



PLANNING COMMITTEE

27 JANUARY 2010

APPENDICES

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PLANNING COMMITTEE

9 December 2009 at 7.30pm

Members of the Committee Present: Councillors G B Woodger (Chairman), D W Parr (Vice Chairman), J R Ashmore, Mrs F J Barden, J Broadhead, D A Cotty, R J Edis, J M Edwards, Mrs E Gill, C Knight, M T Kusneraitis, Mrs Y P Lay, H W V Meares, Mrs G Warner and J J Wilson

Members of the Committee absent: None

Councillors A M Moore and Mrs M Roberts attended.

459. FIRE PRECAUTIONS

The Chairman read out the Fire Precautions.

460. NOTIFICATION OF CHANGE TO COMMITTEE MEMBERSHIP

The Group mentioned below had notified the Chief Executive of their wish that the change listed below be made to the membership of the Committee. The change was for a fixed period ending on the day after the meeting and thereafter the Councillor removed would be reappointed.

Group Requiring Change	Remove from Membership	Appoint Instead
Conservative	Councillor J R Furey	Councillor Mrs G Warner

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

461. MINUTES

The Minutes of the meeting of the Committee held on 11 November 2009 were approved and signed as a correct record.

462. DECLARATIONS OF INTEREST

The following Councillors declared personal and prejudicial interests under the Runnymede Code of Conduct for Members.

Councillor	Item	Nature of Interest
G B Woodger and J M Edwards	50 Northcroft Road Englefield Green (RU 09/0958)	Friendship with Applicant
H W V Meares	50 Northcroft Road Englefield Green (RU 09/0958)	Applicant

463. 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. Objectors and Applicants addressed the Committee on the applications as indicated 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 09/0734	<p>77 Woodham Lane, New Haw Demolition of existing house and erection of two storey detached building comprising 8 no one bedroom affordable housing flats with new vehicular access off Loncin Mead Avenue, with associated parking, refuse and cycle store and landscaping.</p> <p>DECISION: Following the completion of a legal agreement to secure a financial contribution of £14,000 in relation to the SPA mitigation strategy for SANGS, securing the provision of the land and units as affordable housing in perpetuity and the associated nominations agreement, the Director of Technical Services be authorised to GRANT permission subject to Conditions, Reasons and Informatives listed on Agenda and additional Condition set out on the Addendum.</p> <p>(Mrs Wigmore, an Objector, and Mrs Edwards, on behalf of the Applicant, addressed the Committee on the above application).</p>
RU 09/0870	<p>10-18 Station Road North, Egham Erection of a four storey building comprising a retail unit on the ground floor and 11 no. 2 bed flats and 2 no. 1 bed flats, 9 car parking spaces on the ground floor following demolition of the existing building (amended description).</p> <p>DECISION: Following the completion of a legal agreement under Section 106 of the Town & Country Planning Act to secure a financial contribution of £21,395.18 towards the infrastructure tariff, the DTS be authorised to GRANT permission subject to Conditions, Reason and Informatives listed on Agenda.</p>
RU 09/0875	<p>100-106 Church Road, Addlestone Demolition of existing commercial garage and erection of a 54 bedroomed care home for dementia care</p> <p>DECISION: REFUSE for the following reasons:-</p> <ol style="list-style-type: none">1) The proposed development, by reason of the scale, height, width, floor area, depth, mass, bulk, proximity to common boundaries, layout (including basement rooms with inadequate amenity) and site coverage of building and parking would be a prominent and incongruous form of development with a cramped appearance and over-development of the site which would have a detrimental impact on the visual amenities of the street scene and would be out of scale with its surroundings and would be harmful to the character and pattern of the surrounding area. The scheme fails to improve the character and quality of

this area and overcome the previous appeal decision with application RU 08/0667 and would be contrary to saved Policies BE2 and HO9 of the Runnymede Borough Local Plan Second Alteration 2001, Policies SP3, H5, BE1, LF1 and LF5 of the South East Plan 2009, Planning Policy Statement 1 - 'Delivering Sustainable Development'; Planning Policy Statement 3: 'Housing', by Design and Surrey Design.

2. The proposed two storey rear projection, by reason of its height, width, depth and proximity to the northern rear and eastern side boundaries, would result in an over bearing and unneighbourly form of development detrimental to the amenities of neighbouring residential properties, particularly No 96 Church Road and No 106A Church Road, contrary to saved policy HO9 of the Runnymede Borough Local Plan Second Alteration 2001.

RU 09/0879

Station House, 21 Station Road, Addlestone
Demolition of existing public house and erection of a two and a half storey building containing 10 flats (5 no. one bedroom and 5 no two bedroom) with associated parking for 4 cars, 10 cycle spaces and landscaping.

DECISION: Following the completion of a legal agreement under Section 106 of the Town & Country Planning Act to secure a financial payment of £28,445.35 for the infrastructure tariff, the Director of Technical Services be authorised to GRANT permission subject to Conditions, Reasons and Informatives listed on Agenda.

RU 09/0857

Kenwolde Court, Callow Hill, Virginia Water
Erection of part single, part two storey rear extension following demolition of existing conservatory and porch.

DECISION: GRANT subject to Conditions, Reasons and Informatives listed on Agenda and amended Condition 2 requiring submission of external materials.

(Mrs Boecker, an Objector, and Mr Turner, the Applicant, addressed the Committee on the above application).

RU 09/0958

50 Northcroft Road, Englefield Green
Renewal of planning permission RU 06/1034 for erection of first floor rear extension, railings around flat roof rear extension to form terrace at first floor level and rear dormer windows to replace existing velux windows.

DECISION: GRANT subject to Conditions, Reason and Informatives listed on Agenda, and amended Condition 4 as per Addendum.

