amount to a substantially incongruous addition</i></p>

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						<p><i>which would contrast heavily with its context.</i> Concluding that the proposal would cause harm to the character and appearance of the area by reason of the design of the Station Approach frontage. While the effects would be limited predominantly to localised views around Station Approach, the effects would nonetheless be very significant. The proposal would conflict with Policy EN1</p> <p>The Inspector considered that the proposal would not cause unacceptable harm to the living conditions of occupants of nearby properties and would comply with Policy EN1.</p> <p>Accordingly, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.</p>

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23/01094/PAP  <b>90 Staines Road East Sunbury-on-Thames TW16 5BB</b>	04.04.2024	Written Representation	APP/Z3635/W/24/3336963 Prior approval notification for two additional storeys on top of existing detached block of flats comprising 4 x 2-bedroom units following removal of existing unit in the roof space, including alterations to the parking layout and the creation of new car parking spaces.  As shown on drawing numbers: LOCATION PLAN SHEET 600; BLOCK PLAN SHEET 601; EXISTING AND PROPOSED ELEVATIONS SHEETS 120; 121; 220; 221; EXISTING SITE LAYOUT SHEET 102; SECTIONS SHEET 240 (All revision R1) received 25.08.2023  and	Appeal Dismissed	21.06.2024	The Inspector accepted amended plans that resulted in the proposed development complying with the legislation under Schedule 2, Part 20, Class A of the GPDO, however considered that prior approval should not be granted when assessed against the external appearance of the building. The Inspector concluded that the proposal would significantly increase the scale of the appeal property and the resulting building would be far taller than its neighbours and the overall increase in the height and mass of the resulting building including the dormers and gable features would not be in proportion with the surrounding residential buildings and the proposal would appear visually obtrusive within the street scene.

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			EXISTING AND PROPOSED FLOOR PLANS SHEETS 100; 101; 200; 201; PROPOSED SITE LAYOUT SHEET 203; ROOF PLAN SHEET 202 (All revision R1) received 05.09.2023			
23/01407/HOU  <b>16 Nursery Gardens Sunbury-on-Thames TW16 6LQ</b>	06.03.2024	Fast Track Appeal	APP/Z3635/D/24/3338213  Retrospective planning application for the retention of outbuilding in rear garden.	Appeal Allowed	14.06.2024	The Inspector considered that while visible, the outbuilding would not be so overbearing on the garden of no.14 that it would result in significant harm to the living conditions of the occupiers. The Inspector considered that it would also not cause significant harm to outlook.

Current/Future Hearings/Inquiries

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
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.

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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.



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<b>19/00015/ENF</b>  <b>Riverbank 1</b> <b>The Creek</b> <b>Sunbury On</b> <b>Thames</b>	07.06.2023	Public Inquiry 7-8 February 2024	APP/Z3635/C/23/3320593 APP/Z3635/C/23/3320594 APP/Z3635/C/23/3320595  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.	Part Allowed/Part Dismissed	21.06.2024	<p>The Inspector part allowed the appeal and the Enforcement Notice was upheld with variations.</p> <p>The appeal on grounds F and G was allowed. The Inspector removed the requirement to regrass the site. In addition, a small section of the perimeter wall located between the front entrance gate and the north-eastern boundary, which benefits from planning permission granted under reference 19/00758/FUL was removed from the Enforcement Notice plan. The Inspector also amended the compliance period from 4 months to 12 months.</p> <p>However, the Inspector dismissed the appeal on grounds A, B, C and D and</p>

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						<p>agreed with the LPA and made the following decision:</p> <p>1. Either:</p> <p>(a) alter the development so that it complies in all respects with the terms of planning permission 17/01464/FUL dated 18 April 2018 including the conditions subject to which that permission was granted;</p> <p>OR</p> <p>2. Carry out the following works:</p> <p>a. demolish the main dwelling house;</p> <p>b. demolish the garage;</p>

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						<p>c. demolish the associated terracing and planters;  d. demolish the steps;  e. demolish the walls, gates and pillars;  f. remove the hardstanding; and  g. remove all resultant materials for steps 1(b)-(a-f). 2;</p> <p>and</p> <p>3. demolish the boathouse and remove all resultant materials from its demolition.</p> <p>In addition, the appellant's application for an award of costs against the LPA was also dismissed, with the Inspector commenting;</p> <p><i>"I find that the Council acted reasonably in respect of the</i></p>

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						<i>appeals, which is reflected in the ultimate outcome of the appeal decision."</i>