



Planning Committee

18 September 2024

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

**Appeals Started between 09 July 2024 – 04 September 2024**

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
23/00070/FUL <b>Hazelwood Hazelwood Drive Sunbury-on-Thames</b>	16.07.2024	Hearing	APP/Z3635/W/24/3343497 Planning application for residential development comprising 67 units with the provision of landscaping, access, parking and associated works.
24/00269/RVC	10.07.2024	Written Representation	APP/Z3635/D/24/3345196

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
<b>Tower House Chertsey Road Shepperton</b>			Removal of condition 4 (permitted development rights) relating to planning permission PA/01/0224  As shown on the site location plan and supporting planning statement received 04.03.2024.
24/00155/FUL  <b>30 Nettlefold Place Sunbury-on-Thames TW16 6BD</b>	11.07.2024	Written Representation	APP/Z3635/W/24/3346327  Retention of replacement timber fencing to SW and W boundary and retention of enlarged amenity space including releveling of this area
24/00078/HOU  <b>Herne The Creek Sunbury-on-Thames</b>	23.08.2024	Written Representation	APP/Z3635/W/24/3346624  Retrospective application for retention of existing dormer (as shown on location plan rec'd 22.01.2024, and Herne 01/Dormer C rec'd 25.03.2024.
24/00232/HOU  <b>42 Lynegrove Avenue Ashford TW15 1ER</b>	12.07.2024	Fast Track Appeal	APP/Z3635/D/24/3346765  Erection of first floor side extension with partial garage conversion (as shown on loc plan, 42LG-001/3 rec'd 26.02.2024 and 42LG-001/2 rev 2, 42LG-001/4 rev 2 rec'd 11.03.2024).
24/00577/FUL	02.09.2024	Written Representation	APP/Z3635/W/24/3348201  Change of Use of Basement and Ground Floor from a vacant Bank to an Adult Gaming Centre (AGC)

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
<b>Barclays 39 Church Road Ashford</b>			As shown on drawing no's: Site location Plan; 39ChrAGC/FUL/24/01; 39ChrAGC/FUL/24/02; 39ChrAGC/FUL/24/03 received 08.05.2024

**Appeal Decisions Made between 09 July 2024 – 04 September 2024**

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
20/00210/ENF  <b>Land At The Boatyard Clarks Wharf Thames Street</b>	01.02.2023	Written Representation	APP/Z3635/C/23/3314071 Appeal against serving of an Enforcement Notice for without planning permission, the material change of use of the land from a sui generis use as a boatyard, to part boatyard and part residential use.	Appeal Dismissed	09.07.2024	Ground (d) appeal - No evidence has been put forward to suggest the residential use has gone on for more than 10 years so the appeal fails.  Ground (a) appeal - The boat's residential use is harmful to the amenities of neighbours and so is contrary to policy EN1.
23/00198/CLD  <b>4 Thetford Road Ashford TW15 3BW</b>	31.10.2023	Written Representation	APP/Z3635/X/23/3329073 Certificate of Lawfulness for an existing garage having been converted to a self-contained residential unit/flat since 2010 without interruption.	Appeal Dismissed	20.08.2024	The Inspector considered that the analysis of the evidence showed that there are significant periods when the flat was not occupied and no other supporting evidence was provided and overall, the Inspector found that the appellant's evidence was imprecise and ambiguous and did not show that, on the balance of probabilities, the flat was occupied without significant interruption for any four-year period.
22/00058/ENF	07.12.2023	Written Representation	APP/Z3635/C/23/3334551 Appeal against serving of an Enforcement Notice.	Appeal Dismissed	09.07.2024	The Inspector upheld the notice but corrected the allegation to remove the reference to a leisure plot. He

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
<b>Land To The East Of Moor Lane Staines-upon-Thames</b>			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.			allows the retention of the mobile home. The horse box needs to be removed.  The effect of this is that the appellant does not need to do anything now to comply with the notice, other than remove the horse box.
23/00687/FUL  <b>Osmanstead Condor Road Laleham</b>	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	Appeal Dismissed	21.08.2024	The Inspector considered that the main issues are the effect of the proposal on the character and appearance of the area and whether it would preserve or enhance the Laleham Conservation Area (LCA). The Inspector considered that the overall roof form and materials to be used, the scale and overall massing of the proposed buildings would appear more urban and developed, at odds with the village like appearance of the conservation area and would appear contextually incongruous and would fail to respond positively to its context and given its prominence would be of an inappropriate design that would harm the character, appearance and significance of the LCA and would fail to preserve or enhance it. The

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
			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.			Inspector considered that this harm outweighed any public benefits of the proposal including a modest contribution to housing supply and concluded that the proposal would therefore be contrary to Policies EN1 and EN6 of the Spelthorne CS&P DPD and would not accord with the Framework which seeks to conserve and enhance the historic environment, ensuring new development is responsive to local history, culture and heritage.
23/00771/FUL  <b>Land Adjacent To 41 Chaplin Crescent Sunbury-on-Thames TW16 7JD</b>	27.03.2024	Written Representation	APP/Z3635/W/23/3335395  Demolition of existing garage and erection of bungalow with associated parking and amenity space.	Appeal Allowed	19.08.2024	The Inspector considered that the single storey nature of the dwelling, coupled with the corner location behind the existing garages, would obscure views of the proposal to glimpses only. Therefore, despite occupying a 'back land' location, its low-level stature would not appear as dominant or out of keeping.
23/01410/HOU  <b>4 Russington Road</b>	03.05.2024	Fast Track Appeal	APP/Z3635/D/24/3339668  Erection of double storey side and rear wrap around extension with front porch	Appeal Allowed	24.07.2024	The Inspector noted that there would be some appearance of terracing as the extension abuts the neighbouring dwelling and would result in some loss of the gap

