



# RUNNYMEDE BOROUGH COUNCIL

## PLANNING COMMITTEE

1 SEPTEMBER 2004

### APPENDICES

<u>APPENDIX</u>	<u>REPORT</u>	<u>PAGE. NO.</u>
A	MINUTES – 4.8.04	1
B	APPEAL DECISION - HANOVER HOUSE	13
C	APPEAL DECISION - HORNING, OAKEND WAY	23
D	PLANNING APPLICATIONS DETERMINED BY DIRECTOR OF TECHNICAL SERVICES	29

Runnymede Borough CouncilPLANNING COMMITTEEAPPENDIX 'A'4 August 2004 at 7.30 p.m.

Members of the  
Committee present:

Councillors G.B. Woodger (Chairman), Mrs. F.M. Angell (Vice-Chairman),  
J.R. Ashmore, Mrs. F.J. Barden, J. Broadhead, Mrs. P.I. Broadhead, J.B. Dean,  
H.W.V. Meares, Mrs. J. Norman, D.W. Parr, R.J. Ray, B.J. Relph, N. Thewlis,  
A.P. Tollett and J.R. Whiteley

Members of the  
Committee absent:

None

Councillors A. Alderson, C. Knight and C.J. Norman also attended.

NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

The Groups mentioned below had notified the Chief Executive Officer of their wish that the changes listed below be made to the membership of the Committee. The changes were for a fixed period ending on the day after the meeting and thereafter the Councillors removed would be reappointed.

Group requesting Change	Remove from Membership	Appoint Instead
Labour	Councillor R. Pate	Councillor R.J. Ray
Conservative	Councillor J.R. Furey	Councillor Mrs. P.I. Broadhead

The Chief Executive Officer had given effect to these wishes in accordance with Section 16(2) of the Local Government and Housing Act 1989.

MINUTES

The Minutes of the meeting of the Committee held on 28 June 2004 were approved and signed as a correct record.

DECLARATIONS OF INTEREST

The following interests were made under the Runnymede Code of Conduct for Members by the Councillors shown.

Councillor	Item	Nature of Interest
J.R. Whiteley	Lone Pine and Amberwood, Christchurch Road, Virginia Water - Enforcement	Personal and prejudicial – immediate neighbour
A.P. Tollett	Fullbrook School, New Haw (04/0702)	Personal – Council appointee to School Governors
Mrs. F.M. Angell	Fullbrook School, New Haw (04/0702)	Personal and prejudicial – School Governor

PLANNING APPLICATIONS

The planning applications listed below were considered by the Committee. All representations received on the applications were reported and copies were made available for inspection by Members before the meeting. Members of the public and/or applicant(s)/agent(s) spoke on those applications identified below.

**RESOLVED that -**

The following applications be determined as indicated and any permission granted be subject to the conditions authorised.

<u>APP. NO.</u>	<u>LOCATION, PROPOSAL AND DECISION</u>
RU 04/0593	<p>124 Green Lane, Addlestone Erection of one three storey building consisting of 6 no. x two bedroom flats and parking to the rear following demolition of existing building <b>DECISION: REFUSE</b> for the following reasons:</p> <ol style="list-style-type: none"> <li data-bbox="694 573 1422 1099">1. The proposed development by reason of its siting, height, bulky roof and design, insufficient on-site car parking would be a cramped form of development resulting in the loss of a tree covered by a Tree Preservation Order and be out of character with the surrounding area and detrimental to the visual amenities of the street scene, contrary to Policies PE10 and MT5 of the Surrey Structure Plan November 1994, Policies SE4 and DN3 of the Surrey Structure Plan Deposit Draft 2002 (Proposed Modifications June 2004), Policies HO9, NE13, MV9 and BE2 of the Runnymede Borough Local Plan Second Alteration April 2001 and the Surrey Design (including Principle 7.3) January 2002 and By Design.</li> <li data-bbox="694 1133 1422 1413">2. The proposed development would, by virtue of the internal access road and car parking areas in close proximity to adjoining residential properties be likely to lead to unacceptable noise and disturbance to the occupiers of Brook House and No. 126 Green Lane contrary to Policy HO9 of the Runnymede Borough Local Plan Second Alteration April 2001.</li> <li data-bbox="694 1447 1422 1783">3. It has not yet been demonstrated how the development can be made compatible with the transport infrastructure within the area of all transport modes thus causing danger and inconvenience to all other users of the highway contrary to Policy MT2 of the Surrey Structure Plan 1994, Policy DN2 of the Surrey Structure Plan Deposit Draft 2002 (Proposed Modifications June 2004) and Policy MV4 of the Runnymede Borough Local Plan Second Alteration April 2001.</li> <li data-bbox="694 1816 1422 2036">4. The low parking provision allocated for this development is likely to lead to an increase in vehicles parking on the carriageway of this heavily trafficked road, within close proximity to a mini-roundabout junction, leading to conditions prejudicial to the safety and free flow of traffic thus causing danger</li> </ol>

and inconvenience to other users of the highway contrary to Policies MT2 and MT5 of the Surrey Structure Plan 1994, Policies DN2 and DN3 of the Surrey Structure Plan Deposit Draft 2002 (Proposed Modifications June 2004) and Policies MV4 and MV9 of the Runnymede Borough Local Plan Second Alteration April 2001.

**RU 04/0663**

**The Vicarage and Surrey Grange, Vicarage Road, Egham.**

**Erection of 4 blocks of flats (3 and 4 storeys in height) containing 39 x 2 bedroom flats and 1 x 1 bed flat with associated parking, landscaping and access, following the demolition of the existing buildings.**

**DECISION: Subject to the prior completion of a Section 106 Legal Agreement to secure**

- a) The provision of at least 25% affordable housing on this site (with the maximum possible being affordable rented).**
- b All at the developer's expense before the granting of permission:**

**A contribution of £50,000 (index linked at Baxter index rate) towards Local Transportation Plan schemes and initiatives, including improvements to cycle and pedestrian links along Vicarage Road.**

**Provision of £200 vouchers/travel passes, for public transport use, per household on first occupation of each dwelling.**

**Construction of a minimum 2.5m footway (3m wherever possible) to the site frontage and dedication on completion of the land to the Highway Authority all as may be agreed by the Highway Authority.**

**An information pack for the site to accompany any marketing material to include:**

- Mission statement;**
- Individual journey planner detailing means of accessing the site via alternative travel modes;**
- Information on how travel vouchers may be redeemed.**

**The Director of Technical Services be authorised to GRANT permission following consultation where appropriate with the Chairman or in his absence the Vice-Chairman of the Committee subject to conditions.**

**RU 04/0678**

**Locke House, 1 Woodham Lane, New Haw  
Erection of two storey building comprising of 10 no**

flats (9 no x two beds and 1 no x one bed), integral garages, car parking and vehicular access onto Woodham Lane following demolition of existing building.

**DECISION: REFUSE for the following reasons:**

1. **The proposed development would have an extensive built frontage which coupled with its close proximity to the front boundary of the site, its height, mass and scale, insufficient car parking provision, limited amenity space would represent a cramped form of development resulting in an overly dominant building in the street scene, incompatible with its surroundings and detrimental to the visual amenities of the street scene and character of the surrounding area contrary to Policies PE10 and MT5 of the Surrey Structure Plan 1994, Policies SE4 and DN3 of the Surrey Structure Plan Deposit Draft 2002 (Proposed Modifications June 2004), Policies HO9, MV9 and BE2 of the Runnymede Borough Local Plan Second Alteration April 2001, Planning Policy Guidance Note 3 'Housing' March 2000, Supplementary Planning Guidance 'Surrey Design' January 2002 and 'By Design'.**
2. **The proposed development by reason of its height, siting, scale and mass, proximity to common boundaries and materials proposed would have a detrimental impact upon the setting and the character of the adjoining Conservation Area and Listed Building and also be detrimental to views from the adjoining Green Belt contrary to PPG2 'Green Belts', Policies PE1, PE2, PE12 and PE10 of the Surrey Structure Plan 1994, Policies SE4 and SE5, of the Surrey Structure Plan Deposit Draft 2002, Proposed Modifications June 2004, Policies GB1, BE2, BE4, BE5, BE10 of the Runnymede Borough Local Plan Second Alteration April 2001.**
3. **The provision of acceptable visibility splays for the proposed vehicular access would appear to involve the use of land which, as far as can be determined from the application drawings, lies outside the applicant's control. This is likely to prejudice highway safety contrary to Policy MT2 of the Surrey Structure Plan 1994, Policy DN2 of the Surrey Structure Plan Deposit Draft December 2002 and Policy MV4 of the Runnymede Borough Local Plan April 2001.**
4. **The proposed parking and turning area is unsatisfactory to serve the proposed development and would lead to frequent parking and servicing on the carriageway of**

Woodham Lane (a busy B Class distributor route) in close proximity to a roundabout junction (with an A Class route) leading to conditions likely to be prejudicial to the highway safety, inconvenience and free flow of traffic contrary to Policy MT2 of the Surrey Structure Plan 1994, Policy DN2 of the Surrey Structure Plan Deposit Draft December 2002 and Policies MV4 and MV9 of the Runnymede Borough Local Plan April 2001.

