



**PLANNING COMMITTEE**

**27 OCTOBER 2010**

**APPENDICES**

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PROGRESS REPORT ON ENFORCEMENT OF PLANNING CONTROL AS AT 7TH OCTOBER 2010 (DAL)

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
<p><b>The Conifers</b> 111A, Almners Rd Lyne <b>(8.1.93)</b></p>	<p>Foxhills</p>	<p>Residential Caravan Site hardstanding and roadway.  Walls and tarmacadam of site.</p>	<p>i) Enforcement and Stop Notices issued.  (ii) Enforcement Notice issued.</p>	<p>Enforcement Notices effective. Final Injunction obtained: 16.06.95. Subsequent appeal to European Court. Judgement of European Court received and found in favour of RBC and UK position. Report to Committee regarding committal proceedings following determination of fresh application and consideration of occupiers' circumstances in addition to changed circumstances on site. Reassessment of personal circumstances to be made following site visit. Difficult to obtain necessary information.</p>	<p>Awaiting response from landowner as to whether he is going to submit an application</p>
<p>(File 53.14.227)</p>				<p>Invalid application received for a dwelling on the site – officers seeking pre-app discussions with landowner/agent.</p>	
<p><b>Greenacres</b> Hardwick Lane Chertsey <b>(6.3.00)</b></p>	<p>Foxhills</p>	<p>Siting of mobile homes and touring caravans in residential use.</p>	<p>Enforcement Notices issued.</p>	<p>Appeal dismissed/allowed in part. Compliance period expired 15.11.01. Application refused in October 2002 and injunction proceedings authorised. Occupier circumstances being assessed prior to proceedings. Fresh planning application for new dwelling refused. Site Visit to be made in conjunction with other agencies to assess livestock levels/use of site/changes to site. Personal circumstances to be assessed. Site visit made 18.11.08 as part of Police raid. Evidence obtained and with Legal for injunctive action. However, legal advice that Human Rights information to be obtained. 21.08.09 – Multi-agency meeting and way forward agreed. Human Rights questionnaires and PCNs served with Police on 3.09.09.</p>	<p>Awaiting retrospective applications</p>
<p>(File 53.14.295)</p>				<p>Site visited on 29.09.09, all PCNs and questionnaire returned by 8.12.09. Committee report drafted updating the situation. Criminal trial by DWP to start April 2010. Guilty please made and two custodial sentences given. Retrospective applications for mobile homes and commercial yard anticipated and to be submitted, claiming gypsy status (change in circumstance from previous appeal).</p>	

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
<b>Willow Farm (1)</b> Chobham Road Ottershaw <b>(31.5.00)</b> (File 53.14.314)	Foxhills	Non-compliance with conditions of planning permissions – landscaping.	Breach of Condition Notice issued.	Notice effective – compliance period expired 20.01.01. Partially complied. Previous owners informed that no more materials should be imported and that materials on site needed to be redistributed. Part of bunding removed. See entry for Willow Farm (2) for further information.	Await the decision of High Court in October 2010
SO 42 Authorisation <b>(1.3.06)</b>		Direct Action compliance in default.			
<b>Willow Farm (2)</b> Chobham Road Ottershaw <b>(21.3.03 – SO42)</b> <b>(16.04.03)</b> (File 53.14.232)	Foxhills	Laying of hardcore to form hardstanding.	Enforcement and Stop Notices issued.	Stop Notice took effect 28.03.03. Interim injunction obtained 29.04.2003. Appeal dismissed and Notice as varied upheld. Compliance period expires 22.04.05. Proceedings for full injunction continue in the High Court. Site being monitored. Final injunction granted 13.06.05. Compliance period expires 13.09.05. Occupiers vacated site and have returned. Liaising with Police and re-considering committal proceedings. New additional occupiers now on site. Site visited 04.10.07. Report to Planning Committee Meeting 30.01.08. Site visit 29.07.09. Counsel advice sought, response received and committal proceedings are being prepared. Letters delivered requiring vacation of site by mid-January. Legal and Counsel advice received and subject to separate reports to Planning Committee.	Await the decision of High Court in October 2010
S.O.42 Authorisation <b>(1.3.06)</b>				Committee authorised committal proceedings. Letter sent to occupants given until 28.06.09 to comply with injunction. Planning application refused by Committee on 22 April 2009 and appeal lodged. Committal proceedings initiated. First hearing held 18.08.09 and adjourned until after Public Inquiry (27-30 October 2009). Appeal dismissed 30.11.09. High Court Challenge against appeal decision made 11.1.10 – awaiting High Court decision in October 2010.	
				Committal proceedings to recommence if High Court challenge is unsuccessful.	

