



Development Control Committee – 18 January 2012

Appeal Decision Monitoring Report

Purpose of report

Update on appeal decisions from the Planning Inspectorate and an analysis of the main issues to monitor consistency between the council's and Planning Inspectorate's decisions.

Attachment(s)

Appeal decisions from 12 November to 23 December 2011.

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from 12 November to 23 December 2011 and analyses the decisions made by the Development Control Committee and officers under delegated authority. Details of costs awarded against the council (if any) are also given.

2.0 Equality and Diversity Implications

2.1 There are no equality and diversity implications arising from the proposals.

3.0 Legal Implications

3.1 There are no legal implications arising from the proposals.

4.0 Risk Management

4.1 There are no significant risks arising from the proposals.

5.0 Financial implications

5.1 There are no financial implications arising from the proposals, except for those decisions where costs have been awarded against the council.

6.0 Corporate Outcomes

6.1 The report supports priority outcomes set out in the Corporate Plan - Effective Management; and Knowledge of our Customers and Communities.

6.2 The report is submitted for information.

Legal	Power: Planning and Compulsory Purchase Act 2004	
	Other considerations: None	
Background Papers:	Office Files	
Person Originating Report:	Sue Wheatley - Development Control Manager 01832 742227 sjwheatley@east-northamptonshire.gov.uk	
Date:	5 January 2011	
CFO	MO	CX

East Northamptonshire Council

DC Appeal Results

For Period from: 12 Nov 2011 to : 23 Dec 2011

Officer

Case Ref. No.	Appellant Proposal	Location	Appeal Type Date Decided	Decision
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Amie Baxter

Written Representations

11/00561/LBC	Mrs S Roddis Lime rendering over the existing	36 High Street Easton On The Hill Stamford	Against Refusal 22/12/2011	Dismissed
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The application was refused because it was considered that the application of render would significantly alter the character and appearance of the listed building as it would introduce a finish which is not an existing characteristic of the listed building itself or the conservation area in which the building sits.

The Inspector agreed with the council in that render is not a notable characteristic (apart from a very limited use of render on some dormer windows) of the area and that the application of render on east elevation of the listed building would appear as an incongruous element of the building, to the detriment of the character of the listed building and the surrounding conservation area.

11/00607/FUL
On The Hill Stamford

Mrs S Roddis
36 High Street Easton
Against Refusal

The application was refused because it was considered that the application of render would significantly alter the character and appearance of the listed building as it would introduce a finish which is not an existing characteristic of the listed building itself or the conservation area in which the building sits.

The Inspector agreed with the council in that render is not a notable characteristic (apart from a very limited use of render on some dormer windows) of the area and that the application of render on east elevation of the listed building would appear as an incongruous element of the building, to the detriment of the character of the listed building and the surrounding conservation area.

11/00627/FUL	Mr D Ellis Re-instatement to residential use and refurbishment of derelict portion of	5A The Lane Easton On The Hill	Against Refusal 21/12/2011	Dismissed
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The application was refused by the council for three reasons. The first reason related to the use of the existing access, the lack of parking and the lack of an adequate turning area within the site (meaning that vehicles would have to reverse in or out of the site). The refusal reason also mentioned the resultant need to park on-street because the occupiers would not be able to park within the application site. The Lane is narrow and already heavily parked. The Inspector did not support this reason for refusal and stated that the current user of the site already reverses out of the driveway and the proposed development would not therefore worsen the current situation. Furthermore, as the need to reverse out of the site was not seen to be a problem, it would not be necessary to provide a turning area within the site. Two cars could therefore be parked off-road, within the application site.

The second refusal reason relates to the opinion that the area of amenity space proposed would be too small and would not adequately provide for a family dwelling. Also, the amenity space would be hostile and would result in an unsatisfactory standard of accommodation. The Inspector wholly supports this refusal reason.

The third reason relates to the need to erect a tall wall between the proposed garden area and the garden area of the neighbouring dwelling at 5a The Lane to ensure privacy for both dwellings. The council noted that the applicant has failed to demonstrate that the privacy of both parties would be maintained because the proposed wall was positioned outside of the red lined area and therefore its erection and retention was not within the scope of this application. Also, if the wall had been erected, it would have been oppressive and consequently the amenity value of the courtyard area would have been further limited. As such, the proposed development would have been detrimental to the amenity of both the neighbouring and prospective occupier. The Inspector supports this refusal reason.

Decided Appeals Dismissed :	3	100.00%	
Decided Appeals Allowed :	0	0.00%	M Denotes Member Decision against Officer advice
Decided Appeals Withdrawn :	0	0.00%	
Decided Appeals Total :	3	100.00%	