5. The proposals include the provision of service gates opening onto the public footway which would be used by occupiers as a means of transferring their domestic rubbish into wheelie bins for collection and for the refuse collection operatives to access the bins. This is likely to lead to the gates obstructing the public footway causing danger and inconvenience to pedestrians contrary to Policy MT2 of the Surrey Structure Plan 1994, Policy DN1 of the Surrey Structure Plan Deposit Draft December 2002 and Policy MV4 of the Runnymede Borough Local Plan April 2001.

RU 04/0681

Central Veterinary Laboratory, Woodham Lane, New Haw.  
Proposed two storey headquarters building for animal services unit following demolition of existing building.  
DECISION: NO OBJECTION subject to condition.

RU 04/0713

Land West of Park Street, Camberley  
Mixed development comprising retail, leisure, residential (218 units) multi-storey car park, street pedestrianisation, landscaping, new highway and other highway improvements.  
DECISION: NO OBJECTION.

RU 03/1358

The New Bungalow, Ruxbury Farm, St. Ann's Hill Road, Chertsey  
Certificate of Lawfulness Application For Existing Use for the storage and repair of vehicles, including commercial vehicles, storage of vehicle parts, scrap and equipment; and the use of the stables for the keeping of horses and other animals.  
DECISION:

1. GRANT A CERTIFICATE OF LAWFULNESS for the use of Building B for the stabling of horses.
2. REFUSE THE CERTIFICATE OF LAWFULNESS APPLICATION for the storage and repair of vehicles, including commercial vehicles, storage of vehicle parts, scrap and equipment for the following reason:

The applicant has not demonstrated that on

the balance of probability the land and buildings have been used for the storage and repair of vehicles, including commercial vehicles, storage of vehicle parts, scrap and equipment for more than 10 years.

3. a) the Director of Administration and Leisure be authorised to issue a Notice under Section 172 of the Town and Country Planning Act 1990 requiring cessation of the unauthorised use of the land and buildings for the storage and repair of vehicles, including commercial vehicles, storage of vehicle parts, scrap and equipment within 4 months of the notice being effective;

#### Reasons for Issuing the Enforcement Notice

1. The use of the land and buildings for the storage and repair of vehicles, including commercial vehicles, storage of vehicle parts, scrap and equipment are considered unacceptable as the site lies within the Green Belt where commercial use is not normally permitted. The proposed use of the existing buildings and land are therefore considered to represent an inappropriate development harmful to the openness of the Green Belt and no very special circumstances have been submitted to outweigh the harm to the green belt caused by these inappropriate uses, contrary to Policies PE1 and PE2 of the Surrey Structure Plan 1994, Policy LO4 of the Surrey Structure Plan (Deposit Draft) December 2002 and policy GB1 of the Runnymede Borough Local Plan Second Alteration April 2001 and the advice contained within Planning Policy Guidance Note 2: Green Belts.
2. The use would lead to increased commercial vehicular traffic movements utilising the internal access road in close proximity to the adjoining bungalow and represents an un-neighbourly form of development having potentially detrimental noise and disturbance effects on the residential amenities of neighbouring bungalow, "The New Bungalow", St. Ann's Hill Road, contrary to Policy DN2 of the Surrey Structure Plan Deposit Draft 2002 (Proposed Modifications June 2004) and Policies LE1 and MV4 of the Runnymede Borough Local Plan Second Alteration April 2001.
3. The existing vehicular access is inadequate in terms of geometry and visibility to accommodate traffic generated by the use and its use by such vehicles would cause danger and inconvenience to other users of

the highway, contrary to Policy MT2 of the Surrey Structure Plan 1994, Policy DN2 of the Surrey Structure Plan Deposit Draft 2002 (Proposed Modifications June 2004) and Policy MV4 of the Runnymede Borough Local Plan Second Alteration April 2001.

4. St. Ann's Hill Road is inadequate in terms of its width, forward visibility and alignment to accommodate the regular passage of larger vehicles that the use might generate and such traffic would cause danger and inconvenience to other users of the highway contrary to policy MT2 of the Surrey Structure Plan 1994, Policy DN2 of the Surrey Structure Plan Deposit Draft 2002 (Proposed Modifications June 2004) and Policy MV4 of the Runnymede Borough Local Plan Second Alteration April 2001.
  - b) The Director of Administration and Leisure be authorised to take appropriate action including the institution of legal proceedings pursuant to Section 179 of the Town and Country Planning Act 1990 in the event that the Notice, once effective, is not complied with.

RU 03/1371

The New Bungalow, Ruxbury Farm, St. Ann's Hill Road, Chertsey  
 Certificate Of Lawfulness Application for existing outbuildings  
**DECISION:**

**GRANT A CERTIFICATE OF LAWFULNESS** for the existing operational development within the application site defined as buildings A, B, C, D and E.

RU 03/1416

The New Bungalow, Ruxbury Farm, St. Ann's Hill Road, Chertsey  
 Change of use of buildings and yard to B8 (Storage and Distribution)  
**DECISION: REFUSE** for the following reasons:

1. The proposed change of use, if permitted, would represent inappropriate development within this rural green belt location which would, by reason of the commercial nature of the use and associated open storage and vehicular movements, be harmful to the openness and visual amenities of the Green Belt and the designated "Area of Landscape Importance", contrary to advice contained within PPG2 (Green Belts) and PPG7 (The Countryside - Environmental Quality and Economic and Social Development) and Policies PE1, PE2, and PE7 of the Surrey Structure Plan 1994, policies LO4, and SE8 of

the Surrey Structure Plan Deposit Draft 2002 (Proposed Modifications June 2004) and policies GB1, GB7, LE1, and NE8 of the Runnymede Borough Local Plan Second Alteration April 2001.

2. The proposed change of use would lead to increased commercial vehicular traffic movements utilising the internal access road in close proximity to the adjoining bungalow and is likely to represent an un-neighbourly form of development having potentially detrimental noise and disturbance effects on the residential amenities of neighbouring bungalow "The New Bungalow", St Ann's Hill Road contrary to Policy DN2 of the Surrey Structure Plan Deposit Draft 2002 (Proposed Modifications June 2004) and Policies LE1 and MV4 of the Runnymede Borough Local Plan Second Alteration April 2001.
3. The existing vehicular access is inadequate in terms of geometry and visibility to accommodate the traffic generated by the proposed Class B8 use and its use by such vehicles would cause danger and inconvenience to other users of the highway, contrary to Policy MT2 of the Surrey Structure Plan 1994, Policy DN2 of the Surrey Structure Plan Deposit Draft 2002 (Proposed Modifications June 2004) and Policy MV4 of the Runnymede Borough Local Plan Second Alteration April 2001.
4. St. Ann's Hill Road is inadequate in terms of its width, forward visibility and alignment to accommodate the regular passage of larger vehicles that the proposed B8 use might generate and such traffic would cause danger and inconvenience to other users of the highway contrary to policy MT2 of the Surrey Structure Plan 1994, policy DN2 of the Surrey Structure Plan Deposit Draft 2002 (Proposed Modifications June 2004) and policy MV4 of the Runnymede Borough Local Plan Second Alteration April 2001.

**RU 04/0536**

**Bishopsgate School, Bishopsgate Road, Englefield Green**

Erection of temporary classroom building in existing rear car park for duration of construction of lower school building (approval RU.03/0523) for a maximum period of 5 years.

**DECISION: GRANT** one year permission subject to conditions.

**RU 04/0550**

**Number One, Englefield Green**

Retention of studio building without complying with Condition 1 of planning permission RU.03/1027 (which required its demolition) but including demolition of apple store, garage and conservatory.