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
<b>Land r/o South Lodge (3)</b> Chobham Road Willow Farm Ottershaw <b>(16.4.03 – SO42)</b> (File 53.14.337)	Foxhills	Storage of caravans, trailers and mobile homes.	Enforcement Notice issued.	Enforcement Notice took effect 04.06.03. Compliance period expired. Not complied with. Legal and Counsel advice received and subject to separate reports to Planning Committee Committal proceedings initiated. First hearing held 18.08.09 & adjourned until after Public Inquiry (27-30 October 2009)	Await the decision of High Court in October 2010
<b>Double S</b> Stonehill Road Ottershaw <b>(5.9.01)</b> (File 53.13.70)	Foxhills	Caravans.	Enforcement Notice issued.	Notice effective – compliance period expired 22.02.02. Prosecution pending. Planning Contravention Notice issued and returned.  Details checked by interviews under caution. Certificate of Lawfulness application for commercial use not received. Planning application for retention of mobile home and business units being considered. Enforcement officers produce witness statement to assist Environment Agency prosecution	Awaiting outcome of Environment Agency prosecution set for 25th October 2010
<b>Thorpe Waterski,</b> Thorpe Road, Chertsey <b>(30.7.2003)</b> <b>(SO 42 – 12.09.2003)</b> (File 53.14.339)	Thorpe	(i) Various unauthorised structures  (ii) Unauthorised storage compounds  (iii) Unauthorised mobile homes	Enforcement Notices.	Enforcement Notices issued September 2003. Appeal lodged and subsequently withdrawn January 2005. Compliance period for Enforcement Notices effective from 6.10.2005. Ten planning applications submitted. Eight applications withdrawn. Appeals made against non-determination of applications. Planning appeals dismissed May 2007. Officers extended compliance period for Enforcement Notices until 1.10.07 following dismissal of planning appeals.  Requirements of enforcement notice not complied with. Landowner prosecuted for non-compliance and pleaded guilty. Fined £1,000 plus costs in January 2009. Requirements of all enforcement notices complied with except for one unauthorised building B (boat store) remains. Witness statement sent to legal on 20th May 2010 for second prosecution.	Witness statement with Legal for second prosecution against retention of one unlawful building. Awaiting court date

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
<b>Great Grove Farm (1)</b> Murray Road Ottershaw <b>(31.3.04)</b>  (File 53.14.350)	Foxhills	(i) Siting of portacabin  (ii) Erection of storage building  (iii) Open storage of materials, plant, equipment and vehicles	Enforcement Notices	Enforcement Notices issued July 2004.  Appeals lodged and subsequently withdrawn April 2005. Compliance period for Enforcement Notices effective from 2.07.05.  Three Certification of Lawfulness applications granted in February 2005.  (i) and (iii) complied with.  Application to retain building (ii) refused planning permission in March 2010. Period for appealing against this decision expired on 30th September 2010.	Site visit to be made before starting prosecution proceedings against the retention of unlawful building (ii)
<b>Great Grove Farm (2)</b> Murray Road, Ottershaw <b>(9.12.09)</b>	Foxhills	Unauthorised open storage	Enforcement Notice	Enforcement Notice served on 5.03.10.  Appeal made.	Await appeal decision
<b>Amberwood and Lone Pine</b> Christchurch Road Virginia Water <b>(4.8.04)</b>  (File 53.14.333)	Virginia Water	Erection of fence.	Enforcement Notice issued.	Notice quashed on appeal. Report submitted to Planning Committee. New authorisation given to take fresh enforcement action. New Enforcement Notice issued 22.09.04 and Appeal lodged. Informal hearing 15.03.05. Appeal dismissed. Compliance period extended to 25.11.05. Owner applied to High Court for leave to appeal Hearing 22.11.05:- Application dismissed. Magistrates' Court hearing adjourned generally. Complex family issues pertaining to occupation.	Legal have issued instructions to Counsel to review the case
<b>Padd Farm</b> Hurst Lane Egham <b>(25.05.05)</b> <b>(09.05.07)</b>  (File 53.14.103)	Virginia Water	(i) Unauthorised waste recycling activities.  (ii) Unauthorised uses of various buildings  (iii) Unauthorised construction of bunds	Enforcement Notices	First tranche of 24 enforcement notices issued December 2007. These enforcement notices were withdrawn and re-issued in the form of 2 enforcement notices. Appeal made and Inquiry held November 2009. Appeals were dismissed and enforcement notices (amended) and upheld in May 2010 and partial Order of Costs was made in favour of Council.  Appeal decision in May 2010 also dismissed Certificate of Lawfulness appeal in respect of residential use of garage flat.	Await expiry of compliance period (13 November 2010 and 13 May 2011)
/continued ...					/continued ...

