



Development Control Committee – 1 May 2013

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 11 February 2013 to 12 April 2013.

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from 11 February 2013 to 12 April 2013 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 Value for Money.

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: 19 April 2013					
CFO		MO		CX	

East Northamptonshire Council

DC Appeal Results

For Period from: 11 Feb 2013 to : 12 Apr 2013

Officer

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

Mr Rhys Bradshaw

Written Representations

11/00834/FUL	Orbit Homes	Land To The North And 41 Keats Way	Against Refusal
Erection of seventeen affordable dwellings, vehicle and pedestrian access,			19/03/2013 Dismissed M

This application was refused by the Development Control Committee because the density and form of the proposed development did not adequately reflect the character of the prevailing built form and failed to provide a suitable visual transition between the development along Keats Way to the south and the lower density development along Wellingborough Road to the north.

Whilst the Inspector took the view that both the appeal scheme and the approved outline application for fewer dwellings appeared to achieve a suitable transition (based purely on the number of dwellings) he concluded that it would be difficult to retain important trees within the site, which add to the visual transition. Specifically, he had concerns about the impact of dwellings 16 and 17 on trees situated along the southern boundary with dwellings fronting Keats Way.

He commented that dwellings 16 and 17 would be little more than 3m away from the canopies of trees shown to be retained along the southern boundary. As these trees would be located immediately to the south and south-west of the dining rooms to these dwellings, those rooms would be seriously overshadowed and the trees would have a seriously overbearing impact. In these circumstances, any requests to seek the removal of these trees would be difficult to resist and their removal would be detrimental to the character of the area. This aspect of the proposal clearly conflicts with North Northamptonshire Core Strategy Policy 13h.

The Inspector highlighted Section 7 of the NPPF, which addresses the issue of design. Paragraph 56 indicates that *'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'* Proposals which put at risk trees indicated to be retained because of their likely impact on the amenity of occupiers of proposed dwellings do not amount to good design. Paragraph 58 also encourages proposals which optimise the potential of a site to accommodate development. Whilst he accepted that the appeal proposal would result in the building of 17 dwellings, whereas the approved proposal is for 14 dwellings, the illustrative details which form part of that approval indicate that both schemes would result in the provision of some 41 bedrooms. He concluded that the benefit associated with the provision of a net overall gain of 3 dwellings by the provision of a larger number of smaller dwellings is not sufficient to outweigh the harm associated with the appeal scheme.

Sharon Horner

Written Representations

12/00276/LB	Mr And Mrs Pearson	25 North Street Oundle Peterborough	Against Refusal
Replacement of ground floor windows and main front door of house			26/03/2013 Split decision

This application was refused under delegated powers because the proposed replacement windows would fail to preserve the character, appearance and fabric of the Grade II listed building.

The Inspector dismissed the appeal insofar as it relates to replacement of the windows at the front of the dwelling. He very much concurred with the view put forward by the Council and by SPAB that although the relevant windows are of a different character from the originals, they give a clear indication of the developing history of the dwelling. To remove them, and replace with a speculative version of the originals in terms of arrangement and details, would be to eradicate part of the historical sequence. He considered that this would cause significant harm to the special historic interest of the listed building. This is particularly so, since he noted that many of the windows at the front and back have previously been replaced with windows of incongruous or speculative pattern. The Inspector appreciated that the appellant wants to do structural repairs to remedy cracks in the masonry and that it may well be convenient to do any window replacement at the same time as structural repairs. However, even if the two elements of work are functionally dependent, this does not justify introducing a different window type with the resulting harm.

The Inspector concluded that the proposed new front door and frame would have a neutral effect upon the special interest of the Grade II listed building, and on the character and appearance of the Conservation Area. However, the proposed new windows would cause significant harm to the special interest of the listed building and to the character and appearance of the Conservation Area. He allowed the appeal in part and granted listed building consent for the new front door, but refused the appeal in respect of the windows.