464. SURREY MINERALS PLAN

The Committee was consulted on two sets of documents relating to the Surrey Minerals Plan which had been published by SCC. For the first set of documents (Docs 1 and Docs 2 below) views were invited as to whether the documents were legally compliant and sound. With regard to the second set of documents (Docs 3 and 4 below), technical comments were invited. The County Council

proposed to submit the first set of documents to the Government in February 2010 for independent examination by a Planning Inspector.

Surrey Minerals Plan Core Strategy – Doc 1

The Committee considered whether the policies and sites identified in the Minerals Plan, to meet the regional requirement for aggregates until the period 2026, should be subject to a formal challenge.

The South East Region's minerals' policy framework was set out in the South East Plan 2009. However, the policy approach that allocated the regional demand for aggregates to Minerals Planning Authorities (SCC), was the subject of an Examination in Public attended by Council Officers. Whilst not yet concluded, it was likely that Surrey would have to provide 1.32 million tonnes p/a (mtpa) of aggregates. The Committee was advised that Surrey gravel aggregates were only found in Runnymede and Spelthorne and so the County's 1.32 mtpa aggregates requirements would be primarily dependent on reserves in the two Boroughs. The preferred area (sites) for delivery of aggregates were identified in the Primary Aggregate DPD – Doc 2.

Primary Aggregate DPD – Doc 2

The Committee was informed that to enable the Core Strategy to meet the regional aggregate demand for Surrey of 1.32 mtpa (subject to confirmation) the following sites had been identified in Doc 2.

- Milton Park Farm, Egham
- Whitehall Farm, Egham
- Land North of Thorpe, Egham
- Wey Manor Farm, Addlestone
- Hamm Court Farm, Addlestone

Five of the eleven sites were in Runnymede, providing some 36% of the total gravel aggregates requirement for the County for the period to 2026. However, Milton Park Farm (2.38mt) and Whitehall Farm (0.82mt) would not be totally extracted during the Plan period to avoid a cumulative impact. In addition, Wey Manor Farm would extend an existing site.

Minerals Site Restoration SPD – Doc 3

The Supplementary Planning Document comprised technical restoration guidance combined with the County's vision on how existing and proposed mineral working should be restored. The emphasis was upon a restoration-led approach when considering mineral working. It sets out the guidance that would need to be reflected in planning applications that were submitted on individual sites.

Aggregate Recycling – Joint Development Plan Document for Minerals and Waste Plans – Doc 4

Doc 4 sets out the County's vision of how aggregates recycling should be planned for in Surrey during the period to 2026. National policy guidance in Minerals Planning Statement 1 – Planning and Minerals and the Government's Waste Strategy 2007 placed emphasis upon recycling materials (that could be used as an alternative to existing minerals) and reducing waste. The joint DPD sought to achieve these twin objectives within Surrey. The document indicated that temporary aggregate recycling sites would be located at identified minerals sites in the following locations in Runnymede:

- Addlestone Quarry, Addlestone
- Milton Park Farm, Egham
- Whitehall Farm, Egham
- Hamm Court Farm, Addlestone

Other aggregates recycling sites would be associated with identified waste recycling sites at:

- Land adjacent to Trumps Farm, Longcross

- Lyne Lane, Chertsey

In essence this would require the provision of additional infrastructure on site to deal with the additional activity.

The Committee requested that the following comments be submitted to SCC:-

With regard to the annual allocations for mineral extraction, the Committee had previously resolved that the demand for aggregates should be met in a fair and equitable way. As part of their assessment it was deemed essential to ensure that the detrimental impact –

- ***on the local environment and communities was minimised; and***
- ***on the local and regional highway network was fully recognised.***

There was particular concern that the cumulative impact of the release of the sites, on a small Borough, would be particularly significant as the local infrastructure was already under stress.

With regard to site specific comments, the Committee had recently commented upon an application for mineral extraction at Milton Park Farm, Egham. Objection had been raised to the scheme for a number of reasons including highway concerns, impact on local hydrology, effect on listed buildings, loss of agricultural land, impact on local economy and air and noise pollution. Members were of the view that similar concerns would equally apply to the other sites in the Borough.

Members considered that the Hydrology Statement was weak. The impact of mineral extraction upon hydrology had not been adequately shown and there was a failure to demonstrate the hydraulic conductivity of the infill gravel pits and where excess run off would go or be contained during a rainfall event and the resultant effects upon the restored land's worth and quality. It was recognised that the Borough was at significant risk at a National level as highlighted in the Borough's Strategic Flood Risk Assessment. Previous gravel extraction had contributed to this flood risk and the risk may be exacerbated without due consideration of the effects on ground water movement and surface water run off.

The Committee recognised that there was a need to meet regional and county aggregates needs and that there were limited sites available in the County (minerals could only be worked where they occur). A key issue was that the release of sites needed to fully recognise the impact that they had on the local environment and communities. Members wished to challenge the Core Strategy and Primary Aggregates DPD (Docs 1 and 2) as they had not adequately addressed these issues as part of the Sustainability Appraisal and Strategic Environmental Assessments. In particular there was concern that Policy MC1 of Doc 1 and Policies MA1 and MA2 of Doc 2 had not satisfactorily considered the social, environmental and economic issues that will provide a sound and sustainable plan. Officers would expand upon these issues as a formal objection that it was hoped would be considered at the Surrey Minerals Plan Core Strategy Examination in Public in 2010.

The provision of additional aggregates facilities on 5 locations in Runnymede, in the context of 10 identified sites in the County, was inequitable. Whilst these facilities were associated with existing identified waste minerals sites it was anticipated that additional site activity would give rise to traffic, air and noise pollution, amenity issues, and other considerations that would impact on the local adjoining communities. This was particularly the case for the sites at Egham, Hamm Court and Addlestone which would be required to deal with the consequences of accommodating some 50% of the aggregates recycling facilities for the County in geographically the fourth smallest borough. There was not sufficient evidence that adequate alternative sites for the whole county had been adequately considered and an objection is lodged to policy AR2 on this basis.