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
/continued ... <b>Padd Farm</b> Hurst Lane Egham <b>(25.05.05)</b> <b>(09.05.07)</b>  (File 53.14.103)		(iv) Unauthorised extension to building  (v) Erection of 2 unauthorised buildings  (vi) Unauthorised residential extensions to building		Compliance period 13.11.10 for (i) to (v). Compliance period 13.05.11 for (vi)  An Antisocial Behaviour Order is no longer being pursued in liaison with Surrey Police.  Reports to be prepared for Planning Committee to consider: a) June 2009 application to discharge the Padd Farm S106 legal agreement; b) Second/duplicate certification of lawfulness application for residential use of garage flat; c) December 2009 certificate of lawfulness application for stationing of residential caravans; and d) Enforcement matters including injunctive action to enforce extant enforcement notices and S106 legal agreement.	
<b>Wilmar</b> Hurst Lane Egham <b>(16.11.05)</b> (File 53.14.386)	Virginia Water	i) Mobile Home  ii) Hardstanding.	Enforcement Notices	Enforcement report agreed by Planning Committee in November 2005. Retrospective planning application submitted and refused March 2006. Enforcement Notices issued April 2007 and re-issued November 2008 to strengthen prosecution case. Appeal made against re-issued Notices. Appeals dismissed in November 2009. Compliance period 2.03.10.  (i) Mobile home removed from site and complied with enforcement notice.  (ii) Hardstanding remains but to be re-used as a base for stables.	Await determination of planning application for stables before considering prosecution action for retention of hardstanding
				Final warning letter sent 28.07.10 requiring submission of application. Planning application submitted (RU.10/0876) for 2 stables and a tack room	

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
<b>Walnut Tree Farm</b> Almners Road Lyne (01.02.06) (31.03.10) (File 53.14.100)	Foxhills	(i) Unauthorised extension of hardstanding and bund and use by caravans.	(i) Authority given in April 2006 to serve enforcement notices; notices not issued by legal dept and development now lawful.	(i) Report made to Planning Committee on 31.03.10. Enforcement action authorised. Enforcement Notices issued 1.04.10. Appeals made. Inquiry set for 9th November 2010.	(ii) Await appeal decision.
		(ii) Unauthorised hardstandings, dwelling, mobile homes and caravans, outbuildings, fences, business uses	(ii) Enforcement Notices served 1.04.10	(iii) No appeal can be made against breach of condition enforcement notice. Compliance period 1.10.10	(iii) Await expiry of compliance period
		(iii) Breach of condition notices including use of mobile homes/caravans by non-gypsies	(iii) Enforcement Notices served 1.04.10		
<b>Woburn Park Farm</b> Woburn Hill Addlestone (13.12.06) (File 53.14.209)	Addlestone North	Unauthorised operational development.	Enforcement Notice to be drafted.	Enforcement Notice to be drafted following further works undertaken on site. Committee in December 2006 authorised injunction to cease any uses of the site other than travelling showman's permanent quarters and cease parking and storage of caravans, vehicles etc on the paddock area between March to November each year. Information sent to Counsel for advice on best way forward. Response received from Counsel and advice being considered by Legal and Planning Officers. Site visit 24.11.09. PCN issued 22.12.09. PCN returned 19.01.10 – Meeting held with landowner in February 2010. Showman's Guild delaying count until the Autumn. Additional survey work required to reconsider options including injunctive action	Report to Planning Committee Autumn 2010