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
<b>Shepperton TW17 8HN</b>			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			between the properties. However, the Inspector concluded that in view of the previous extensions to neighbouring properties, the street scene will remain relatively unchanged, and any terracing effect would be minimal and the proposal would not cause harm to the character and appearance of the area. Therefore, it would comply with Policy EN1 of the Spelthorne CS&P DPD (2009) and the Design SPD (2011).
23/01467/HOU  <b>28 Hadrian Way Stanwell Staines-upon- Thames</b>	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	Appeal Dismissed	26.07.2024	The Inspector considers the main issues to be the character and appearance of the area; and the living conditions of the occupiers of 24  Hadrian Way with specific regard to outlook.  He notes that ' <i>...the land take and height of the proposed outbuilding would appear obvious in the street scene as one of authority and noticeable presence where one would normally expect, given the above context, to see something far</i>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p><i>more recessive against its host and primary building. In character terms, the building's overall scale would buck the trend and pleasant hierarchical pattern of building relationships, competing for dominance within the plot. These matters would detrimentally affect the consistency of the locality and thus harm the character and appearance of the area. ' Therefore, the proposal would conflict with Policy EN1 and the SPD on design.</i></p> <p>IN regard to the impact on the amenity of the neighbouring residential property, the Inspector notes that the outbuilding would be close to three metres in height. The rear elevation, abutting no. 24 would be a long, tall and continuous blank brick wall, without feature or visual interest, and would, '<i>...be oppressive to users of the garden of No 24 to the extent that it would present an overbearing effect that would lead to an unacceptably poor standard of outlook.'</i></p>



Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p>Therefore, the proposal would conflict with Policy EN1 and the PPD which, amongst other things, seek to ensure that living conditions of properties are protected</p> <p>The Inspector goes on to note that he is aware of the history of the appeal site and specifically a dismissed appeal for a similar building, but considers '<i>...it is sufficiently clear that the changes that have been made to the scheme as it now stands have not gone sufficiently far to be acceptable.</i>'</p>
<p>24/00181/HOU</p> <p><b>122 Laleham Road Staines-upon-Thames TW18 2NP</b></p>	20.05.2024	Fast Track Appeal	APP/Z3635/D/24/3343853 Construction of a vehicle crossover	Appeal Dismissed	21.08.2024	<p>The Inspector considered that a parked vehicle on this frontage would possibly hang over the well-used pavement, with pedestrian safety implications. The cross over, particularly at this scale, would also add limitations to the scope and capacity for safe on-street parking.</p> <p>A further concern was regarding visibility along the highway from the site. The Inspectors assessment was that the proximity of above eyeline-height third-party-controlled</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p>obstructions to visibility, the narrow footway, parked cars abutting, and the curved alignment of the road all combine to create a situation where there would simply be inadequate visibility splays for a residential access onto this type of road.</p> <p>Overall, the Inspector concluded that</p> <p>the appeal scheme would run contrary to Policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document (2009) which seeks to ensure suitable access and egress to the public highway and to protect highway safety.</p>
<p>24/00179/HOU</p> <p><b>22 Cecil Road Ashford TW15 1RJ</b></p>	17.06.2024	Fast Track Appeal	<p>APP/Z3635/D/24/3345780</p> <p>Erection of a single storey side and rear extension (following the demolition of existing side garage and side glass lean to).</p>	Appeal Allowed	25.07.2024	<p>The Planning Inspector noted that the depth and scale of properties in the vicinity vary, and whilst doubling the size of the existing property, he considered that the proposed single storey side/rear extension would not be disproportionate to the plot. Whilst being extensive extension, the Planning Inspector considered that the flat-roofed extension would not be overly prominent in the street</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						scene. Consequently, the appeal was allowed.
24/00232/HOU  <b>42 Lynegrove Avenue Ashford TW15 1ER</b>	12.07.2024	Fast Track Appeal	APP/Z3635/D/24/3346765 Erection of first floor side extension with partial garage conversion  (as shown on loc plan, 42LG-001/3 rec'd 26.02.2024 and 42LG-001/2 rev 2, 42LG-001/4 rev 2 rec'd 11.03.2024).	Appeal Dismissed	21.08.2024	The Inspector agreed that a first floor set-in is very much a characteristic of the avenue as a whole and the sense of space and visual gaps resulting from this make a valuable contribution to the quality of the streetscene. He considered that the proposal would markedly impinge upon this and would have a negative impact on visual amenity.

**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 Planning Inspectorate has now deemed that this case should be dealt with by Written Representation rather than a Hearing.
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 Planning Inspectorate has now deemed that this case should be dealt with by Written Representation rather than a Hearing.

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
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 Planning Inspectorate has now deemed that this case should be dealt with by Written Representation rather than a Hearing.
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 Planning Inspectorate has now deemed that this case should be dealt with by Written Representation rather than a Hearing.

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

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

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



Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
						<i>appeals, which is reflected in the ultimate outcome of the appeal decision."</i>
23/00121/OUT  <b>Land East Of Vicarage Road Sunbury-on-Thames TW16 7LB</b>	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),			The Public Inquiry has been scheduled to take place in the Council Chambers on the following dates:  18 – 20 September 2024  and  30 September – 4 October 2024

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
			landscaping and open space, parking, infrastructure, and internal access roads (all matters reserved).			
23/00070/FUL  <b>Hazelwood Hazelwood Drive Sunbury- on-Thames</b>	16.07.2024	Hearing	APP/Z3635/W/24/3343497  Planning application for residential development comprising 67 units with the provision of landscaping, access, parking and associated works.			The Public Inquiry has been scheduled to take place in the Council Chambers on the following dates:  22 – 23 October 2024