Due to the very limited timescale to respond, it had not been possible at this stage to complete a detailed review of the information supplied in support of this plan. There were some procedural issues involved in both the application of the SEA Regulations and the Habitats Regulations which had to be considered by this Plan, namely -

- Required information and the role of apparent discretion;
- The use of Grampian styled policies/conclusions; and
- The determination of "likely significant effects"; and "no adverse affect on integrity".

Surrey County Council had subjected the Plan to the requirements of various legislative instruments and in so doing the SCC had produced two documents which it referred to as:

- i) **Strategic Environmental Assessment & Sustainability Appraisal of the Minerals Development Framework for Surrey (Environmental Report for the Surrey Minerals Plan) (ER Report); and**
- ii) **Report on the Habitats Regulations Assessment & Appropriate Assessment of the Surrey Minerals Plan (AA Report).**

The SCC recognised the multi-level assessment required for the SMP. However, it was unclear in the absence of a full and detailed review of the AA Report as to the efficacy of the information and therefore its conclusions. Given the SMP's reliance on the subsequent provision of information referred to in the AA Report; the conclusions of adequacy had to be suspended pending the conclusion of the AA Report review. The review should be concluded as close to the examination of the SMP so that all information could be considered.

RESOLVED that -

- i) **objection be raised to the Surrey Minerals Plan Core Strategy Policy MC1 and accompanying Primary Aggregates Development Plan Document Policies MA1 and MA2 and Aggregates and Recycling Plan AR2 for the reasons set out in the preamble to this resolution; and**
- ii) **any additional material required for the examination in public, based upon the principles set out in the report, be agreed by the Director of Technical Services in consultation with the Chairman and Vice Chairman of the Committee.**

465. GREAT GROVE FARM, OTTERSHAW – ENFORCEMENT

The Committee considered authorisation of an enforcement notice in respect of a material change in the use of an open grassed paddock to the north of Great Grove Farm for unauthorised open storage comprising a variety of items including skips, lorry bodies, a portacabin, trailers, metal tanks and tyres, plant and machinery, pallets, wood, ladders, metal tanks and other various miscellaneous items and the parking and movement of motor vehicles.

The planning history of this site was noted.

The use of the open paddock land for parking and open storage had resulted in a spread of vans, cars, skips, lorry parts, and other items within a previously open area. There was a hedge, defining the northern boundary of Great Grove Farm but the open storage had spread beyond this area. There were open views and vistas from a wide area and this had resulted in the site having an unsightly appearance which was not characteristic of the undeveloped Green Belt in this area. The Committee considered that the unauthorised change in use of the land was an inappropriate and harmful development within the Green Belt by reason of an undesirable intensification and spread of commercial uses within an area of land outside the developed area of Great Grove Farm which was previously open. This had a detrimental and harmful impact upon the openness and visual amenities of the Green Belt which was vulnerable and fragmented in this part of the Borough and conflicted with the purposes of the Green Belt. The landscape had deteriorated as a result of this encroachment contrary to saved Policy NE10.

Despite the initial acceptance by the owner that the uses were unauthorised, the landowner's agent had now submitted a letter stating that the landowner believed that the use of this area for storage had (in part) been ongoing for a sufficient period of time to be considered lawful. In light of this, the agent was preparing an application seeking a Certificate of Lawfulness for the storage uses which would be ready for submission by 24 December 2009 and had requested that any enforcement

proceedings be delayed until the evidence submitted with the forthcoming application could be considered.

On the balance of probability Officers considered that the use of this land had not taken place for the relevant 10 year period. Whilst it was considered that a reasonable period of time had already elapsed to submit such a certificate, the Committee decided to authorise enforcement action but delay the serving of any Enforcement Notice(s) until after 24 December 2009 which would allow the landowner/agent further time to submit a Certificate of Existing Lawfulness.

The Human Rights considerations associated with this case were noted.

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 (as amended) requiring:**
 - a) cessation of the material change in the use of land for unauthorised open storage comprising a variety of items including skips, lorry bodies, a portacabin, trailers, tyres, plant and machinery, pallets, wood, ladders, metal tanks and other various miscellaneous items and the parking and movement of motor vehicles;**
 - b) removal of skips, lorry bodies, portacabin, trailers, tyres, metal tanks, pallets, wood, ladders and various miscellaneous items and motor vehicles;**
 - c) the land to be restored to open grassland.**
- ii) the Director of Administration and Leisure be authorised to take appropriate action in carrying out necessary works or prosecution under Sections 178 and 179 of the Town and Country Planning Act 1990 in the event that these notice(s) once effective are not complied with.**

Reasons for Issuing Enforcement Notices

- 1. The unauthorised material change in use of the land for open storage comprising a variety of items including skips, lorry bodies, a portacabin, trailers, metal tanks and tyres and other various miscellaneous items and the parking and movement of motor vehicles is an inappropriate and harmful development within the Green Belt. This results in an undesirable intensification and spread of commercial uses into open Green Belt land which is vulnerable and fragmented and which has a detrimental and harmful impact upon the openness and visual amenities of the Green Belt. This conflicts with the purposes of the Green Belt contrary to advice contained within Planning Policy Guidance Note 2: Green Belts and conflicts with saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration April 2001 and Policies SP5 and LF1 of the South East Plan May 2009.**
- 2. The Local Planning Authority do not consider that very special circumstances exist in order to justify the granting of planning permission, contrary to saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration 2001, policies SP5 and LF1 of the South East Plan May 2009 and advice contained within Planning Policy Guidance Note 2 : 'Green Belts**

466. 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 noted.