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
<b>Blackboy Farm</b> Addlestone Road Addlestone <b>(31.01.07)</b>  (File 53.14.402)	Addlestone Bourneside	Mobile Home and hardstanding.	Enforcement Notices	Enforcement Notices issued 29.05.08. Compliance periods 3.07.10 and 3.08.10. Landowner given 2 year compliance period to find solution. Reminder letter sent to landowner in January 2010 about forthcoming compliance period. No response until may 2010 when landowner requested extension of compliance period. Report made to August Planning Committee and agreed to extend compliance period until 30.09.11 and invite temporary personal application for mobile home.	Await expiry of compliance period.
<b>Arcadia</b> Hamm Court Weybridge <b>(9.05.07)</b>  (File 53.14.409)	Addlestone Bourneside	Unauthorised dwelling, extension and use of outbuilding.	Enforcement Notice to be drafted.	Unilateral undertaking provided by Owner to cease use of garage as dwelling by 30.06.08 and demolish extension to garage by 30.07.08. Period of compliance extended to 30.10.08. Site visited 6 <sup>th</sup> November, outbuilding not demolished as required by unilateral undertaking. Planning application for retention of structure refused by Planning Committee Planning Committee authorised injunction proceedings for non-compliance with unilateral undertaking on 22.04.09. Appeal made against planning refusal and dismissed in March 2010. Witness statement sent to Legal for injunctive action for breach of legal agreement. Legal have sent pre-action letter to landowner. The cost/benefit of taking any further action needs to be considered.	To undertake costs/benefits analysis of pursuing injunctive action any further
<b>Land rear of 4 Aymer Close (1)</b> Chertsey Lane Staines <b>(14.05.08)</b> File 53.14.407	Thorpe	Overheight gate.	Enforcement Notice	Being regularly monitored. Enforcement Notice to be drafted. Insufficient resources to deal with consequential appeal for a minor matter Three current planning applications on this site and gates to be reviewed as part of these proposals.	Awaiting determination of current applications
<b>Land at Aymer Close (2)</b>	Thorpe	Prefabricated building	Enforcement Notice & Stop Notice	Enforcement and Stop notice served 29.9.08 Appeal dismissed and Notice upheld 20.08.09. Compliance period 22.11.09. Building remains in situ. Current planning application to retain building	Prosecution for non-compliance of Notice on hold until planning application determined
<b>Land off Green Lane (3)</b> Chertsey <b>(15.03.10)</b>	Thorpe	Unauthorised construction of hardstanding and concrete base for mobile home	Temporary Stop Notice	Temporary Stop Notice served on 16.02.10. Full Stop Notice and Enforcement Notice served on 16.03.10. Appeal made and hearing set for 12.10.10	Await appeal decision

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
203 Stroude Road Egham (14.05.08) (File 53.14.417)	Thorpe	Garage.	Enforcement Notice	Enforcement Notices issued on 23.7.08 Notice takes effect 27.8.08 Compliance period expires 27.12.08 Appeal made but not in time, notices now effective. Compliance period extended to 6.02.10 and further extension of time given until 30.06.10 due to personal circumstances of landowner. Despite further reminders and extension of compliance periods, no works have started to reduce the height of the garage. Garage being reduced in height so that it is permitted development and does not require planning permission by 30.06.10 Works re-started on compliance works in August 2010.	Witness Statement to be prepared to start prosecution proceedings
Glenfield Hurst Lane Egham ( ) File 53.14.414	Virginia Water	(1) residential use of caravans (2) ice-making business (3) storage containers (4) hardstanding (5) access road (6) floodlighting	Enforcement Notices	Enforcement Notices served June 2009. No reply to PCN and Owner failed to attend meeting. Prosecution being prepared prior to enforcement action being instituted. PCN reserved. Prosecution Statement prepared. Appeal against non-determination of certificate of lawfulness applications. Appeal made against service of enforcement notices. Original Inquiry on 3.02.10 adjourned until April 2010. Appeals dismissed and enforcement notices (amended) and upheld in April 2010. Partial Order of Costs was made in favour of Council. Appeals against non-determination of certificate of lawfulness application also dismissed. Compliance period 26.10.10.	Await expiry of compliance period
Southbeck, Ruxbury Road, Chertsey (13.5.09) (26.8.09) /continued overleaf	Chertsey	Unauthorised development: (1) cessation of commercial equestrian use (2) removal of portacabins/buildings /continued overleaf	Enforcement Notices	Enforcement Notices issued 9.11.09. Appeal submitted and set for a Public Inquiry. Appellant deleted some of his grounds of appeal and appeal now downgraded to a Hearing. Appeal dismissed. Compliance period 6.02.11. Three new retrospective planning applications submitted and refused permission	Await expiry of compliance period

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
/continued <b>Southbeck,</b> Ruxbury Road, Chertsey <b>(13.5.09)</b> <b>(26.8.09)</b>		(3) removal of containers/machinery (4) demolition of 15 stables (5) remove septic tank (6) remove sand school (7) remove hardstanding/track (8) remove floodlighting			
<b>The Oaks</b> <b>(29.10.08)</b>	Foxhills	Unauthorised business uses and buildings (i) cease storage of vehicles, boats and caravans (ii) reduce height of walls and gates	Enforcement Notice	Enforcement Notices issued 12.12.08. Appeal lodged and Inquiry into certification of lawfulness held in April 2009. Certificate of lawfulness appeal determined. Part allowed and part upheld. Award of Costs to Council for unreasonable behaviour by appellant. Enforcement Notice Inquiry July 2009. Appeal dismissed for (i), appeal allowed for (ii). Compliance period expired 24.11.09. Site visit undertaken and non-compliance found. Appeals outstanding for variation of certificate of lawfulness. Application for dwelling to replace existing workshop refused permission.	Awaiting appeal decision