- DECISION:** i) **GRANT** subject to conditions
- ii) **The Section 106 Agreement relating to planning permission RU 95/0196 be revoked.**

**RU 04/0573**

**7 Willson Road, Englefield Green  
Erection of a rear single storey extension  
DECISION: GRANT** subject to conditions.

**RU 04/0586**

**Chestnut House, Gorse Hill Road, Virginia Water  
Amendments to RU.02/1257 for a replacement dwelling following demolition of existing including dormer windows in the main dwelling and over the garage and rear single storey extension to the kitchen and family room.  
DECISION: GRANT** subject to conditions.

**RU 04/0622**

**Leisurelea, Hamm Court, Weybridge  
Demolition of existing bungalow and erection of replacement dwelling.  
DECISION: REFUSE** for the following reasons:

1. **The proposed development by reason of its overall design, scale, height and massing would have a detrimental impact on the openness and character of the Green Belt, contrary to Policies GB1 and GB6 of the Runnymede Borough Local Plan Second Alteration April 2001, Policy PE2 of the Surrey Structure Plan November 1994, Policies LO4 and LO5 of the Surrey Structure Plan Deposit Draft December 2002 and advice within Planning Policy Guidance Note 2: "Green Belts".**
2. **The proposed building has the potential for the insertion of a mezzanine floor which would substantially increase the floor area and be inappropriate. The Planning Authority do not consider that very special circumstances have been put forward in support of this application to justify the granting of planning permission contrary to Policies GB1 and GB6 of the Runnymede Borough Local Plan Second Alteration April 2001, Policies PE1 and PE2 of the Surrey Structure Plan November 1994, Policies LO4 and LO5 of the Surrey Structure Plan Deposit Draft December 2002 and advice within Planning Policy Guidance Note 2: "Green Belts".**

(Mr Ody, architect for the applicant, addressed the Committee on the above application).

(The Chairman exercised his second vote in favour of refusal of the above application).

**RU 04/0637**

**Fort Rupert Villa, 15 Limes Road, Egham  
Erection of first floor extension over existing ground**

floor extension.

**DECISION:** GRANT subject to conditions.

**RU 04/0683**

**59 Slade Road, Ottershaw**

**Erection of part two storey and part single storey rear extension incorporating velux windows following the demolition of existing extension.**

**DECISION:** GRANT subject to conditions.

**RU 04/0686**

**Former Police Station, Free Prae Road, Chertsey**

**Erection of a two storey building comprising 8 no. x two bed flats with ancillary car parking and new vehicular accesses off Stepgates and Free Prae Road.**

**DECISION:** REFUSE for the following reasons:

1. **The proposed development by reason of its scale, height, form and proximity to common boundaries, would result in a cramped and prominent form of development which would be incongruous, out of scale and detrimental to the character of the surrounding area and visual amenities of the street scene contrary to Policy PE10 of the Surrey Structure Plan 1994, Policy SE4 of the Surrey Structure Plan Deposit Draft 2002, (Proposed Modifications June 2004), Policies BE2 and HO9 of the Runnymede Borough Local Plan Second Alteration April 2001, Planning Policy Guidance Note 3 'Housing' March 2000, Supplementary Planning Guidance 'Surrey Design' January 2002 and 'By Design'.**
2. **The proposed development by reason of its scale and mass and siting in close proximity to existing dwellings in Stepgates Close would have an overbearing and detrimental impact on the residential amenities of Nos. 1-4 Stepgates Close contrary to Policy HO9 of the Runnymede Borough Local Plan Second Alteration April 2001.**
3. **The site lies within an area of land at risk from flooding, according to maps held by the Environment Agency. The submitted flood risk assessment does not adequately address the Environment Agency's criteria in regard to the siting of new residential development in the floodplain. As submitted, the development will be at direct risk of flooding, will increase the risk of flooding elsewhere and will increase the number of people at risk from flooding by placing additional households into the floodplain contrary to Policy EN3 of the Surrey Structure Plan 1994, Policy SE3 of the Surrey Structure Plan Deposit Draft 2002, Proposed Modifications June 2004, Policy SV2 of the Runnymede Borough Local Plan Second Alteration April 2001 and Planning Policy Guidance Note 25: 'Development and Flood Risk'.**

(Mr Nicks, an objector, addressed the Committee on the above application).

**RU 04/0702**

**Fullbrook School, Selsdon Road, New Haw  
Relocate existing temporary double classroom unit (from the rear of nos. 9 and 10 Faris Barn Drive) to be resited to the rear of nos. 13 and 15 Keston Avenue following the removal of the existing single classroom from the site.**

**DECISION:**

1. **GRANT subject to conditions.**
2. **Subject to the implementation of RU 04/0702 the previous authority to take enforcement action given in May 2004 against the double mobile classroom be rescinded.**

**RU 04/0739**

**16 Redwoods, Addlestone  
Relaxation of condition no.11 of planning approval RU 98/0194 to allow existing garage to be used for habitable accommodation.**

**DECISION: GRANT**

LONE PINE AND AMBERWOOD, CHRISTCHURCH ROAD, VIRGINIA WATER - ENFORCEMENT

The Committee considered authorisation of enforcement action in respect of the unauthorised erection of boundary fencing over 2 metres in height around the curtilage of these properties.

The occupier of Lone Pine stated that he required the fencing due to the noise from children using the open air swimming pool at Cantavieja Cottage and the noise from the dog barking at Heather Cottage.

In February 2003 an Enforcement Notice was issued in respect of the fencing but upon appeal the Inspector quashed the Notice on the grounds that the Notice and the plan attached lacked sufficient clarity. Following delays in relation to obtaining access, the site had been re-inspected to secure full details of the fencing in order that a further Notice could be served.

The fence had been constructed of two layers of close-boarded panels which sandwiched a layer of polystyrene. The height of the fence varied from a maximum of 3.8 metres to 2.2 metres behind the building line, whilst fencing forward of the building line ranged in height from 1.8 to 2.1 metres.

Whilst the owner of Lone Pine, who also owned Amberwood, had stated that he was unhappy about what he considered to be noise disturbance, it was not considered that this personal circumstance was of such weight as to justify the inappropriate development that had been carried out and the harm that it was causing to the residential amenities of other occupiers in the vicinity or to the openness of the Green Belt.

No specific details were available regarding ambient noise levels in this area, but from the various site visits which had been made it would not appear that the site suffered particularly from any unusual residential noise nuisance. The two adjacent properties were in residential use and noise complaints had been received in the past although no actionable noise nuisance had been found.

The Human Rights considerations associated with this case were taken into account by the Committee in making its decision.

**RESOLVED that -**

- i) **the Director of Administration and Leisure be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 requiring the removal of the unauthorised fencing over 2 metres high not fronting the highway, and over 1 metre high otherwise, erected around the residential curtilages of Amberwood and Lone Pine, Christchurch Road, Virginia Water.**

**Reason for Issue of Notice**

**The fencing, as erected, is considered to be detrimental to the visual and residential amenities of the area and to the openness and character of this part of the Green Belt contrary to Policies GB1 and BE2 of the Runnymede Borough Local Plan (Second Alteration) April 2001, Policy PE2 of the Surrey Structure Plan 1994 and Policy LO6 of the Surrey Structure Plan Deposit Draft January 2001 and the advice contained within Planning Policy Guidance Notes : 1 'General Policy and Principles' and 3 : 'Green Belts'; and**

- ii) **the Director of Administration and Leisure be authorised to take appropriate action including the institution of proceedings pursuant to Section 179 of the Town and Country Planning Act 1990 in the event that the Enforcement Notice, once effective, is not complied with.**

**APPEAL DECISIONS**

The Committee noted that the Planning Inspectorate had recently determined the appeals mentioned below.

<u>Site Development</u>	<u>Decision</u>
a) Hope, Gaelic and Haven Cottages and Ypsilanti, High Street, Egham - demolition of all existing buildings and erection of 24 flats and houses (03/0600)	ALLOWED
b) Knowle Hill View, Trumps Green Road, Virginia Water - erection of 2 detached 5-bed dwellings with double integral garages and landscaping following demolition of existing vacant dwelling (03/1095)	DISMISSED
c) 1-3 Magna Road, Englefield Green - demolition of outbuildings and construction of 2 residential units with car parking (03/0793)	DISMISSED

**PLANNING APPLICATIONS DETERMINED BY DIRECTOR OF TECHNICAL SERVICES**

A list of planning applications recently determined by the Director of Technical Services under his delegated powers was received and noted.