Chairman

(The meeting ended at 9.31pm)

**The Former DERA Site- Longcross
Core Strategy Site Boundary Consultation 8th February – 5th March 2010**

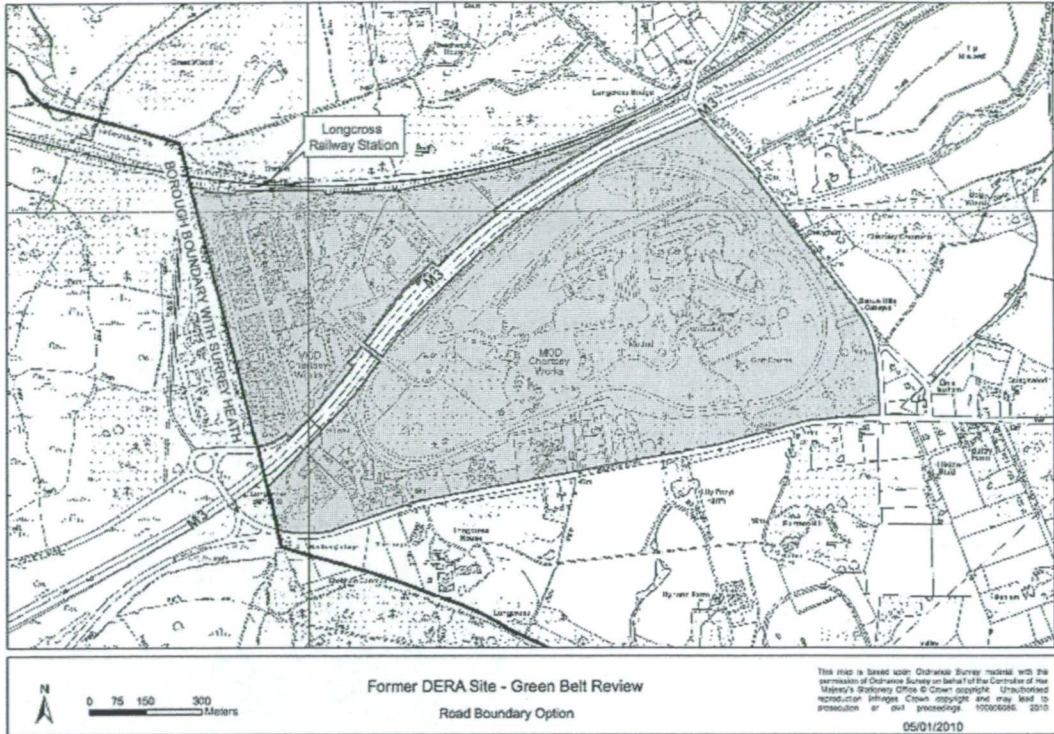
Runnymede Borough Council is currently preparing its Core Strategy. This is a 20 year strategy dealing with growth, change and development in the Borough. The Regional Plan (the South East Plan) has identified the former Defence Evaluation and Research Agency (DERA) site at Longcross, as a large scale mixed use development to include in the region of 2,500 new homes, the detail of this will be dealt with at the local level through Runnymede Borough Council's Core Strategy. The purpose of this document is to seek views on the boundaries of this site to be included in this strategy, which will ultimately be removed from the Metropolitan Green Belt.

The former DERA site was originally a MoD research establishment which included military vehicle testing. The site was decommissioned in 2001 and purchased by Crest Nicholson and Aviva in a joint venture. The site is 129 hectares in area and is divided by the M3 creating a northern and southern site. The site is currently within the metropolitan Green Belt and currently contains large scale industrial storage, laboratory and barracks buildings, some of these buildings are in commercial use.

In planning for the long term future of the DERA site (responding to the direction of the South East Plan), the Council needs to decide how the site will be developed and what elements it will contain. In order to do this the Council needs to define the boundaries of this site, considering the most logical boundaries to contain this level of development, and the most logical in terms of removing the site from the Green Belt.

Planning Policy Guidance Note 2 (National Green Belt Policy) states that "where detailed Green Belt boundaries have not yet been defined, it is necessary to establish boundaries that will endure".

In coming to a preferred defined boundary the Council has considered a number of options, however the boundary defined on the plan below is considered to be the most sensible. This approach uses the existing boundaries around the site to define the extent of the DERA site. These include the Reading to Waterloo Railway line, the northern boundary of Longcross Road and the Eastern boundary of Kitsmead Lane. The other boundary is the borough boundary between Runnymede and Surrey Heath. There is a small portion of the DERA site which is in the Surrey Heath administrative area. It is expected that this area will remain in the Green Belt.



Your Views

The above option identifies the suggested boundaries of the DERA site and the extent of the land which would eventually be removed from the Green Belt.

The following response form asks for your views on this option and seeks your views on any alternatives that the Council should consider.

This Consultation runs between the 8th February 2010 and 5th March 2010 and responses should either be sent to

Policy and Implementation
 Technical Services Dept
 Runnymede Borough Council
 The Civic Centre
 Station Road
 Addlestone
 KT15 2AH

Or alternatively you can download this form at www.runnymede.gov.uk and email it to us at ldf@runnymede.gov.uk

Many thanks for your time

RUNNYMEDE CORE STRATEGY

DERA Site Boundary Consultation 8th February -5th March 2010

COMMENTS FORM

Please use this form to make comments on the DERA boundary consultation. Return all forms to ldf@runnymede.gov.uk or post to Policy & Implementation, Technical Services, Runnymede Borough Council, Civic Centre, Station Road, Addlestone, KT15 2AH

Please complete the following details, which are required to register your comments:

First Name	
Last Name	
Address (inc. postcode)	
E-Mail	
Organisation or client that you represent (if applicable)	

DERA Site Boundary:

Do you agree or disagree with the DERA boundary as suggested

Agree

Disagree

Comments:

If you disagree with the boundary please state what alteration to the boundary you would suggest and why in the box below

If you have any further comments that you wish to make please make these in the box below.