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
Land at Hurst Lodge, Hurst Lane (13.05.09)	Virginia Water	Unauthorised Development (i) Unauthorised stables (ii) Unauthorised storage building	Enforcement Notices	Site visit made following withdrawal of previous Enforcement Notice relating to a mobile home. Current enforcement action reported to Planning Committee on 13.05.09. Notice issued and served on 14.05.09. Appeal made and then withdrawn 4.08.09. Compliance period 15.12.09. Site visit 5.1.10. Building (i) still in situ. Agreed to extend period of compliance until 1.05.10 for one stable building following consultation with RSPCA. Other building (ii) removed.  Application to retain unauthorised stable building refused in March 2010. Period to appeal against planning refusal expires on 30.09.10. Appeal made but invalid.	Site visit to be undertaken before starting prosecution proceedings for retention of 1 unlawful building (i)
40 Crockford Park Road Addlestone (5.08.09)	Addlestone	Unauthorised change of use and siting of mobile home	Enforcement Notice	Enforcement Notice served on 11.08.09 Appeal made and dismissed in April 2010. Compliance period 15.07.10. Site visit made – mobile home removed but has been re-sited elsewhere on the site. Further enforcement report to follow	Notice complied with but enforcement action to be re-started to deal with re-positioned mobile home
High Trees Holloway Hill Chertsey (4.01.10)	Foxhills	Unauthorised residential mobile home and importation of hardcore to form hardstanding	Temporary Stop Notice	Temporary Stop Notice served on 8.12.09. Site meeting 16.12.09 and site visit 12.01.09.  Application requested from landowner in April 2010. No response from landowner. PCN and Human Rights questionnaire served on 6.05.10. Awaiting guidance on gypsy provision before considering any enforcement action.	Awaiting guidance on gypsy provision before considering any enforcement action and resource implications of any appeal.

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
Land formerly known as Treetops, Water Knowle Grove	Virginia	Felling of TPO tree	Prosecution	Interviews conducted under caution in October 2009 and February 2010. Witness statement with Legal to prosecute.	Witness Statement with Legal for prosecution. Awaiting Court date.
Lyne View Farm, Fan Court Estate Lyne (12.05.10)	Lyne	Unauthorised dwelling	Enforcement Notice	Enforcement Notice issued 21.05.10 This notice was withdrawn at the Planning Committee on 25.08.10	Notice withdrawn
8 Stepgates Chertsey (14.07.10)	Chertsey	(i) Unauthorised builder's yard (ii) Unauthorised sheds (iii) Reduce height of gates	Enforcement Notice	Enforcement Notice issued 2.08.10 Appeal made	Await appeal decision

PLANNING APPLICATIONS DETERMINED BY  
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 DIRECTOR OF TECHNICAL SERVICES  
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20 SEPTEMBER TO 08 OCTOBER 2010

<u>APP. NO.</u>	<u>LOCATION AND PROPOSAL FOLLOWED BY DECISION</u>
10/0638	Thorpe Park, Staines Road, Chertsey Installation of new water ride with a maximum height of 19.4 metres with associated pump house and control kiosk and ancillary works and landscaping <b>DECISION: GRANT</b>
10/0650	12 Aprilwood Close, Woodham Re-pollard Lime tree subject to Tree Preservation Order No. 41 <b>DECISION: GRANT</b>
10/0651	166 High Street, Egham Alterations and replacement of existing shop front <b>DECISION: REFUSE</b>
10/0703	16-24 Bridge Road and Land adj 26 Abbey Road, Chertsey Variation of Condition 13 (Soft Landscaping) of RU.09/1088 and RU.10/0322 to allow removal of trees deemed as dangerous <b>DECISION: GRANT</b>
10/0707	16 Heron Dale, Addlestone Erection of single storey side and front extension following demolition of existing car port <b>DECISION: GRANT</b>
10/0709	Strodes College, High Street, Egham Domed roof canopy for use as a social area for students <b>DECISION: REFUSE</b>
10/0710	20 Pooley Avenue, Egham Erection of a two storey side extension <b>DECISION: GRANT</b>
10/0714	Bankside, Faris Lane, Woodham Felling of one Leylandi tree in rear garden subject to Tree Preservation Order No. 366 <b>DECISION: GRANT</b>