Chairman

(The meeting ended at 9.49 pm)



## Appeal Decisions

Inquiry held on 22 & 23 June 2004

Site visit made on 24 June 2004

by Christopher Jarvis LLB MRTPI Solicitor

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
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e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

05 AUG 2004

Appeal Ref: APP/Q3630/A/04/1142804

Hanover House (formerly Shepley House), Shepley Drive, Virginia Water, Surrey, SL5 0LH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs A Hodson against the decision of Runnymede Borough Council.
- The application Ref RU.03/1315, dated 6 November 2003, was refused by notice dated 22 January 2004.
- The development proposed is the retention of a porch.

**Summary of Decision:** The appeal is allowed, and planning permission granted subject to the condition set out below in the Formal Decision.

Appeal Ref: APP/Q3630/A/02/1103664

Hanover House (formerly Shepley House), Shepley Drive, Virginia Water, Surrey, SL5 0LH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs A Hodson against the decision of Runnymede Borough Council.
- The application Ref RU.02/0325, dated 8 March 2002, was refused by notice dated 22 October 2002.
- The development proposed is retention of revisions to permitted balcony and retention of pergola adjoining the swimming pool wing.

**Summary of Decision:** The appeal is allowed, and planning permission granted subject to the conditions set out below in the Formal Decision.

Appeal Ref: APP/Q3630/A/04/1141728

Hanover House (formerly Shepley House), Shepley Drive, Virginia Water, Surrey, SL5 0LH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs A Hodson against the decision of Runnymede Borough Council.
- The application Ref RU.03/1314, dated 6 November 2003, was refused by notice dated 22 January 2004.
- The development proposed is retention of a screen wall.

**Summary of Decision:** The appeal is allowed, and planning permission granted subject to the condition set out below in the Formal Decision.

**Appeal Ref: APP/Q3630/A/04/1141726**

**Hanover House (formerly Shepley House), Shepley Drive, Virginia Water, Surrey, SL5 0LH.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs A Hodson against the decision of Runnymede Borough Council.
- The application Ref RU.03/1313, dated 6 November 2003, was refused by notice dated 22 January 2004.
- The development proposed is retention of a gazebo.

**Summary of Decision:** The appeal is allowed, and planning permission granted subject to the condition set out below in the Formal Decision.

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**Appeal Ref: APP/Q3630/A/04/1141725**

**Hanover House (formerly Shepley House), Shepley Drive, Virginia Water, Surrey, SL5 0LH.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs A Hodson against the decision of Runnymede Borough Council.
- The application Ref RU.03/1312, dated 6 November 2003, was refused by notice dated 22 January 2004.
- The development proposed is retention of a portico.

**Summary of Decision:** The appeal is allowed, and planning permission granted subject to the condition set out below in the Formal Decision.

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**Planning Policy**

1. The Development Plan includes the Surrey Structure Plan 1994 (SP) and the Runnymede Borough Local Plan 2001 (LP). The relevant policies are SP PE1 and PE2 and LP GB6 and GB1.
2. SP PE1 establishes the broad location of the relevant part of the Metropolitan Green Belt. SP PE2 reflects long standing national policy presuming against development adversely affecting the openness of the Green Belt and requiring very special circumstances to outweigh harm by virtue of inappropriate development. Emerging SP LO4 maintains this presumption. LP GB1 strongly presumes against development in conflict with the purposes of the Green Belt or adversely affecting its open character.
3. LP GB6 relates specifically to rebuilding or extension of dwellings in the Green Belt. This policy permits such development provided, amongst other criteria, that it does not have a harmful impact on the Green Belt. The policy includes explanatory text setting out criteria to prevent a cumulative increase in the size of dwellings and their impact. A 30% limit is set on enlargements and extensions. The basis for calculation is floor area, when the dwelling was built, and whether it was a new or replacement dwelling. For a new dwelling built after May 1986 the datum is its size at the date of construction. For a replacement dwelling built after May 1986, which is the case in these appeals, it is the size of the dwelling on the site as at May 1986. Where there has already been enlargement over the

base figure, this will be taken into account in determining the 30% increase. The 30% criterion is strict, requiring exceptional circumstances to justify exceeding it.

4. LP GB6 is amplified by a Supplementary Planning Guidance Note adopted in December 1999. It explains that the 30% figure applies to existing gross floor area measured externally and will not normally be applied to volume; that "built" means "substantially completed"; that permitted development rights will normally be withdrawn; and that outbuildings over 5m from the original dwelling will be assessed under LP GB1 together with other outbuildings that have been erected since May 1986. The guidance contains flow charts to assist in application of the policy. Flowchart 1 shows that an enlargement that increases the floor area above the 30% limit will be inappropriate development even though it would not have a harmful impact on the Green Belt. I question the logic of this in the way that it is stated. It seems to me that LP GB6 intends that development above the 30% limit is, by definition, harmful to the Green Belt but this is not the way the policy and flowchart are structured.
5. There were objections to LP GB6 relating to the 30% criterion and the base date. The base date of May 1986 was taken because that was the date on which this Green Belt was established. The Inspector's recommendation that the original building be used regardless of date was rejected but this is not an important factor in these appeals. His recommendation that the 30% criterion is omitted and criteria 1 to 4 are relied upon was also rejected because the Council felt that the 30% criterion was a realistic and reasonable interpretation of the guidance in PPG2. A benchmark figure and base date was intended to provide clarity and consistency of approach to an acutely difficult problem because of intense development pressures and the cumulative effects of incremental enlargement.
6. LP GB6 replaced policy GB5 in the previous Local Plan. The earlier GB5 was more flexible than LP GB6. GB5 paid regard to the scale of existing housing in the immediate locality. In the case of the appeal site, the original house was built before 1986, large houses were built in the locality over the years, and planning permissions were granted for significant enlargement of the original house on the appeal site on the basis of GB5 as explained further below.
7. PPG2 sets out national guidance for development in Green Belts. The primary aim of the policies is to keep Green Belts permanently open. The general presumption against inappropriate development in the Green Belt can only be overridden by very special circumstances. Limited alterations and extensions to existing dwellings will not be inappropriate if they do not result in disproportionate additions over and above the size of the original building. Replacement dwellings will not be inappropriate if the new dwelling is not materially larger than the dwelling it replaces. Development Plans should make clear the approach that local planning authorities will take as I have outlined above.

### **Planning History**

8. The original dwelling was constructed with planning permission in about 1960 with a floor space of some 278m<sup>2</sup> plus a 62m<sup>2</sup> garage (total 340m<sup>2</sup>). Further construction took place in 1985/6 so that the total floor space in May 1986 was 496m<sup>2</sup>. The ridge height of the dwelling was 8 to 8.5m. This equates to the dwelling that was demolished in 1999/2000 and has been replaced by the present construction.

9. In the 1990s planning permissions were granted for replacement of the dwelling and garaging that were not implemented. The decisions were based upon GB5 of the previous Local Plan and on precedent. Decision RU.90/0244 increased the floor space to 1,141m<sup>2</sup> and the ridge height to 10.3m. Decisions RU.91/0230 and RU.96/0562 increased floor space to 1,394m<sup>2</sup> with a ridge height of 9.7m. Decision RU.97/0823 was for floor space of 1,254m<sup>2</sup> with a ridge height of 9.8m. This was on the basis of extant planning permissions amounting to very special circumstances in the context of the issue of emerging policy GB6. Decision RU.99/0655, also on the basis of very special circumstances because of extant planning permissions, was for 1,176m<sup>2</sup> of floor space plus 33m<sup>2</sup> of covered, but open-sided, space totalling 1,209m<sup>2</sup> with a ridge height of 9.8m. Garaging of 82m<sup>2</sup> and roof space and basement areas of about 288m<sup>2</sup> were also permitted bringing the overall permitted total to some 1,497m<sup>2</sup>. Development of the roof void and basement were approved because they did not increase the size of the building.
10. The dwelling now constructed covers 1,497m<sup>2</sup> of floor space plus 82m<sup>2</sup> of garage, 3m<sup>2</sup> of porch, 16m<sup>2</sup> for 2 sheds and an irrigation tank, all totalling 1,598m<sup>2</sup>. It also has a balcony of 58m<sup>2</sup>, a pergola of 98m<sup>2</sup>, a portico of 12m<sup>2</sup>, and, over 5m from the dwelling, a central roofed feature in a wall of 17m<sup>2</sup> and a gazebo of 11m<sup>2</sup> all totalling 1,794m<sup>2</sup>. The ridge height of the house is 10.2m. The house also has extensive hard landscaped areas.

