

PLANNING APPEAL FORM



If you need this document in large print, on audio tape, in Braille or in another language please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal.

Your appeal and essential supporting documents must reach the Inspectorate within 3 months of the date shown on the Local Planning Authority's decision notice or, for 'failure' appeals, within 3 months of the date by which they should have decided the application (or within 6 months in the case of applications made before 5 September 2003).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 3 month period, the appeal will not be accepted.

Please print clearly in capitals using black ink.

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	Mr & Mrs Simon C A Lever		
Address	1 Gloucester Road	Daytime phone no.	020-8941-8576
	HAMPTON	Fax no	020-7202-5472
Postcode	TW12 2UQ	E-mail address	simon_lever@blueyonder.co.uk

B. AGENT DETAILS FOR THE APPEAL (if any)

Name	Not Applicable		
Address		Your reference	
		Daytime phone no.	
		Fax no	
Postcode		E-mail address	

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA	London Borough of Richmond-upon-Thames
LPA's application reference no.	03/3007/HOT
Date of the planning application	29 th September 2003
Date of the LPA's decision (if issued)	24 th November 2003

D. APPEAL SITE ADDRESS

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Address 1 Gloucester Road, Hampton

Postcode TW12 2UQ

Note: Failure to provide the full postcode may delay the processing of your appeal.

Is the appeal site within a Green Belt? YES NO

E. DESCRIPTION OF THE DEVELOPMENT

Size of the whole appeal site (in hectares)

0.053 hectares

Area of floor space of proposed development (in square metres)

98 square metres (including 1st floor)

Has the description of the development changed from that stated on the application form? YES NO

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:-

Please tick **one** box only ✓

- 1 Refuse planning permission for the development described on the application form or in Section E.
 - 2 Grant planning permission for the development subject to conditions to which you object.
 - 3 Refuse approval of the matters reserved under an outline planning permission.
 - 4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.
 - 5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).
- or**
- 6 The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.

G CHOICE OF PROCEDURE

G

Choose **ONE** procedure only.

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine planning appeals. In short, there are 3 possible methods:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views.

Please tick ✓

1. WRITTEN REPRESENTATIONS

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions to buildings, individual houses or small groups of houses, appeals against conditions and changes of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

Note: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

- | | | |
|--|-----|-------------------------------------|
| a). If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? | YES | <input checked="" type="checkbox"/> |
| | NO | <input type="checkbox"/> |
| b). Is it essential for the Inspector to enter the site to check measurements or other relevant facts? | YES | <input type="checkbox"/> |
| | NO | <input checked="" type="checkbox"/> |

If the answer to 1b is 'YES' please explain:

2.(a) HEARINGS

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). The Planning Inspectorate will then arrange a hearing at which the Local Planning Authority and the appellant(s) will be represented. Members of the public, interested bodies (e.g. Parish/Town Councils) and the press may also attend. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

(b) INQUIRIES

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are suggested for appeals that:

- are complex and unduly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

● GROUND OF APPEAL

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If you have requested the written procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive enough to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

The planning application has been refused based on the following two reasons:

1. Impact on Neighbours and Area.
2. The compromising of the long term health and appearance of a yew tree.

These points will be addressed in order: Firstly, the impact on Neighbours and the surrounding area.

The planning application rejection cites that the "design, height, bulk, mass, depth and proximity would result in a cramped and un-neighbourly form of development, detrimental to the character of the house". Also it would affect the "visual appearance of the locality" and "the amenities of the occupiers of nearby properties".

Great lengths have been taken during the planning process to consult all interested parties. Reference here is made only to the left hand portion of the proposed development because the local planning office have already indicated that the rearward development is of acceptable design. The side development is of concern only to one neighbour with whom detailed consultation has been made. They have raised no objections to the design or bulk or mass or depth or proximity of the proposed development. Indeed, in contrast to the rejection from the local planning office, they would support the removal of the yew tree because:

1. It badly affects their light.
2. Its roots are considerably closer to their property than they would be to the foundations of the proposed development and have previously caused damage to their drainage.

There are no other neighbours whose "amenities" would be affected by the proposed development and these neighbours have not raised any objections to the proposed development as it has been put forward. (Their views have been incorporated into the original designs). Indeed, because of the yew tree, the proposed development will not result in any further adverse "cramped or overbearing" feelings than are already provided by this tree as claimed by the LPO rejection.

During the planning application process, the applicants have striven to ensure that the development is in keeping with the local area, does not affect the visual appearance of their own property and yet achieves the objective of the development. (The current garage which would need to be demolished, does not have enough width to accommodate a car and enable disabled access – a key requirement as the occupants have one severely disabled child). In so doing, the applicants have employed the services of an architect rather than adopting a lay approach. They have consulted the LPO on several occasions and have made several revisions of the plans. In addition, the local Social Services organization were consulted regarding the future needs for the disabled occupant. They supported the application and furthermore they supported the removal of the Yew Tree despite the applicants efforts to ensure the designs of the development protected it. The plans submitted are the result of these consultations.