APP. NO.      LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 10/0715      Longcross Estate, Longcross, Chertsey  
Works to 18 trees of mixed species including the felling of one tree protected by Tree Preservation Order No. 6 (Revised description 06/10/10)  
**DECISION: GRANT**
- 10/0718      Royal Holloway University of London, Egham Hill, Egham  
Listed Building Consent to reconstruct damaged gate pier in Portland whitbed stone, on left hand side of main entrance to Royal Holloway University  
**DECISION: GRANT**
- 10/0721      1 Waters Edge, Bois Hall Road, Addlestone  
Erection of a conservatory to rear of property (Revised plans received)  
**DECISION: GRANT**
- 10/0723      5 Holland Gardens, Egham  
Erection of two storey side extension to form granny annexe  
**DECISION: GRANT**
- 10/0726      6 & 7 Parklands, Addlestone  
Reduce crown by 20% back to previous pruning points of Oak tree marked 1 on submitted plan and crown clean. Fell Conifer tree marked 2 on submitted plan. Reduce and thin crown of Oak tree marked 3 on submitted plan by 30% and remove secondary trunk and crown thin Lime tree by 20% marked 4 on submitted plan  
**DECISION: GRANT**
- 10/0727      27-32 Joinville Place, Addlestone  
T2 - Crack Willow re-pollard back to old points - Tree Preservation Order 162  
**DECISION: GRANT**
- 10/0731      13 Middle Hill, Egham  
Listed Building Consent for single storey rear extension incorporating roof lights to both side elevations following demolition of existing single storey extension and detached garage  
**DECISION: GRANT**
- 10/0732      14 and 15 Redwood, Egham  
Erection of part two storey, part first floor rear and side extension including pitched roof over existing flat roof side extension to No. 14 Redwood and erection of a two storey and single storey rear extension and installation of two windows in existing flank wall to No. 15 Redwood  
**DECISION: GRANT**
- 10/0733      27 Selsdon Road, New Haw  
Proposed Lawful Development Certificate to establish whether planning permission is required for a side dormer  
**DECISION: REFUSE CERTIFICATE OF PROPOSED LAWFULNESS**

APP. NO.      LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 10/0736      Wick Cottage, Wick Lane, Englefield Green  
Erection of two storey side extension following demolition of the existing lobby, bathroom, porch and store  
**DECISION: REFUSE**
- 10/0739      Sunnyhurst, St. Jude's Road, Englefield Green  
Amendment to planning permission RU.09/0953 (Erection of single storey rear extension, single storey front extension to form enclosed porch and conversion of garage to habitable accommodation) to include ground floor bay window to front elevation, alterations to the approved porch and the insertion of three rooflights and gable ended roof to single storey rear element  
**DECISION: GRANT**
- 10/0740      17 Daleham Avenue, Egham  
Erection of a single storey rear extension incorporating rooflights to rear elevation  
**DECISION: GRANT**
- 10/0741      83 Cowley Avenue, Chertsey  
Erection of single storey rear extension following demolition of existing conservatory  
**DECISION: GRANT**
- 10/0743      Wessex Cottage, 14 College Avenue, Egham  
Amendments to planning approval RU.10/0506 (Erection of single storey front extension and first floor side extension) to include conversion of garage to habitable accommodation incorporating bay window to front, chimney and windows at ground and first floor to side elevation  
**DECISION: GRANT**
- 10/0744      21 Green Lane, Addlestone  
Erection of single storey rear extension following demolition of existing single storey extension  
**DECISION: GRANT**
- 10/0746      16-24 Bridge Road and Land adj 26 Abbey Road, Chertsey  
Variation of Condition 8 of planning permission RU.09/1088 to allow the 3 existing accesses into the site at the former properties 18, 20 and 22 Bridge Road to remain open to provide access to car parking together with the formation of 10 car parking spaces in front of Plots 1-12  
**DECISION: REFUSE**
- 10/0747      Red Lion Public House, 52 High Street, Egham  
Listed Building Consent for the installation of double glazed windows internally, construction of new internal lobby and installation of new double glazed doors and porch, shortening the size of the existing bar/servery and installation of new bar servery counter and extension to the existing brick paving patio area  
**DECISION: GRANT**

APP. NO.      LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 10/0748      Sonnevanck, East Drive, Virginia Water  
Renewal of planning approval RU.09/0380 (Erection of detached three storey dwelling with basement and retention of existing detached garage following demolition of existing dwelling)  
**DECISION: GRANT**
- 10/0755      Crown House, Northcroft Road, Englefield Green  
Erection of a detached double garage to the front of the property  
**DECISION: REFUSE**
- 10/0756      Treetops, Knowle Grove, Virginia Water  
Conversion of existing detached garage to create habitable accommodation in the roofspace (studio) incorporating two rooflights and a gable end window (retrospective)  
**DECISION: GRANT**
- 10/0757      11 Alder Close, Englefield Green  
Erection of two storey side extension incorporating a front and rear dormer  
**DECISION: GRANT**
- 10/0762      16 Brookside, Chertsey  
Erection of two storey side extension  
**DECISION: REFUSE**
- 10/0763      Manor Park Stables, Lyne Lane, Lyne  
Erection of new barn  
**DECISION: GRANT**
- 10/0766      Witwood, 13 Ottershaw Park, Ottershaw  
Works to trees covered by Tree Preservation Order No. 69  
**DECISION: GRANT**
- 10/0767      244 Almnors Road, Lyne  
Conversion of part of existing garage and extension to side and rear to create a hobbies room  
**DECISION: REFUSE**
- 10/0768      26 Ripley Avenue, Egham  
Erection of single storey side/rear extension following demolition of existing single storey rear extension  
**DECISION: GRANT**
- 10/0771      23 Orchard Avenue, Woodham  
Demolition of existing garage and wc/store, and erection of replacement garage with rooflight, incorporating gap to boundary, single storey side/rear extension incorporating a lantern style rooflight, single storey front extension with a dormer above, and alterations to fenestration (Amended description 20/08/10)  
**DECISION: GRANT**