#### **Main Issues**

11. The main issues are whether the developments are inappropriate in the Metropolitan Green Belt, and, if so, whether there are very special circumstances that justify planning permission being granted

#### **Reasons**

12. The locality of the appeal site is characterised by large properties in extensive grounds all set in the woodland area of the Wentworth Estate. The locality seems generally residential in use, other than the Wentworth Golf Course nearby to the east, making it sub-urban in nature but the low density of development and the mature woodland with many fine trees provide a semi-rural quality to the environment and maintain a degree of openness. All houses and gardens, including the appeal property, are well screened by evergreen shrubs, walls and gates.

#### *Are the Developments Appropriate?*

13. My starting point is the Development Plan, and specifically LP GB6, for those developments attached to the house or within 5m of it. These developments are the pergola, the balcony, the screen wall with its central roofed feature, the portico and the porch. The gazebo is over 5m from the house.
14. From the sequence of events it is clear that the appeal building is a replacement dwelling for the one demolished in 1999/2000. The 30% criterion of LP GB6 applies to the size of the original dwelling as at May 1986, namely 496m<sup>2</sup>. At 1,497m<sup>2</sup>, even without the additions that are the subjects of appeal, the dwelling is way in excess of a 30% enlargement. Because these additions extend the footprint of the house itself through enclosure or use of pillars and supporting walls and so create, or improve existing floor (patio) area, I find that they inevitably have an effect on the openness of the Green Belt. They add to the bulk or mass of the house. The Council is therefore justified in counting them as part of the

enlargement for the purposes of applying LP GB6. I prefer this interpretation to that in the Surveyor's Code of Measuring Practice which is not specifically directed at the interpretation of Green Belt policy although it is a helpful indicator. I distinguish these developments (except the gazebo) from the pergola that was the subject of *Dacorum B C v. FSS & Cannon CO/286/2004* as that pergola was not attached to the dwelling and was over a driveway. Thus the dwelling, and therefore these additions, all of which the Council says are unlawful, clearly fail the strict test of GB6. The pergola, the balcony, the wall and central roofed feature, the portico and the porch are therefore in conflict with the Development Plan.

15. In this large plot and in the context of the substantial dwelling permitted by Decision RU.01/1059, **the gazebo** provides a relatively modest garden feature that is hidden from general view and that complements the house and the generally open garden beyond the hard landscaping. It is covered in wisteria and is separated from other built structures like the tennis court, the sheds and the house itself. While it adds to built development on the site by 11m<sup>2</sup>, it does not appear disproportionate or materially affect the open character of the Green Belt at this point. I therefore find that it complies with LP GB1 and is appropriate.
16. I now turn to the guidance of paragraphs 3.4 and 3.6 of PPG2 on the matter of appropriateness. Paragraph 3.6 of PPG2 emphasises that the judgement on extension and alteration should be made in relation to the size of the *original* building. From a natural reading of the guidance I believe this refers to the earlier building that has now been replaced and not the new building. I am reinforced in my opinion by the characteristic of permanence that the policies seek to achieve.
17. I find that a disproportionate addition in relation to the 1986 datum point has already taken place as explained above. The developments I am considering, except the porch and gazebo, would appear disproportionate and incongruous in the context of the original dwelling. However, PPG2 asks Local Planning Authorities to make clear the approach that they wish to take and this is what the Council has done with LP GB6. The porch must therefore be tainted by the same objection as the dwelling it serves in terms of appropriateness. I therefore conclude that all the developments except the gazebo are inappropriate.

*Are there Very Special Circumstances Sufficient to Justify any Development?*

18. I find that a fundamental factor in determining whether the alterations and additions that are the subject of these appeals are acceptable is what is already permitted and constructed because what is permitted and constructed has departed so substantially from the policies in the Development Plan and PPG2. In my view this situation is one, but only one, very special circumstance.
19. The scheme approved under decision RU.99/0655 was supposedly implemented but was not built strictly in accordance with the details of the permission. However, the position was regularised by permission being granted retrospectively for 5 applications relating to garaging, screen walling, fencing, a tennis court, a basement and roof lights. These decisions, and particularly RU.01/1059, permit the basic house as it now stands with swimming pool, large garage, driveway and tennis court. The approved plans also show hard landscaping extending outwards from the building including extensive balustrades and steps. Hard landscaping has been laid and constructed that creates outside space suitable for

chairs and tables to be placed, including those areas covered by the portico, the pergola and the balcony.

20. It is common ground that, at the time of the inquiry and my site visit, the only developments that have not received permission, and need to do so as far as the Council is concerned, are those that are the subject of these appeals. I therefore need to assess the appeal development in the light of the implemented permissions and of the construction on site notwithstanding that the whole development now may technically be unlawful because it has not been built strictly in accordance with the approved plans. This is because it would be excessive to enforce the breach of planning control beyond the permissions granted, a position that the Council seems to accept, and beyond those matters (hard landscaping and some small outside buildings) against which the Council finds it inexpedient to enforce. This position seems to be supported by the *Court of Appeal* in *R (on the application of Prokopp) v. London Underground Ltd & ORS & The Strategic Rail Authority [2003] EWCA Civ 961*. The Council has declared an intention to enforce against the development in these appeals should they be dismissed.
21. *Porch*. The enclosed porch is very small at about 3m<sup>2</sup>. It is unobtrusive and functionally useful, especially in wet weather. It extends over a part of a large area of paved patio or terrace on the eastern side of the house enclosed within a wall topped with a balustrade. It has a very minor effect in relation to the approved dwelling.
22. *Portico*. The portico on the east side of the dwelling reflects the style and character of the house and is a small version of the portico above the main entrance to the house. It is open sided, supported on pillars giving this façade greater interest. It is proportionate in size at 12m<sup>2</sup> and, like the porch, it extends in a minor way over a large area of terrace with planters, fountain and the wall topped with a balustrade. The portico is not enclosed between its pillars and so does not seem to create more space for sitting out than the patio on which it stands, although it does provide some shelter.
23. *Balcony*. The first floor balcony that was approved with the dwelling was relatively small and simply extended across the door from the main bedroom. The present balcony extends to 58m<sup>2</sup> across the westernmost façade of the main dwelling. In doing so I feel it gives a better balance to the appearance of the house than that approved. It extends over a part of the large paved area that is bounded by a long balustrade and steps down to the lawned garden. The balcony can be seen protruding only a short distance out from the house from the approach road. Although it provides floor space at first floor level, and shelters part of the terrace, it appears as a proportionate embellishment to the dwelling.
24. There is some potential for overlooking of the neighbouring house, named on the plans as "Panorama", from the northern end of the balcony. This can be solved by a landscaping condition, especially as there is an evergreen boundary hedge already in an advanced stage of growth along the boundary between the houses.
25. *Pergola*. The pergola is open sided and constructed alongside the southern and western walls of the swimming pool. Its design complements the building and it extends only part way across the paved patio area with its balustrade although it is moderately extensive at 98m<sup>2</sup> in area. It provides shade to the swimming pool and shelter to the terrace around the outside of it.

26. Screen Wall. The screen wall at the north east corner of the house with its central roof feature above an entrance through the wall appears as a natural part of the extensive hard landscaping and gives useful privacy to the terrace. The central roof feature, some 17m<sup>2</sup> in area, gives the Council most concern because a 2m wall could be constructed under permitted development rights. However, I found it to form a reasonable and minor embellishment to the wall forming an entrance in character with the house and its surroundings.
27. Assessment. The replacement dwelling as approved is very substantial at 1,497m<sup>2</sup> of floor space. This development has caused harm to the Green Belt. Each of the developments that are the subject of appeal is relatively minor, individually and cumulatively, in the context of the approved dwelling and the extensive and substantial hard landscaping of the grounds. PPG2 paragraph 3.8 concerns re-use of buildings, which is not the case here, but at sub paragraph (b) the guidance refers to the need to exercise control over land surrounding buildings in order to preserve openness. In like manner I find that the hard landscaping around the appeal building of terraces, balustrades, walls, steps, the large driveway and fountains etc extends built development and so reduces openness. Except for the gazebo, the hard landscaping extends well beyond all the other appeal developments.
28. The appeal developments are effectively embellishments that complement and complete the replacement building as it was approved and I find that they improve its appearance and functionality. I do not find them disproportionate in relation to the very substantial house as permitted or, of themselves, to reduce the open character of the Green Belt in this location to more than a limited degree. To my mind the very substantial nature of the permitted dwelling due to earlier planning permissions and, importantly, its hard landscaping, are the elements of the development that have already caused the real harm. Thus, the relatively minor nature of the embellishments for which permission is sought, the improvements that the developments bring, and the fact that this is a new dwelling, when taken together, amount to very special circumstances that justify planning permission being granted despite the harmful effect of the development by virtue of inappropriateness.
29. In coming to my conclusions I am particularly concerned about precedent. There is high pressure for development locally. The effects of successive increments in development have been cumulatively very harmful. This part of the Green Belt is very close to Sunningdale urban area and also near Virginia Water and Englefield Green and so is very vulnerable. These are real worries for the Council which I acknowledge, as did my colleague in the Dawn Hill appeal. The difficulties are also illustrated by the development of Brookfield House, Portnall Rise. However, I hope it is clear from my reasoning that I have assessed the development on this site entirely on its own particular circumstances. I do not believe that my conclusions in these appeals should prevent the Council from refusing planning permission for inappropriate development that comes before it for decision.
30. The Council seeks to draw a line on successive enlargement and I concur strongly with this view. Hanover House now seems to be complete which, arguably, was not the case before. In view of the points raised above I believe that this is a case where removal of permitted development rights is especially justified for Classes A to F of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995. I believe that this strikes a proportionate balance between human rights as against the public interest in this instance.