Official Use Only:	Respondent ID:	Consultation ID:
Date Received:	Date Acknowledged:	Policy ID:



Appeal Decision

Site visit made on 25 November 2009

by **Andrew D Kirby** RD* MA MSc FRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
14 December 2009

Appeal Ref: APP/Q3630/X/09/2106253

4 Riverside, Egham, TW20 0AA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr R Dwyer against the decision of Runnymede Borough Council.
- The application Ref RU 09/0347, dated 20 April 2009, was refused by notice dated 28 May 2009.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is the erection of a detached garage.

Decision

1. I allow the appeal, and I attach to this decision a certificate of lawful use or development describing the proposed operation which I consider to be lawful.

Reasons

2. The proposed development falls to be considered against the permitted development provisions of Class E of Part 1 to Schedule 2 of the amended General Permitted Development Order (GPDO). The garage is a building which would replace an existing garage and is therefore required for a purpose incidental to the enjoyment of the dwellinghouse. It is common ground that all the exclusions in paragraph E.1 are satisfied except for E.1(b):

"any part of the building ... would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse"
3. The dispute turns on which elevation forms the principal elevation. This centres on two elevations: the northern one which faces the Thames and the southern one which faces the vehicular access. Throughout their statement the Council refer to "a 'principal elevation'" and conclude that both the northern and southern elevations are both "a principal elevation". In so doing they disregard the words of the GPDO which clearly refers to "the principal elevation". The Council also refer to the informal guidance issued by Communities and Local Government. However, that does not have the status of a Statutory Instrument or Circular and I have to have regard to the words of the Order. I share the appellant's view that the use of "the" rather than "a" implies that there will only be one in any situation and the normal dictionary meaning of "principal" – first in importance – means that the Order envisages there being only one elevation that forms the principal elevation for the purposes of the Order.

4. The Council also refer me to there being many other houses which have a view over the Thames and fear that the decision may set a precedent. They also refer to other proposals the appellant may have in mind for other development. Neither issue is relevant to my decision. I have to apply the GPDO to this proposal and this dwelling, and to no other.
5. There are a number of factors to take into account in deciding what is the principal elevation of the dwelling. I lay some importance on how people – public and private, on foot and in vehicles – approach the dwelling. In this case vehicles approach the dwelling from the south off a private cul-de-sac and can draw up on a surfaced area in front of the southern elevation. Pedestrians too can approach the house in the same way. However, in this case there is a public footpath/towpath access between the Thames and the boundary hedge of the property on its northern side. There is a pedestrian gate into the property and I understand this is the route used by the postman – there is a letter box in the north facing door. The appellant also says that when he arrives by boat he moors alongside and enters this way.
6. I also attach considerable weight to the design of the house and how it sits within its curtilage and is displayed to public views. The dwelling is positioned towards the northern end of the plot and there is no doubt that the southern garden is more private notwithstanding having the vehicular access gate at one end. In making that assessment I am discounting that the access cul-de-sac is a private road. It is also the largest area of garden and that and its relative seclusion point to the character of a rear garden. It is true that there were at the time of my site visit items of play equipment to one side of the smaller northern garden but they did not impinge significantly on the character of the garden which does not have the utility areas of the southern garden. The house and northern garden are completely open to public views from the towpath over the low boundary hedge.
7. Turning now to the character of the two façades. The nearest impression I have of the appearance of the original dwelling – defined in this case as that which existed in 1948 – is from the two photographs taken in the 1980s. The southern elevation with its small entrance door and single storey extension to one side of the entrance is attractive enough and part of a coherent design but it lacks the weight and substance that the porch gives to the northern elevation. The southern elevation has more of the character of a rear elevation.
8. There have been changes since the 1980s. The two storey side extension has a similar effect on both elevations. A more substantial porch has been erected on the southern elevation which enhances that elevation and creates a more formal and imposing entrance. Even so the extended single storey extension to one side of the porch retains the character more of a rear extension than being part of the main elevation. Both now and in the 1980s I consider that the design of the northern elevation has a more imposing aspect. This is perhaps unsurprising because of the importance of the views of the property from the Thames. It was designed to create a good formal public impression. The later side extension has removed some of the original balance of the northern elevation but it still presents a well designed and coherent face to the primary public view. It is not one of those riverside houses that hid its light under a long rear garden running down to the waterside. It seems to have set out to impress.

9. On the ground floor the kitchen/diner is on the northern side but the utility room is on the southern side along with the dining room. The two living rooms are essentially through rooms. The entrance hall is also a through space accessed from the doors to the porches on both elevations. I find nothing about the internal arrangements to undermine my conclusion on the external appearance.
10. Putting all these matters together I attach more weight in this case to the public perception of the dwelling and how the original design responded to that rather than on the vehicular access arrangements. As a matter of fact and degree I conclude that the principal elevation of the original dwellinghouse is its northern elevation and thus that the proposed building would not be forward of a wall forming the principal elevation of the original dwellinghouse. I conclude that the council's decision was not well founded and that the proposed development would be lawful.
11. I do not find that the alignment and direction of approach of services is a material factor since routes are often chosen because of their directness and convenience regardless of which is the most important elevation of the property. The appeal decision at 11 Riverside does not help since the Inspector was determining a s78 appeal involving balconies on the riverside elevation. He was not interpreting the GPDO when he refers to the front and rear gardens. Nor am I assisted by which frontages planning policies seek to protect in terms of landscape importance.
12. The appellant's Human Rights are not engaged in LDC applications and appeals, let alone "infringed" or violated. LDCs are merely declaratory of certain existing rights¹.

Andrew D Kirby
Inspector

¹ Massingham v SSTR & Havant BC [2002] EWHC 1578 (Admin)



Lawful Development Certificate

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
email:enquiries@pins.gsi.
gov.uk

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995: ARTICLE 24

IT IS HEREBY CERTIFIED that on 20 April 2009 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed garage was within the description of permitted development under Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended.