APP. NO.      LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 10/0775      4 Mayfield Gardens, Mayfield Avenue, New Haw  
Erection of a single storey rear extension  
**DECISION: GRANT**
- 10/0777      4 Masonic Hall Road, Chertsey  
Erection of a single storey side extension following demolition of existing attached garage and construction of detached garage to the front of the property. (Amended description)  
**DECISION: REFUSE**
- 10/0778      Wentworth Club, Wentworth Drive, Virginia Water  
Erection of 12 no. x 6.7 metre high floodlights to serve tennis courts 11-13  
**DECISION: GRANT**
- 10/0784      Land outside the American Community School, Woodlee, London Road, Englefield Green  
Part 24 for site and appearance of a 12.5 metre high monopole with 2 no. antennae, radio equipment cabin and ancillary development works  
**DECISION: REFUSAL OF PRIOR APPROVAL DETAILS**
- 10/0790      14 Hummer Road, Egham  
Proposed Lawful Development Certificate to establish whether planning permission is required for erection of detached outbuilding to the rear  
**DECISION: GRANT CERTIFICATE OF PROPOSED LAWFUL DEVELOPMENT**
- 10/0794      Westwood, South Drive, Virginia Water  
Proposed Lawful Development Certificate to establish whether planning permission is required for the erection of a detached outbuilding including 2 car garage, groundsman office and equipment stores  
**DECISION: GRANT CERTIFICATE OF PROPOSED LAWFUL DEVELOPMENT**
- 10/0795      Westwood, South Drive, Virginia Water  
Proposed Lawful Development Certificate to establish whether planning permission is required for the erection of a detached outbuilding containing snooker room, yoga/dance studio and home cinema  
**DECISION: GRANT CERTIFICATE OF PROPOSED LAWFUL DEVELOPMENT**
- 10/0800      78 Bittams Lane, Chertsey  
Application for Lawful Development Certificate for proposed single storey rear extension to establish whether planning permission is required  
**DECISION: GRANT CERTIFICATE OF PROPOSED LAWFUL DEVELOPMENT**

APP. NO.      LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 10/0821      r/o 29-30 St. Jude's Road, Englefield Green  
Retrospective application for the removal of 'Sushi only' from Condition 3 attached to planning permission RU.00/0730 to allow the premises to be used for the provision of catering services  
**DECISION: GRANT**
- 10/0822      16 Ashwood Road, Englefield Green  
Change of use from a dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4)  
**DECISION: GRANT**
- 10/0826      Land at London Road, Virginia Water  
Part 24 for site and appearance of a 12.5 metre high monopole with 2 no. antennae, radio equipment cabinet and ancillary development works  
**DECISION: APPROVAL OF PRIOR APPROVAL DETAILS**

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

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

- 10/0720      Kenwolde Court, Callow Hill, Virginia Water  
Variation of Condition 5 of planning permission RU.09/0857 to allow retention of existing porch (Amended description)  
**DECISION: GRANT**
- 10/0730      13 Middle Hill, Egham  
Erection of single storey rear extension incorporating roof lights to both side elevations following demolition of existing single storey extension and detached garage  
**DECISION: GRANT**
- 10/0731      13 Middle Hill, Egham  
Listed Building Consent for single storey rear extension incorporating roof lights to both side elevations following demolition of existing single storey extension and detached garage  
**DECISION: GRANT**
- 10/0735      3 Squires Court, Chertsey  
Erection of conservatory to rear of property  
**DECISION: GRANT**
- 10/0745      3 Woodlee Close, Virginia Water  
Retrospective application for rear conservatory  
**DECISION: GRANT**
- 10/0761      104 Crockford Park Road, Addlestone  
Erection of two storey side extension  
**DECISION: GRANT**
- 10/0781      1 Willow Walk, Englefield Green  
Application to extend time limit for implementation of RU.07/1183 (Erection of a detached 4 bedroom, 2 storey dwelling with 2 off street parking spaces and separate amenity space to the side of No. 1 Willow Walk)  
**DECISION: GRANT**