The LPO rejection makes reference to the development being out of keeping and yet, in the adjacent road, there is already an identical property with a side extension of not dissimilar design.

● **GROUNDS OF APPEAL (continued)**

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The LPO have indicated that a smaller extension would be acceptable (a single garage with bedroom above). The issue that this provides the applicants is that it does not achieve the objectives of the development. (This is because it would necessitate the demolition of one garage only to be replaced by another, and the removal of the use of one (1st floor) bedroom (to gain access to the 1st floor room) to be replaced by only one other of similar proportions. Thus a zero net gain in usable accommodation). As has been stated earlier, the occupants have a severely disabled child and his future needs are being considered here as it is likely that a downstairs bedroom & bathroom will be required within a few years. The occupants are striving to achieve the difficult balance between achieving these objectives whilst at the same time preserving the appearance of the property for themselves and their neighbours. It is strongly believed that the plans achieve this.

Moving to the second reason for rejection: The compromising of the long term health and appearance of a yew tree.

The applicants strongly reject this claim. Through judicious consultation with engineers and architects, the plans for the proposed development will in no way compromise the health of this tree. Special cantilevered foundations were designed that would mean that no root disturbance would be made and indeed the foundations of the new development would be much further away from the roots of the tree than those of the next door neighbours house is today. The age of the yew tree is estimated at 80-100 years and the neighbours property is considerably younger (it is a recent construction in a completely different style to all other properties in the vicinity and may be as young as 10-15 years). This means that planning permission was granted to site this property (and its perimeter wall) within considerably closer proximity to the tree than the proposed extension. Thus, the only conclusion that can be reached is that the yew tree will not be adversely affected.

In conclusion, The applicants strongly reject the statement that the size, bulk, mass of the proposed development is inappropriate and also reject any notion that the yew tree will be adversely affected. The applicants are anxious, however, to ensure that the exterior design is in keeping with both their existing property and that of the area and will gladly cooperate on work to ensure these standards are achieved.

I. APPEAL SITE OWNERSHIP DETAILS

I

We need to know who owns the appeal site. If you do not own the appeal site or if you only own a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. **YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.** Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, certificate A will apply:

Please tick **one** box only ✓

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates:

OR

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see the *Guidance Notes*) to every one else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name Address at which the notice was served Date the notice was served

CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b). **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenants name'.**

✓

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

Tenant's name Address at which the notice was served Date the notice was served

1 ESSENTIAL SUPPORTING DOCUMENTS

J

The documents listed in 1-6 below, must be sent with your appeal form; 7-11 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 3 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

- 1 A copy of the original **planning application** sent to the LPA.
- 2 A copy of the **site ownership certificate and ownership details** submitted to the LPA at application stage (this is usually part of the LPA's planning application form).
- 3 A copy of the **LPA's decision notice** (if issued).
- 4 A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map). *SEE DRAWING 2305/01*
- 5 A list (stating drawing numbers) and copies of all **plans, drawings and documents** sent to the LPA as part of the application. *(LISTED ON ORIGINAL APPLICATION & ON REJECTION LETTER)*
- 6 A list (stating drawing numbers) and copies of any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). *NO ADDITIONAL DRAWINGS*

Copies of the following must also be sent, if appropriate:

- 7 **Additional plans, drawings or documents** relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here:
- 8 Any relevant **correspondence** with the LPA.
- 9 If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:
 - (a) the relevant outline application;
 - (b) all plans sent at outline application stage;
 - (c) the original outline planning permission.
- 10 If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the original permission with the condition attached.
- 11 A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).
- 12 If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.


PLEASE TURN OVER AND SIGN THE FORM - UNSIGNED FORMS WILL BE RETURNED

K PLEASE SIGN BELOW

K

(Signed forms together with all supporting documents must be received by us within the 3 month time limit)

- 1 I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (if you do not, your appeal will not normally be accepted).
- 2 I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature  (on behalf of)
Name (in capitals) S. CA. LEVOR Date 22nd February 2004

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND

● 1 COPY to us at:

The Planning Inspectorate
Customer Support Unit
Room 3/15 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

● 1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

● 1 COPY for you to keep

When we receive your appeal form, we will:

- 1) Tell you if it is valid and who is dealing with it.
- 2) Tell you and the LPA the procedure for your appeal.
- 3) Tell you the timetable for sending further information or representations.

YOU MUST KEEP TO THE TIMETABLE

If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will sent back to you.

- 4) Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.