Signed

Andrew D Kirby

Inspector

Date: 14 December 2009

Reference: APP/Q3630/X/09/2106253

First Schedule

The erection of a detached garage as described in application Ref RU 09/0347 dated 20 April 2009.

Second Schedule

Land at 4 Riverside, Egham, TW20 0AA

IMPORTANT NOTES - SEE OVER

CERTIFICATE OF LAWFULNESS FOR PLANNING PURPOSES

NOTES

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, would not have been liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.
4. The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness



Plan

This is the plan referred to in the Lawful Development Certificate dated: 14/12/09

by Andrew D Kirby RD* MA MSc FRTPi

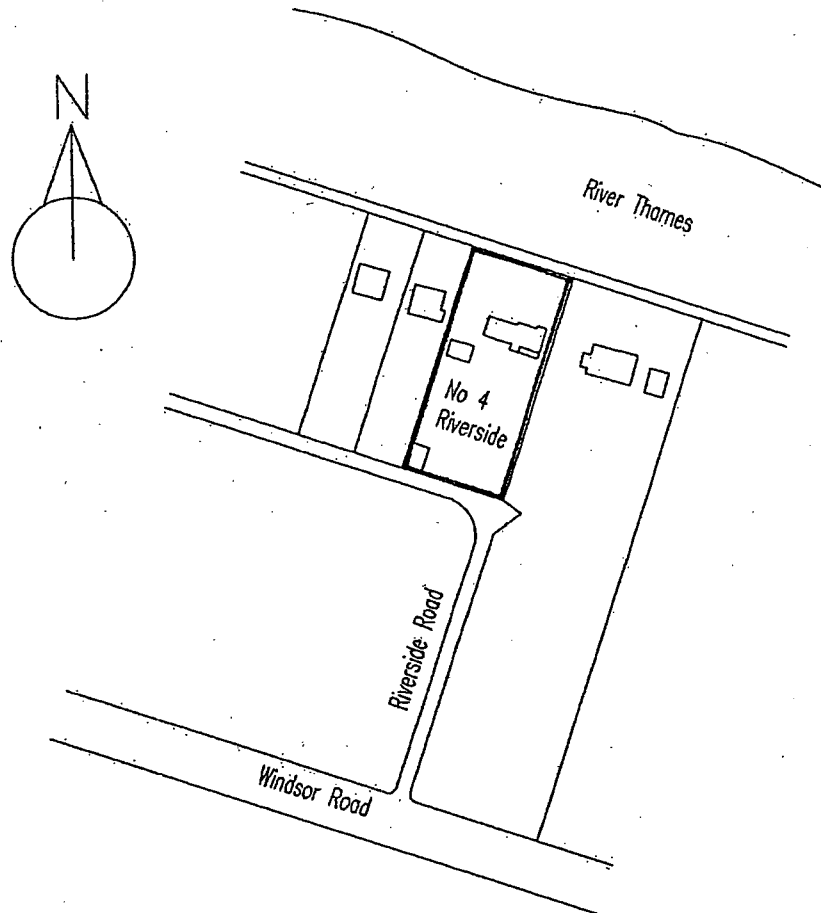
Land at: 4 Riverside, Egham,
TW20 0AA

Reference:
APP/Q3630/X/09/2106253

The Planning Inspectorate
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Scale:



LOCATION PLAN

PLANNING APPLICATIONS DETERMINED BY

 DIRECTOR OF TECHNICAL SERVICES

8TH DECEMBER 2009 TO 8TH JANUARY 2010

<u>APP. NO.</u>	<u>LOCATION AND PROPOSAL FOLLOWED BY DECISION</u>
09/0908	Hardstanding (55sqm) and access to existing moorings, to include newly configured steps, mooring bollards and new low retaining wall and resurfacing of the Thames footpath (approx 100m) DECISION: GRANT
09/0919	Change of use from Class A3 (Food & Drink) to hand car wash facility (Sui Generis) - amended description 7.12.2009 following revised plans removing canopy and anti-splash screen DECISION: GRANT
09/0923	Botleys Mansion, Stonehill Road, Ottershaw, Chertsey Proposed construction of a glazed roof over an existing internal courtyard to provide an orangery for use as a dining area DECISION: GRANT
09/0924	Botleys Mansion, Stonehill Road, Ottershaw, Chertsey Listed Building consent for proposed construction of a glazed roof over an existing internal courtyard to provide an orangery for use as a dining area DECISION: GRANT
09/0932	50 Station Road, Addlestone Installation of three air conditioning units at rear of property, erection of handrail to rear steps and revised shopfront (revised description adding further AC unit, handrail and revised design of shopfront) (Revised plans received) DECISION: GRANT
09/0933	4 Wingfield Close, New Haw, Addlestone Reduce crown of Oak trees (T1 and T2 shown on submitted plan) overhanging 7 Wingfield Close by 33%, removal of lower branches to a maximum height of 6 metres, removal of large limb and 5 minor limbs of T1 on submitted plan which overhang No 7 Wingfield Close and removal of two minor limbs of T2 which are growing towards the building which are protected by Tree Protection Order No 197 DECISION: GRANT

