



Planning Management Committee – 14 February 2018

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 31 July 2017 to 26 January 2018

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 31 July 2017 to 26 January 2018 and analyses the decisions made by the Planning Management 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: Rhys Bradshaw, Planning Development Manager ☎ 01832 742180 ✉ rabradshaw@east-northamptonshire.gov.uk					
Date: 31 January 2018					
CFO		MO		CX	

East Northamptonshire Council

DC Appeal Results

For Period from: 31 Jul 2017 to 26 Jan 2018

Officer

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

Amie Baxter

Written Representations

16/02205/FUL	Mr And Mrs M York	Honeybee Cottage 8 The Green Ashton	Against Refusal
Erection of private car garage and formation of vehicular access			23/01/2018 Dismissed

16/02206/LB	Mr And Mrs M York	Honeybee Cottage 8 The Green Ashton	Against Refusal
Remove section of boundary wall to form vehicle access.			23/01/2018 Dismissed

The Inspector acknowledged the importance of Ashton and its setting and notes that the significance of the conservation area is primarily associated with its semi-natural character and the historic, open layout of the model village. Further, the Inspector states that Honeybee Cottage and the associated wall have significant value to the village grouping and the open, largely uncluttered garden plays a key role in the historical significance of the listed building due to its rural, semi-natural character; with the wall providing an important feature that frames both the garden and the house. The special interest of the listed building is associated with the historic legibility of its setting and its enclosure. The Inspector concluded that the proposed garage would lead to an over-dominant, visually distracting, highly incongruent structure that would be clearly visible from the village green and from the access road to Chapel Farm Barns. This impact would be compounded by the proposed disruption to the wall and the introduction of an alien surfacing material for the new driveway (gravel dressed tarmac) and the introduction of cars parked within the garden area. Crucially, the Inspector deduces that the proposal would fundamentally undermine the historic significance and setting of the listed building and have a detrimental impact upon the conservation area, and this is of considerable importance and weight. There are no public benefits significant enough to outweigh such harm, including the reduction in demand for parking on the surrounding roads.

The wording of the Inspectors report would suggest that he strongly supports the council's decision to refuse the planning and listed building consent applications, and it is reassuring to note that the Inspector agrees with all elements of concern noted in the officers report.

Little weight was given to the recent Ashton Conservation Area Review as it does not form part of the development plan.

Anne Dicks

Written Representations

16/02224/FUL	Eventine Property	1 Rectory Lane Woodford Kettering	Against Refusal
Demolition of existing garage and erection of two bedroom dwelling and			30/11/2017 Dismissed

This application proposed the demolition of an existing garage and the erection of a two bedroom dwelling and associated access. The site lies on the corner of Rectory Lane and Addington Road and currently forms the side garden of No.1 Rectory Lane. It was proposed that the new dwelling would share an access with both No.1 and 1A Rectory Lane – the two properties formed by a previous sub-division of a detached, two-storey dwelling. The application site is prominent in the street scene and is immediately visible when entering the village on approach from the south. The site falls within the Woodford Conservation Area.

The application was refused because it was considered that the proposal would result in a cramped form of development, have an unacceptable impact on the character and appearance of the site and the street scene and would neither preserve nor enhance the character and appearance of the Woodford Conservation Area. Further to this it was considered that the proposal would fail to provide a good standard of amenity for the future occupiers, with particular regard to limited outdoor amenity space.

The Inspector concluded that the proposed siting and scale of the two-storey dwelling would be harmful to the character and appearance of the site and the surrounding area. Also that the restricted plot size, achieved through the severance of the former garden area to No 1, together with the need to provide sufficient car parking, would result in an unduly small private amenity space for the dwelling, harming the living conditions for future occupiers.

The appeal was dismissed on the basis that the development would conflict with relevant local and national planning policies and the development plan, taken as a whole.

Carolyn Tait

Written Representations

16/02285/FUL Resham PLC - Mr D Car Park Rear Of High Street St Peters Way Against Refusal
Proposed residential development of 9 dwellings adjacent to St Peters Way. 12/12/2017 **Dismissed**

Planning permission was refused for eight reasons, summarised as follows:

- Impact on highway safety;
- Impact on future occupiers by reasons of noise;
- The houses did not meet the National Space Standards;
- Lack of waste storage/collection provision;
- Crime and disorder;
- Impact on neighbouring amenity;
- Impact on the setting of the listed building and Conservation Area;
- The impact on the character and appearance of the surrounding area.

The Inspector grouped these into three main issues for consideration including the effect of the proposal on: the character and appearance of the surrounding area, including heritage assets; the living conditions of existing and future occupiers; and highway safety including parking, loading and servicing.

It was concluded on the character and appearance that the proposal would harm the character and appearance of the surrounding area as the proposal lacked creativity and failed to take the opportunity to enhance the site and make a positive contribution.

It was concluded, with regards to heritage assets, that the proposal would preserve the setting of the Grade I listed building but would fail to preserve or enhance the character and appearance of the Irthlingborough Conservation Area. In addition she considered that harm would arise to the setting of the Louisa Lilley Homes, a non-designated heritage asset.

The Inspector found that there would be significant harm to the occupiers of Nos 1 and 2 Oak Terrace from overlooking.

It was found that the proposal failed to demonstrate that the living conditions of future occupiers would not be adversely affected by noise from the surrounding commercial uses.

The Inspector agreed that both house types would have insufficient internal space and would constitute a cramped form of development which would harm the living conditions of future occupiers, with particular regard to lack of internal space. The Inspector did not agree that the proposal would be subject to issues of crime as these matters could be conditioned, but on the whole, proposed living standards would be unacceptable for future occupiers.

With regards to highway safety matters, the Inspector concluded that the sufficient parking was incorporated but that insufficient information had been provided to demonstrate that the proposed access road and servicing requirements would be satisfactory and meet highway safety standards.

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