



Development Control Committee – 15 August 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)

Appendix 1 - Appeal decisions from 9 June 2012 to 27 July 2012.

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from 9 June 2012 to 27 July 2012 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:	6 August 2012	
CFO	MO	CX

East Northamptonshire Council

EN Appeal Results

For Period from: 09 Jul 2012 to : 27 Jul 2012

Officer

Procedure

Case Ref. No. Appellant
Proposal

Location

Appeal Type
Date Decided Decision

George Russell

Written Representations

11/00251/LB Mr C Stopford Sackville Buildings Adjacent Drayton Cottage Drayton
Appeal againstAgainst Enforcement Notice
19/07/2012**APPDIS**

- A short straw (water reed) roof was installed on one of the listed buildings located on the Drayton Estate (The Butchers Shop) without consent around 2008. The Council approved two applications for the conversion of the existing buildings into two estate workers dwellings in 2010 (under ref: EN/10/01489/FUL & EN/10/01490/LBC). The applicant confirmed that he would remove the short straw (water reed) and reinstate the roof of The Butchers Shop with long straw in these applications and the Council imposed a condition on both consents to secure this work. An appeal was subsequently submitted against these conditions, and in response, the Council issued an enforcement notice to require the unauthorised roofing works be rectified. Both matters were considered at a joint appeal.
- At the enforcement appeal, the applicant appealed under grounds c (that the works do not constitute a contravention), e (that the works ought to be granted) and i (that the steps required by the notice would not serve the purpose of restoring the character of the building to its former state).
- Ground c – The Council supplied a photograph to show that the listed building formerly had a long straw roof. The Inspector found that this has shown that the appearance of the building had significantly changed and that the works had affected its character. Also, the Inspector noted that the roofing works were not carried out as part of any previous permission and would not be included as part of the 2010 permissions. Therefore, the works were considered to be a contravention and the appeal failed on ground C.
- Ground e – The Inspector noted that the water reed thatch is markedly different in appearance from long-straw thatch. The Inspector took into consideration the long straw roof which had been installed on one of the adjoining listed buildings (The Workshop) and the fact that long straw thatch is the predominant material historically used in the area. The Inspector concluded that the works cause significant harm to the special interest of the listed building and that permission should not be granted.
- Ground i – The appellant argued that a mixture of straw and reed had been used on the building for the previous 50 years. However, the Inspector commented that the reed installed on the roof does not have the character of long straw roof and that long straw roof would restore the character of the listed building.
- Therefore the appeals were dismissed and the Inspector upheld the enforcement notice.

Decided Appeals Dismissed :	1	100.00%
Decided Appeals Allowed :	0	0.00%
Decided Appeals Withdrawn :	0	0.00%
Decided Appeals Total :	1	100.00%

East Northamptonshire Council

DC Appeal Results

For Period from: 09 Jul 2012 to : 27 Jul 2012

Officer

Procedure

Case Ref. No. Appellant
Proposal

Location

Appeal Type
Date Decided Decision

Anna Lee

Written Representations

10/01489/FUL	Mr C Stopford Sackville	Drayton Cottage Drayton Park Main Street	Against Condition	
	Conversion and demolition works to provide two dwellings for estate workers		19/07/2012	Dismissed
10/01490/LB	Mr C Stopford Sackville	Drayton Cottage Drayton Park Main Street	Against Condition	
	Conversion and demolition works to provide two dwellings for Estate workers.		19/07/2012	Dismissed

- A short straw (water reed) roof was installed on one of the listed buildings located on the Drayton Estate (The Butchers Shop) without consent around 2008. The Council approved two applications for the conversion of the existing buildings into two estate workers dwellings in 2010 (under ref: EN/10/01489/FUL & EN/10/01490/LBC). The applicant confirmed that he would remove the short straw (water reed) and reinstate the roof of The Butchers Shop with long straw in these applications and the Council imposed a condition on both consents to secure this work. An appeal was subsequently submitted against these conditions, and in response, the Council issued an enforcement notice to require the unauthorised roofing works be rectified. Both matters were considered at a joint appeal.
- At the planning appeal, the Inspector considered that the planning conditions were necessary in order to protect the character and appearance of the listed building, as the supplied drawings provided very limited information. Also, removal of the conditions would reduce the Council's control over the manner in which the roof works would be carried out. Therefore the appeal was dismissed.

Anne Dicks

Householder Appeal

12/00077/FUL	Mr M Webber	5 Meadow Close Higham Ferrers	Against Refusal	
	Two storey front and side extension (Re-submission of 11/00445/FUL)		20/07/2012	Dismissed

The application was for a two storey side extension and a two storey front projecting element, to an existing 1960's semi detached dwelling. The council refused the application for the following reasons:

- The proposed forward projecting gable would form an alien prominent feature within a uniform building line and would extend up to the shared boundary to create the beginnings of a terracing effect

The appeal was dismissed for the following reasons:

- The forward gable would introduce a discordant feature in the streetscene and would halve the gap between the two pairs of semis, causing loss of openness, rather than result in a terraced effect.
- The size and gable height of the proposed extension would appear overly large and would not be subservient to the original dwelling.
- The Inspector agreed with the council in that the proposal is considered to be contrary to policy 13(h) of the North Northamptonshire Core Spatial Strategy.

The Inspector also mentioned the following:

- The proposed separation distance between the subject dwelling and No.4, although reduced, would be slight enough to not result in an overbearing impact, side-to-side overlooking or an unacceptable loss of light.
- The precedent that this proposal may set has not been considered, as each case should be determined wholly on its own merits.

Carolyn Tait

Householder Appeal

12/00078/FUL	Mr B Homan	71 Station Road Nassington Peterborough	Against Refusal	
	Two storey domestic extension, single storey link unit and additional windows		19/07/2012	Dismissed

The application was for a two storey extension and single link unit. The application was refused for two reasons:

- The height, position, design, layout and bulk of the extension would detract from the character and appearance of the existing dwelling, which is considered to be an undesignated heritage asset.
- The internal layout, size and positioning of the proposed extension would result in development which is tantamount to the creation of a separate dwelling in the open countryside.

Item 8 - Appendix 1

- The Inspector's first conclusion was that the proposal amounts to a separate dwelling and would be contrary to strict national and development plan policy which is against new development in the open countryside. He considered that a condition to ensure that the proposed development would remain ancillary to the main dwelling would be very difficult to enforce.
- The Inspector agreed with officers about the proposal being a non-designated heritage asset.
- The Inspector agreed that the proposed extension would be seen as a rival of rather than subservient to the host dwelling and that the visual blocking of part of the front elevation of the appeal property by the proposed porch would result in the loss of the existing symmetry. He stated that the harmonious stand alone shape of the appeal property would be lost and that the cumulative visual effect of these would significantly harm the building and show no deference to the important context of the site as a non-designated heritage asset. He therefore concluded that the proposal would significantly alter the character and appearance of the existing property.
- The appellant put forward a number of reasons for the proposal, including an increasing family, restrictive covenants and previous uses of the site. However, the Inspector gave these very little weight.

Decided Appeals Dismissed :	4	100.00%	
Decided Appeals Allowed :	0	0.00%	M Denotes Member Decision against Officer advice
Decided Appeals Withdrawn :	0	0.00%	
Decided Appeals Total :	4	100.00%	