### Conclusions

31. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should be allowed.

### Formal Decisions

*Appeal Ref: APP/Q3630/A/04/1142804 (Porch)*

32. I allow the appeal, and grant planning permission for retention of a porch at Hanover House (formerly Shepley House), Shepley Drive, Virginia Water, Surrey, SL5 0LH in accordance with the terms of the application, Ref RU.03/1315, dated 6 November 2003, and the plans submitted therewith, subject to the following condition:

- 1) Notwithstanding the provisions of Schedule 2 Part 1 Classes A to F of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellinghouse or its roof, or erection of any building or construction of any pool or hard surface within the curtilage of the dwellinghouse, shall take place other than the development expressly authorised by this permission and those that are the subject of these appeals.

*Appeal Ref: APP/Q3630/A/02/1103664 (Balcony & Pergola)*

33. I allow the appeal, and grant planning permission for retention of revisions to permitted balcony and retention of pergola adjoining the swimming pool wing at Hanover House (formerly Shepley House), Shepley Drive, Virginia Water, Surrey, SL5 0LH in accordance with the terms of the application, Ref RU.02/0325, dated 8 March 2002, and the plans submitted therewith, subject to the following conditions:

- 1) Notwithstanding the provisions of Schedule 2 Part 1 Classes A to F of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellinghouse or its roof, or erection of any building or construction of any pool or hard surface within the curtilage of the dwellinghouse, shall take place other than the development expressly authorised by this permission and those that are the subject of these appeals.
- 2) The evergreen hedge along the north western boundary of Hanover House shall be retained at a height not less than level with the eaves of the north west corner of Hanover House above its balcony from the point due west of the top of the steps to the terrace and driveway in the south to the north western most point of the site to the north as shown on drawing 960802/102E dated February 2002 but amended in October 2003.

*Appeal Ref: APP/Q3630/A/04/1141728 (Screen Wall)*

34. I allow the appeal, and grant planning permission for retention of a porch at Hanover House (formerly Shepley House), Shepley Drive, Virginia Water, Surrey, SL5 0LH in accordance with the terms of the application, Ref RU.03/1314, dated 6 November 2003, and the plans submitted therewith, subject to the following condition:

- 1) Notwithstanding the provisions of Schedule 2 Part 1 Classes A to F of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement

or other alteration to the dwellinghouse or its roof, or erection of any building or construction of any pool or hard surface within the curtilage of the dwellinghouse, shall take place other than the development expressly authorised by this permission and those that are the subject of these appeals.

*Appeal Ref: APP/Q3630/A/04/1141726 (Gazebo)*

35. I allow the appeal, and grant planning permission for retention of a gazebo at Hanover House (formerly Shepley House), Shepley Drive, Virginia Water, Surrey, SL5 0LH in accordance with the terms of the application, Ref RU.03/1313, dated 6 November 2003, and the plans submitted therewith, subject to the following condition:

- 1) Notwithstanding the provisions of Schedule 2 Part 1 Classes A to F of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellinghouse or its roof, or erection of any building or construction of any pool or hard surface within the curtilage of the dwellinghouse, shall take place other than the development expressly authorised by this permission and those that are the subject of these appeals.

*Appeal Ref: APP/Q3630/A/04/1141725 (Portico)*

36. I allow the appeal, and grant planning permission for retention of a portico at Hanover House (formerly Shepley House), Shepley Drive, Virginia Water, Surrey, SL5 0LH in accordance with the terms of the application, Ref RU.03/1312 dated 6 November 2003, and the plans submitted therewith, subject to the following condition:

- 1) Notwithstanding the provisions of Schedule 2 Part 1 Classes A to F of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellinghouse or its roof, or erection of any building or construction of any pool or hard surface within the curtilage of the dwellinghouse, shall take place other than the development expressly authorised by this permission and those that are the subject of these appeals.

  
Inspector





# Appeal Decision

APPENDIX 'C'

Site visit made on 22 June 2004

by **J P Sargent** BA(Hons) MA MRTPI

an Inspector appointed by the First Secretary of State

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Date  
12 AUG 2004

**Appeal Ref: APP/Q3630/A/04/1139297**

**Horning, Oak End Way, Woodham, Addlestone, Surrey KT15 3DY**

- The appeal is made under section 78 of the Town Country Planning Act 1990 against the failure of the local planning authority to give notice within the prescribed period of a decision on an application for outline planning permission following the failure of the applicant to submit further information, plans, drawings or other evidence required by a direction made by the local planning authority under section 62 of the Town and Country Planning Act 1990 and regulation 4 of the Town and Country Planning (Applications) Regulations 1988.
- The appeal is made by Mr & Mrs P Breddal against Runnymede Borough Council.
- The application (Ref RU.04/0177) is dated 9 October 2003.
- The development proposed is the sub-division of the site to form 2 residential plots following the demolition of the existing dwelling and outbuildings.
- The information alleged by the Council to be necessary is details of the size, height, floor area and parking provision of the proposed dwellings, together with illustrative plans.

**Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.**

## Procedural Matters

1. The application is in outline with all matters reserved for subsequent consideration.
2. Although the Council did not determine the proposal, it has said that, had it done so, it would have refused permission for the reasons given in the 'notice' dated 20 February 2004.

## Main Issue

3. I consider the main issue to be the effect of the development on the character and appearance of the locality.

## Planning Policy

4. The development plan includes the 'Surrey Structure Plan 1994', which was adopted in 1995, and the 'Runnymede Borough Local Plan Second Alteration' dated 2001. In these, I consider the following policies to be of most relevance.
5. In the Structure Plan, Policy PE10 states that the character of urban areas will be conserved and enhanced, with policies ensuring that new development makes a positive contribution to the existing character, and does not detract from its surroundings. Policy DP6 says, among other things, that new dwellings should normally be constructed at a density appropriate to the character of the surrounding area and the individual circumstances of each site. Policy PE12 seeks to conserve the County's historic heritage, and Policy PE9 says trees, hedgerows and woodlands will be conserved.

6. In the Local Plan Policy HO9 states that, when considering new housing developments, the Council will require sensitively designed proposals that comply with a number of criteria. These include not damaging the character and amenity of established residential areas, providing appropriate space between existing and proposed residential units, retaining trees and shrubs, and providing adequate garden areas, daylight, sunlight and privacy. Policy BE2 says that, within urban areas, proposals will be expected to respect townscape character of recognised high quality with reference to issues such as existing plot sizes and the street scene. In Policy R9 it is stated that, when considering proposals adjacent to the Basingstoke Canal, views from the canal should be protected. Policy NE12 says the Council will continue to protect significant trees, hedgerows and woodlands through development control powers and Policy NE14 goes on to state that trees which make a significant contribution to public amenity will be expected to be retained in new development. Finally, Policy NE16 says there will be a strong presumption against development that would destroy or adversely affect a Site of Special Scientific Interest (SSSI).
7. The Structure Plan is currently under review, and various policies from the Deposit Draft version (dated 2002) have been submitted. However, given the relatively early stage this review has reached, the weight I attach to these policies is limited.
8. I have also been referred to 2 pieces of supplementary planning guidance. The first, adopted in 2002 and entitled 'Surrey Design', gives various principles relating to the design and layout of new development. Through these principles, this document broadly re-emphasises the policy requirement for development to respect its context and locality. The second piece of supplementary planning guidance was adopted in 2003, and is called 'Trees, Woodlands and Hedgerows', and this offers guidance relating to trees and development proposals. Both of these documents were prepared in accordance with advice in Planning Policy Guidance Note 12, 'Development Plans', and so I afford them significant weight.
9. Finally, in reaching my decision I have also been mindful of national advice in the documents entitled 'By Design', 'Urban Design Compendium' and 'By Design, Better Places To Live'.