APP. NO. LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 09/0935 34 Bois Hall Road, Addlestone
Erection of a single storey rear extension
DECISION: GRANT
- 09/0937 Pipits Hill, West Drive, Virginia Water
Proposed lawful development Certificate to establish whether planning permission is required for erection of detached single storey gym and games room building with basement and with walkway to a treble garage ancillary to the main dwelling house
DECISION: REFUSE CERTIFICATE OF PROPOSED LAWFULNESS
- 09/0938 20 Station Parade, Virginia Water
Change of use from Class A1 (retail) to Class A5 (hot food takeaway) (revised plans received 9th December 2009)
DECISION: GRANT
- 09/0942 Erection of two storey side, part two storey, part single storey rear and single storey front extensions
DECISION: GRANT
- 09/0944 Glenwood, Stuart Way, Virginia Water
Lawful Development for Existing Detached Outbuilding
DECISION: GRANT
- 09/0945 Faris Lodge, Faris Lane, Woodham, Addlestone
Removal of one Beech tree protected by Tree Preservation Order No. 58
DECISION: REFUSE
- 09/0948 Firslea, Spratts Lane, Ottershaw, Chertsey
Insertion of three dormer windows following removal of one existing and insertion of two bow windows at ground floor to front elevation
DECISION: GRANT
- 09/0950 15 Dickens Drive, Addlestone
Erection of single storey rear extension incorporating two domed rooflights following demolition of existing conservatory
DECISION: GRANT
- 09/0952 Three Tuns Cottage, 46 London Street, Chertsey
Replacement of ground floor and first floor windows on front elevation with double glazed windows
DECISION: GRANT
- 09/0956 303-307 Woodham Lane, New Haw
Variation of Condition 6 of planning permission RU.07/1053 to retain window but have obscure glazing and to be fixed shut
DECISION: GRANT

<u>APP. NO.</u>	<u>LOCATION AND PROPOSAL FOLLOWED BY DECISION</u>
09/0960	Abbey Chase Farm, Abbey Chase, Bridge Road, Chertsey Erection of stable building to provide 6 stables DECISION: GRANT
09/0964	9 Sayes Court, Addlestone Erection of single storey rear extension and rear conservatory following demolition of existing rear extension DECISION: REFUSE
09/0967	15 Dudley Close, Addlestone Proposed Lawful Development Certificate to establish whether Planning Permission is required for a single storey side and rear extension DECISION: REFUSE CERTIFICATE OF PROPOSED LAWFULNESS
09/0968	Fir Trees, Spring Woods, Virginia Water Erection of a conservatory to the rear of the property following removal of existing detached single garage DECISION: GRANT
09/0969	Glendene, Faris Lane, Woodham, Addlestone Single storey rear extension and new enlarged roof areas and first floor above existing dwelling, garage and proposed single storey rear extension to accommodate habitable first floor accommodation with the provision of 2 dormer windows and 7 velux rooflights DECISION: REFUSE
09/0971	17 Pooley Green Road, Egham Erection of 1.8 metre high brick wall and piers to Pooley Avenue and 1.8 metre high brick wall, piers and railings with vehicular entrance gates to Pooley Green Road DECISION: REFUSE
09/0972	3 Crofton Close, Ottershaw, Chertsey Erection of first floor side/rear extension DECISION: GRANT
09/0973	Lyne Lane CRC, (formerly k/as Lyne Lane Civic Amenity Site), Lyne, Chertsey Consultation by Surrey County Council for the use of the existing CRC site without compliance with condition 3 of planning permission RU .06/0716 dated 6th November 2006 by extending the hours of operation from 08.00 to 19.30 hours Monday to Sunday including Public holidays during the summer months (1 April - 30 September) and from 08.00 to 17.30 hours during the winter months (1 October - 31 March), excluding Christmas Day, Boxing Day and New Years Day DECISION: NO OBJECTION

APP. NO. LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 09/0974 30 Strode Street, Egham
Roof amendments to planning permission RU.08/0748 (Erection of a two storey rear extension following demolition of existing single storey structure)
DECISION: GRANT
- 09/0975 Fort Belvedere, London Road, Sunninghill, Ascot
Alterations to listed building including reconfiguration of existing steps from the library doors and replacement of existing first floor master bedroom doors to external terrace.
DECISION: GRANT
- 09/0976 Fort Belvedere, London Road, Sunninghill, Ascot
Listed Building Consent for alterations to building including reconfiguration of existing steps from the library on north elevation with replacement of external library doors and replacement of existing first floor master bedroom doors to external terrace.
DECISION: GRANT
- 09/0977 Thorpe Park, Staines Road, Chertsey
Amendments to grading of Area 'F' (approved under medium term development plan 2005-2010) including associated landscaping and surfacing
DECISION: GRANT
- 09/0978 12 Selsdon Road, New Haw, Addlestone
Erection of a rear conservatory (revised plans received 15th December 2009 showing larger (wider) conservatory)
DECISION: GRANT
- 09/0979 15 Wendley Drive, New Haw, Addlestone
Erection of first floor side extension incorporating a juliette balcony to rear elevation
DECISION: GRANT
- 09/0980 2 Hamilton Close, Chertsey
Erection of part two storey, part single storey side extension incorporating a rooflight
DECISION: REFUSE
- 09/0981 13 Basset Close, New Haw, Addlestone
Erection of first floor side extension and canopy over front entrance and erection of side conservatory on southern elevation
DECISION: REFUSE

APP. NO. LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 09/0983 River Wey Navigation Towpath (Eastern Side), Hamm Moor Lane, Addlestone
Re-pollard 36 Willow trees located on the eastern side of the Wey Navigation, protection by Conservation Area status
DECISION: NO OBJECTION
- 09/0985 The Rise, Beechwood Drive, Virginia Water
Proposed lawful development certificate to establish whether planning permission is required for the erection of 2 storey front and rear extensions and single storey side extensions
DECISION: GRANT CERTIFICATE OF PROPOSED LAWFUL DEVELOPMENT
- 09/0987 Milland, Thorpe Lea Road, Egham
Replacement bungalow with roof accommodation following demolition of the existing bungalow
DECISION: GRANT
- 09/0988 41 Rusham Road, Egham
Erection of a first floor rear extension and new pitched roof over existing porch
DECISION: GRANT
- 09/0989 43 South Avenue, Egham
Erection of single storey rear extension (retrospective)
DECISION: GRANT
- 09/0990 5 Abbey Meadows, Bridge Road, Chertsey
Erection of single storey extension to rear of property following demolition of existing conservatory (amended description)
DECISION: GRANT
- 09/0991 82 London Street
Crown reduction of two Yew trees by up to 20% and other works
DECISION: GRANT
- 09/0992 Savill Court Hotel, Wick Lane, Englefield Green, Egham
Variation of Condition 4 of planning permission RU.00/0735 to allow limited number of public members to access the leisure facilities
DECISION: REFUSE
- 09/0993 192A Chertsey lane, Staines
Amendments to RU.07/0934 (erection of two storey side and single storey rear extensions) to include an increase in roof height
DECISION: GRANT