# Appeal Decision

Site visit made on 27 September 2010

by **David Stephenson OBE**  
BSc(Eng) CEng MICE

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

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Decision date:  
6 October 2010

## Appeal Ref: APP/Q3630/D/10/2135054 148 Eastworth Road, Chertsey, Surrey KT16 8DT

- 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 Miss A Krause and Mr C Barker against the decision of Runnymede Borough Council.
- The application Ref: RU.10/0455, dated 20 May 2010, was refused by notice dated 28 June 2010.
- The development proposed is a 3m wide vehicular access and dropped kerb, with 2 parking spaces within the front garden.

### Decision

1. **I allow the appeal**, and grant planning permission for a 3m wide vehicular access and dropped kerb, with 2 parking spaces within the front garden at 148 Eastworth Road, Chertsey, Surrey KT16 8DT in accordance with the terms of the application, Ref: RU.10/0455, dated 20 May 2010, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) Development shall not begin until details of the access onto the highway have been submitted to and approved in writing by the local planning authority. These details shall include the maximum achievable sightlines across the site frontage. The access shall be constructed in accordance with the approved details. No obstructions above 0.6m in height that are within the control of the site owner shall intrude within the sightlines.
  - 3) Otherwise than as set out in the details approved in accordance with Condition 2) above, which shall take precedence, the development hereby permitted shall be carried out in accordance with the following approved plans: Drwg Nos 5499/1 and 5499/2.

### Main Issue

2. I consider that the main issue in this case is the effect of the proposal on highway safety and the free flow of traffic in Eastworth Road.

### Reasons

3. Eastworth Road, the A317, is subject to a 30mph speed limit and has no parking restrictions in the area around the appeal site. Although the Council has indicated that the road is heavily trafficked, at the time of my visit traffic was relatively light. I have not been provided with any evidence of traffic flows or what, if any, effect heavy traffic may have in the area. The road is quite wide and I observed that with cars parked on one side there was enough room for 2-way traffic to flow easily.

4. A very large majority of dwellings on Eastworth Road, from Fordwater Road to Painsfield Drive, have off-road parking with dropped kerb access. Of these, most to the north and a few on the south have drives to garages to the rear, while the remainder have frontage parking. While some of these have areas to the front where vehicles could turn, many have not, and the result is that there would be many instances where vehicles either have to drive onto or off the road in reverse gear, which is a hazardous manoeuvre in principle.
5. I consider that these existing accesses form part of the general environment of the highway in the area and although I am not aware whether they are lawfully permitted the Council has not indicated that enforcement action is being, or can be, taken against them. While reversing manoeuvres may be hazardous, motorists using the road could expect such manoeuvres, and one more access of this kind would have little material effect on the safety conditions on the highway, particularly in this area where there is good visibility along the road. The road width would allow vehicles to pull to the side without obstructing traffic, and then reverse onto the access when traffic allows.
6. The proposed access and frontage parking would be of a type typical in the area and appropriate to this residential area, and would not aggravate traffic congestion or accident potential, which would be consistent with saved Policy MV4 of the Runnymede Borough Local Plan Second Alteration: 2001 (LP). While this policy expects all proposals to comply with current highway design standards, and the justified reasoning refers to 'Roads and Footpaths - A Design Guide for Surrey', I have not been supplied with this guide or with details of standards or where the proposal would fail to meet them and so cannot take them into account.
7. The Appellant has submitted that the proposal would result in less on-street parking, due to the presence of the access, and that certainly seemed to be the situation along most of the road. The proposal would therefore result in a degree of improvement in road conditions. Though this would be slight, I nevertheless give it some weight in support. The Council has referred to an appeal against refusal of a similar proposal at 166 Eastworth Road. I am aware that that appeal was allowed<sup>1</sup> and I consider that it adds weight to my decision in this case.
8. I conclude that the proposal would not adversely affect highway safety and the free flow of traffic in Eastworth Road and would not be in conflict with LP Policy MV4.
9. It is necessary for the avoidance of doubt and in the interests of proper planning that the development shall be carried out in accordance with the approved plans, and a condition to this effect is necessary. The plans, however, are lacking in detail about the visibility that would be achieved so a condition is necessary in the interests of highway safety for such details to be submitted. In the interests of clarity and precision I have revised the condition suggested by the Council, and split it into 2.
10. For the reasons given above I conclude that the appeal should succeed.

*David Stephenson*

INSPECTOR

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<sup>1</sup> APP/Q3630/D/10/2133202 dated 22 September 2010