#### **Reasons**

10. Oak End Way is a private road that comprises a mix of dwellings of varying ages and styles. Many of the properties in the road, including Horning, are large, individually designed houses standing in spacious, maturely landscaped grounds. However, immediately to the east of the appeal site are 3 smaller houses in narrower plots that are not as well screened by planting when seen from the road.
11. The appeal site is some 30.5m in width, and has an average depth of roughly 70m. To the rear runs the Basingstoke Canal, which is an SSSI. The canal also lies within a conservation area, the boundary of which incorporates part of the rear of the garden of the appeal site and comes to within some 29m of the house. On the verge to the front of the site are 2 trees subject of a tree preservation order.
12. Although Horning is an attractive property, it is not listed and the house itself is not in a conservation area. Accordingly, I raise no objection to its demolition. I have noted that the

appellants contend it is in a poor state of repair, but this has not been a matter to which I have given significant weight.

13. The proposal would sub-divide the appeal site into 2 plots. These would each be significantly narrower than the curtilages of the houses to the west, but they would be of a comparable width and length to the plots of the 3 houses immediately to the east. At this end of the road the narrower plots of these easterly neighbours significantly affect the pattern of the street scene. Given this, I consider that the sub-division of the curtilage in the manner now proposed would not result in plots that would be unduly narrow in this location. Moreover, because of the effect of these 3 narrower houses on the character of this part of Oak End Way, if 2 houses of similar scale and a suitable design were to be constructed on the appeal site they would not, in my judgement, appear incongruous or damage the character of the area.
14. The 3 properties to the east have back gardens of a reasonable size. They also appear to have a satisfactory relationship with the trees and the conservation area to their rear, and, when viewed from the canal, they are not particularly noticeable or intrusive. Accordingly, I consider that 2 houses of a comparable scale could be positioned on the appeal site in a manner that would allow suitable back gardens, and would not adversely affect the SSSI, the trees to the rear, or the character or appearance of the Basingstoke Canal Conservation Area.
15. With regard to the trees to the front, although access details have not been submitted I note one access is already in place. If a second access were needed, opportunity would exist to site it a significant distance from the protected trees, and, if appropriately constructed, I see no reason why this should adversely affect their longevity.
16. In coming to my view, I have noted the Council's contentions regarding the need to establish the scale of the development at this stage, having regard to the case of *R v (1) Newbury District Council, (2) Newbury and District Agricultural Society ex parte Chieveley Parish Council 23 July 1998*. However, given the appellants have sought permission for 2 dwellings, I consider that, in this instance, the scale of the development can be satisfactorily addressed within the terms of the reserved matters.
17. I have also been mindful of the appeal decision from 1997 that related to Horning. I note this concerned an application for full planning permission, and, whilst the Inspector did not find the sub-division of the existing plot would be harmful, she did consider the detail and scale of the scheme would have had an adverse effect on the character of the locality. Such issues are reserved matters in this current proposal though, and so cannot form part of my assessment. However, as stated above, I consider that, in principal, there is scope for 2 dwellings of a suitable scale, siting and appearance to be accommodated satisfactorily on the site. With regard to the creation of an additional access, whilst the previous Inspector raised concerns about its impact on the trees to the front, I am unaware of the details she was considering. I also note that, although she had not been convinced that it would be practicable to install a drive without harming the trees, she nonetheless accepted it might be possible. Consequently, I consider her conclusions concerning this aspect of the scheme do not prevent me from reaching the view expressed above.
18. Turning to the various other decisions referred to by the parties, I consider each application should be assessed on its own merits, and, furthermore, I am unaware of the history to these cases. Consequently, the weight I can attach to them is limited. I have also been mindful of

the concerns regarding precedent. However, I have clearly stated why, in this instance, I consider outline planning permission should be granted, and any further applications that may be forthcoming in the locality would, no doubt, be assessed against the policies and other material circumstances applicable at that time.

19. Accordingly, taking account of the relationship of the site to an SSSI and the Basingstoke Canal Conservation Area, I conclude the development would not adversely affect the character or appearance of the locality. Consequently, I also conclude it would not be in conflict with Policies PE10, DP6, PE12 and PE9 in the Structure Plan, Policies HO9, BE2, BE5, R9, NE12, NE14 and NE16 in the Local Plan, and guidance contained in the submitted supplementary planning guidance.

#### **Other Matters**

20. I consider the introduction of a further house would not generate a level of traffic that would adversely affect highway safety, and any harm that would be caused to the road surface is a private matter. I am also of the view that 2 dwellings could be accommodated on the site without necessarily having an adverse effect on the living conditions of neighbouring residents, and I see no reason why the proposal should adversely affect drainage or wildlife.

#### **Conditions**

21. The Council has suggested 13 conditions be imposed if I decide the appeal should be allowed, and I have assessed these in the light of advice in Circular 11/95 entitled 'The Use of Conditions in Planning Permissions'.
22. The standard conditions relating to outline planning permissions are appropriate. In order to safeguard the appearance of the area, I consider as well that a condition to require the Council's approval of the trees to be retained, and the extent and nature of works and activity under their canopies, is also relevant and necessary. I am of the view too that it would be reasonable to require details to be submitted of the siting of any services across the verge to the front, and the method of construction of any new driveway that may be laid over this area. This would be so as to safeguard the protected trees, again in the interests of the appearance of the locality. Moreover, given that this land lies outside of the appellants' control, any such driveway should be implemented before development begins within the site. The more general conditions relating to landscaping and boundary treatments would be addressed as part of the reserved matters application. Furthermore, at this stage I see no reason why 'permitted development rights' relating to windows should be removed.
23. If the Council, for whatever reason, fails to approve any details referred to in the conditions within the proscribed period, it would be open to the developer to pursue a right of appeal.

#### **Conclusions**

24. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

#### **Formal Decision**

25. I allow the appeal and grant planning permission for the sub-division of the site to form 2 residential plots following the demolition of the existing dwelling and outbuildings at

Horning, Oak End Way, Woodham, Addlestone, Surrey KT15 3DY in accordance with the terms of the application (Ref RU.04/0177) dated 9 October 2003, and the plans submitted therewith, subject to the following conditions:

- 1) approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced;
- 2) plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved;
- 3) application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission;
- 4) the development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;
- 5) the plans and particulars submitted in accordance with Condition 2 above shall include:
  - i) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, and this plan shall show which trees are to be retained and the crown spread of each retained tree;
  - ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;
  - iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
  - iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;
  - v) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

The approved protective fencing or other measures shall be implemented before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained for the duration of the construction period. During the construction period nothing shall be placed or stored in any area fenced or protected in accordance with this condition. Furthermore, no excavation works shall be undertaken in these areas and no ground levels shall be altered other than in accordance with the details approved under the terms of this condition.

- 6) the plans and particulars submitted for approval in accordance with Condition 2 above shall include details of the method of construction, the alignment and the

depth of any new services routes and drain runs to be formed across the verge to the front, and these shall be laid only in accordance with the approved details. These plans and particulars shall also include the means of construction of any additional vehicular access to be created to the site, and the means of protecting the 2 trees on the verge during its construction. The approved means of protecting the trees shall be implemented before works start for the construction of the vehicular access, and shall remain for the duration of the construction period. No development shall be undertaken within the site in connection with this permission until any proposed additional vehicular access has been formed in accordance with the details of the means of construction approved pursuant to this condition.

A handwritten signature in black ink, appearing to read 'James', written over a horizontal line.