APP. NO. LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 09/0996 Erection of a detached garage with window to front following demolition of existing detached garage with window to front following demolition of existing detached garage
DECISION: GRANT
- 09/1010 11 Alder Close, Englefield Green, Egham
Erection of part two, part single storey rear extension and two storey side extension
DECISION: GRANT
- 09/1011 245 Thames Side, Chertsey
Consultation by Spelthorne Borough Council for formation of raised footpath at side, erection of 1.8m high boundary fence on northern side boundary and extension of existing raised paving at rear
DECISION: NO OBJECTION
- 09/1015 125 Station Road, Addlestone
Demolition of existing storage building at rear and erection of replacement store with 2 no. 2 bed flats above, with 4 no. garage spaces with ancillary storage (Amendment to planning permission RU.08/0334 to enlarge one of first floor flats)
DECISION: GRANT
- 09/1020 The Villa, Woodham Park Road, Woodham, Addlestone
Demolition of existing buildings and erection of a pair of semi detached two storey dwellings with two bedrooms, attached single garages and associated works
DECISION: REFUSE
- 09/1026 24-26 Simplemarsh Road, Addlestone
Demolition of existing buildings and erection of new two bedroom single storey dwelling at rear of existing flats
DECISION: REFUSE
- 09/1029 18 Roakes Avenue, Addlestone
Erection of two storey rear extension following demolition of existing conservatory and construction of pitched roof over existing single storey rear extension (Retrospective)
DECISION: GRANT
- 09/1034 14 Willow Close, Woodham, Addlestone
Erection of single storey front extension (revised plans received 21.12.09)
DECISION: GRANT
- 09/1052 25 Clarendon Gate, Ottershaw, Chertsey
Erection of a conservatory to the rear
DECISION: GRANT

APP. NO. LOCATION AND PROPOSAL FOLLOWED BY DECISION

09/1060 Waldeck House, Lyne Lane, Lyne, Chertsey
Alterations to levels and provision of surface for parking and incorporation of adjoining land into residential curtilage (retrospective)

DELEGATED DECISIONS IN CONSULTATION WITH CHAIRMAN & VICE CHAIRMAN

- 09/0894 18 Oakhill Road, Addlestone
Erection of part first floor, part two storey side extension, single storey rear/side extension, single storey front extension and conversion of garage to habitable accommodation following demolition of existing conservatory (Revised plans received 13th November 2009) (Revised plans received) (Revised plans received 23/11/09)
DECISION: GRANT
- 09/0895 15 Jubilee Crescent, Addlestone
Application for certificate of existing lawful development to confirm that roof alteration and rear dormer extension would have been permitted development
DECISION: GRANT CERTIFICATE OF EXISTING LAWFULNESS
- 09/0907 Russets, Knowle Grove, Virginia Water
Outline application for the demolition of the existing dwelling and outbuildings and erection of 2 no. x two storey detached dwellings with detached garages, repositioning of access and tree removal
DECISION: GRANT
- 09/0931 Hogsters Farm, Stroude Road, Egham
Change of use of existing agricultural barn for purposes within Class B8 (storage or distribution) (retrospective)
DECISION: GRANT
- 09/0941 20 Monks Road, Virginia Water
Erection of two storey dwelling with loft accommodation and integral garage
DECISION: GRANT
- 09/0946 29 Denham Road, Egham
Erection of single storey rear extension following demolition of existing single storey rear element
DECISION: GRANT
- 09/0947 Moorings, Hamm Court, Weybridge
Removal of Condition 4 of planning permission RU.94/0031 to allow the garage to be used as habitable accommodation
DECISION: GRANT
- 09/0953 Sunnyhurst, St Jude's Road, Englefield Green
Erection of single storey rear extension, single storey front extension to form enclosed porch and conversion of garage to habitable accommodation
DECISION: GRANT
- 09/0965 Kia Menna, Foxhills Road, Ottershaw
Erection of one detached 4 bedroom, two storey dwelling with integral garage following the demolition of existing semi detached bungalow and garage

DELEGATED DECISIONS IN CONSULTATION WITH CHAIRMAN & VICE CHAIRMAN

- 09/0970 Lime Lodge, Tite Hill, Englefield Green
Tree works to fell 11 no. trees covered by Tree Preservation Order No. 265
DECISION: GRANT
- 09/0994 Orchard Cottage, Sheerwater Avenue, Woodham, Addlestone
Erection of a two storey rear extension, raising of roof and enlargement of roof space incorporating five dormers in the side elevations to create additional habitable accommodation at first floor level, new sloping roofs to lounge and porch following demolition of existing extension (Amendments to application RU.09/0696)
DECISION: GRANT
- 09/0995 1 Lodge Close, Englefield Green, Egham
Retrospective permission for conversion of part of garage to habitable accommodation
DECISION: GRANT
- 09/0997 Erection of single storey rear extension, pitched roof over existing garage, front canopy and alterations to existing porch (Revised plan received 15th December 2009)
DECISION: GRANT
- 09/0998 7 Hawthorne Road, Staines
Retrospective application for retention of 3 metre high security fence
DECISION: GRANT
- 09/1049 Renewal of planning permission RU.04/1203 for erection of part two storey, part single storey rear extension and two storey side extension.
DECISION: GRANT