INSPECTOR

PLANNING APPLICATIONS DETERMINED BY  
 \*\*\*\*\*  
 DIRECTOR OF TECHNICAL SERVICES  
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FROM 2ND AUGUST TO 13TH AUGUST 2004

<u>APP. NO.</u>	<u>LOCATION AND PROPOSAL FOLLOWED BY DECISION</u>
04/0194	R/O Unit 1, Trafalgar Works, Station Road, Chertsey Certificate of lawfulness for the use of the premises for the storage of new and used scrap metals (Additional information received 22nd June 2004) <b>DECISION: GRANT CERTIFICATE OF LAWFULNESS</b>
04/0607	St Peters Church, Windsor Street, Chertsey General tree works to 4 trees located within Conservation Area <b>DECISION: NO OBJECTION</b>
04/0636	57 Byfleet Road, New Haw, Addlestone Erection of detached garage to front of property <b>DECISION: REFUSE</b>
04/0647	37 Warwick Avenue, Egham Erection of a single storey rear extension, alterations to roofspace incorporating new dormer window to allow habitable accommodation and insertion of rooflights to front and rear <b>DECISION: GRANT</b>
04/0652	34 Pinewood Avenue, New Haw, Addlestone Conversion of part of existing double garage to one bedroom including amendments to fenestration and retention of one garage space and insertion of clear glass window in rear elevation at first floor level (Retrospective) Removal of condition 3 of planning permission RU.02/1251 <b>DECISION: REFUSE</b>
04/0657	19 Dickens Drive, Addlestone Erection of single storey front and rear extensions incorporating two rooflights to side elevation following demolition of existing rear extension <b>DECISION: GRANT</b>
04/0661	Long Ridge, West Drive, Virginia Water Conversion of attached double garage to form a one-bedroom self contained staff accommodation ancillary to the main residence <b>DECISION: GRANT</b>

APP. NO.      LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 04/0672      31 Nighingale Shott, Egham  
Change of use from single family dwelling to multiple occupancy by a maximum of seven persons  
**DECISION:**                      **REFUSE**
- 04/0673      407 Woodham Lane, Woodham, Addlestone  
Erection of first floor extension to provide further first floor accommodation and converting chalet bungalow into a two storey house  
**DECISION:**                      **GRANT**
- 04/0676      3 Hillside, Virginia Water  
Erection of single storey side and rear extension  
**DECISION:**                      **GRANT**
- 04/0679      50 Copperfield Rise, Addlestone  
Erection of first floor side and rear extension  
**DECISION:**                      **GRANT**
- 04/0680      52 Copperfield Rise, Addlestone  
Erection of first floor side and rear extension  
**DECISION:**                      **REFUSE**
- 04/0685      Two Bridges, Chertsey Dental Practice, Riversdell Close, Chertsey  
Removal of broken branches from Sycamore Tree protected by Tree Preservation Order 268  
**DECISION:**                      **GRANT**
- 04/0687      Royal Holloway University of London  
Alterations to Holloways Bar including proposed new cellar area at lower ground floor level with new doors, new external metal fire escape, new mock portico to existing entrance, elevational changes including removal of windows, installation of security lights and erection of bin enclosure  
**DECISION:**                      **GRANT**
- 04/0690      Kalsi House, Christchurch Road, Virginia Water  
Renewal of RU.99/0623 for erection of a detached dwelling with double garage and parking  
**DECISION:**                      **GRANT**
- 04/0692      Land West of Prune Hill, Egham  
Prior approval for siting and appearance for erection of 15m timber monopole with 3 no antenna, 1 no equipment cabinet and ancillary development  
**DECISION:**                      **REFUSAL OF PRIOR APPROVAL DETAILS**

APP. NO.      LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 04/0693      51 Farleigh Road, New Haw, Addlestone  
Erection of a single storey rear extension with habitable accommodation in roof space including side roof lights and juliette balcony in the rear (Amended description)  
**DECISION:**                      **GRANT**
- 04/0695      38 Wren Crescent, Addlestone  
Erection of part two storey, part single storey and rear extension following demolition of existing conservatory and garage  
**DECISION:**                      **REFUSE**
- 04/0696      Willow Haven, Laleham Reach, Chertsey  
Erection of new chalet bungalow and detached double garage following demolition of existing bungalow, garage and outbuilding  
**DECISION:**                      **REFUSE**
- 04/0698      10 Rydal Way, Egham  
Erection of conservatory to rear of property  
**DECISION:**                      **GRANT**
- 04/0707      Tumbling Bay, Hamm Court, Weybridge  
Alterations and raising of the roof to create habitable accommodation at first floor level. (Revised plans received 27.07.04).  
**DECISION:**                      **GRANT**
- 04/0708      56 Vegal Crescent, Englefield Green, Egham  
Erection of a single storey rear extension and new porch to the front of the property  
**DECISION:**                      **GRANT**
- 04/0709      Tanglewood, Middle Hill, Egham  
Outline application for siting and means of access for a detached 2 storey dwelling with amenity area at the rear of Tanglewood. (Revised plans received 08/07/04)  
**DECISION:**                      **REFUSE**
- 04/0711      Beechwood, Knowle Hill, Virginia Water  
Erection of two storey side extension and construction of two dormers to front elevation following demolition of existing single storey extension.  
**DECISION:**                      **GRANT**

<u>APP. NO.</u>	<u>LOCATION AND PROPOSAL FOLLOWED BY DECISION</u>
04/0712	77B Wendover Road, Staines Erection of single storey side and rear extensions <b>DECISION: GRANT</b>
04/0718	22 The Island, Wraysbury, Staines Erection of a three bedroom detached dwelling following demolition of existing dwelling <b>DECISION: NO OBJECTION</b>
04/0719	Red Restaurant & Bar London Road, Sunningdale, Ascot Erection of a single storey rear extension <b>DECISION: NO OBJECTION</b>
04/0720	14 Lynwood Avenue, Egham Erection of a single storey front extension <b>DECISION: GRANT</b>
04/0721	20 Badgers Hill, Virginia Water Amendments to approval RU.04/0263 (erection of new detached two storey dwelling with rooms in roofspace and attached double garage following demolition of existing dwelling) including alterations to fenestration, roof accommodation and porch <b>DECISION: GRANT</b>
04/0722	27 Acacia Drive, Woodharn Erection of two storey side extension <b>DECISION: GRANT</b>
04/0727	16 Chaucer Way, Addlestone Erection of rear conservatory <b>DECISION: GRANT</b>
04/0729	Addlestone Carpet & Bed Warehouse, 125 Station Road, Addlestone Erection of two storey building to the rear of the site comprising of a warehouse (Class B8) on the ground floor and 2 no x two bedroom self contained flats with external staircases <b>DECISION: REFUSE</b>
04/0730	Orchard Lodge, Spratts Alley, Ottershaw Erection of rear conservatory (Revised plans received 13 July 2004) <b>DECISION: GRANT</b>

APP. NO.      LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 04/0734      Brockhurst Residential Home, Brox Road, Ottershaw  
Construction of new disabled ramps  
**DECISION:**                      **GRANT**
- 04/0736      4 Greenwood Close, Woodham, Addlestone  
Erection of first floor rear extension  
**DECISION:**                      **GRANT**
- 04/0740      41 Victoria Street, Englefield Green, Egham  
Erection of a single storey rear extension  
**DECISION:**                      **GRANT**
- 04/0743      75 Pycroft Road, Chertsey  
Construction of dropped kerb to allow vehicular access  
**DECISION:**                      **GRANT**
- 04/0748      182 Brox Road, Ottershaw  
Erection of rear conservatory  
**DECISION:**                      **GRANT**

**DELEGATED DECISIONS IN CONSULTATION WITH CHAIRMAN & VICE-CHAIRMAN**

**APP. NO. LOCATION AND PROPOSAL FOLLOWED BY DECISION**

- 04/0646 3 Crown Road, Virginia Water  
Erection of a two storey side extension and carport following demolition of existing lobby and porch. (Revised plans received 29/06/04).  
**DECISION: GRANT**
- 04/0654 Holly Bank, Lancaster Close, Middle Hill, Egham  
Erection of part single storey, part two storey side extension incorporating garage, single storey rear extension and construction of conservatory to rear  
**DECISION: GRANT**
- 04/0662 13 Chaseside Gardens, Chertsey  
Conversion of loft to allow habitable accommodation incorporating a rear dormer window and front rooflight  
**DECISION: GRANT**
- 04/0677 58 Brox Road, Ottershaw  
Removal of condition 4 of planning permission RU.03/0774 to allow conversion of garage into habitable accommodation  
**DECISION: GRANT**
- 04/0688 Budgens Store, 1-5 Station Road, Egham  
Advertisement consent for 3 no. internally illuminated fascia signs and 1 no. internally illuminated projecting sign  
**DECISION: GRANT**
- 04/0691 Little Echoes Day Nursery, The Orchard, South Road, Englefield Green, Egham  
Single storey extension to South Road elevation  
**DECISION: GRANT**