



## Planning Management Committee – 13 June 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 26 February 2018 to 25 May 2018

#### 1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 26 February 2018 to 25 May 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.

<b>Legal</b>	Power: Planning and Compulsory Purchase Act 2004				
	Other considerations: None				
<b>Background Papers:</b> Office Files					
<b>Person Originating Report:</b> Rhys Bradshaw, Planning Development Manager ☎ 01832 742180 ✉ rabadshaw@east-northamptonshire.gov.uk					
<b>Date:</b> 30 May 2018					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

# East Northamptonshire Council

## DC Appeal Results

For Period from: 26 Feb 2018 to 25 May 2018

Officer

Procedure

Case Ref. No. Appellant  
Proposal

Location

Appeal Type  
Date Decided Decision

Amie Baxter

### Written Representations

17/01378/OU Mr Brady - C/O CC 27 Bradfield Close Rushden Northamptonshire Against Refusal  
Outline Planning Application for the demolition of the existing garage and 17/05/2018 **Allowed M**

Following Members decision to overturn Officers recommendation to approve, the application was refused on the grounds that the proposal would have a negative impact on the character of the area and the living conditions of the neighbouring occupiers. The Inspector noted that the area consists of modest dwellings with a distinctive concentrated character and that the plot is narrow in width like those surrounding the site. The proposed dwelling could be very similar in scale and proportions to the dwelling directly adjacent to the site at No 12 and comparable to many others in the Close. Consequently, the development cannot be considered to appear cramped and instead, it would harmonise well with the character of the area.

The Inspector said that, in the refusal reason, the Council had not been specific about the adverse impacts that the proposed development would be likely to have, but a local councillor notes (in separate representations) that the loss of the existing garage would have an impact on existing occupiers. However, the plans showed two parking spaces for the dwelling at No 27 which is sufficient, as mentioned by the council, and it would be up to the occupier to manage their own tandem parking arrangements. Parking to the front of the site would restrict the flow of traffic but most vehicles could still get past and the impact would be minimal. One parking space is sufficient to serve the proposed one bedroomed dwelling. Visibility splays meet the required standards.

The Inspector agreed with the council that the full impact of the proposed dwelling can only be assessed at reserved matters stage and no conclusions can therefore be made at this stage that the development would harm the living conditions of neighbouring occupiers.

17/02103/OUT P Barnes 312A Newton Road Rushden Northamptonshire Against Refusal  
Outline: Erection of detached dwelling (all matters reserved except access). 17/05/2018 **Dismissed**

This was a delegated decision refused on the grounds that the development would have a detrimental impact on the character and appearance of the area. Newton Road is distinctly linear in form with dwellings fronting the highway and long rear gardens, sometimes containing ancillary buildings, extending towards the open countryside.

The proposed dwelling would have been located at the very end of the rear garden for No. 132, which currently accommodates some outbuildings. The dwelling would therefore have been significantly separated from the row of houses along Newton Road. There are no other examples of any backland housing developments near the site and accordingly the development would be incongruous. The development would be contrary to Policy RU2 of the East Northamptonshire Local Plan which explicitly states that infilling would be permitted if it is within the built up area, has a frontage to the highway and does not result in backland development. The proposed dwelling would be within the built up part of Newton Road but it would not constitute infill. The proposed long and narrow driveway would also have a negative visual impact.

Anna Lee

### Written Representations

17/00982/FUL The Wadenhoe Trust -Land Rear Of 24 Pilton Road Wadenhoe Against Refusal  
Change of use of part of site from C1 to C3. Form new vehicle access with 16/05/2018 **Dismissed**  
17/00983/LB The Wadenhoe Trust -Land Rear Of 24 Pilton Road Wadenhoe Against Refusal  
Form new vehicle access with timber gate and posts from Pilton Road. Form 16/05/2018 **Dismissed**

The application was refused because the proposed access alterations and formation of gardens and boundary enclosures to contain a driveway and parking areas for no.24 Pilton Road would encroach and unacceptably

impact on the landscaped gardens of Wadenhoe House a Grade II listed building and harm the character and setting of the listed building and the character and appearance of the Wadenhoe conservation area.

The Inspector noted that the appeal scheme would create a substantial area of garden/ grounds for 24 Pilton Road and consider that the separation and enclosure of land from the grounds of Wadenhoe House would be obvious, where views to and from Wadenhoe House would be interrupted and the clear and strong physical and functional relationship of this part of the grounds of the House would be lost, resulting to significant harm to the setting of the listed building. In summary, the Inspector did not feel that the harm could be overcome by conditions; effective landscape management of the grounds could achieve the same landscape benefits without reliance on the proposed scheme; and overall the public benefits, taken together, are insufficient to outweigh the harm identified.

Rosalind Hair

### Written Representations

17/01546/FUL Mr N Paske Longbrook Farm Winwick Road Thurning Against Refusal  
Change of use of land and the stationing of a lakeside fishing lodge / holiday 01/05/2018 **Dismissed**

This application proposed the change of use of land and the stationing of a lakeside fishing lodge/holiday retreat with associated access and parking. The application was refused under delegated powers due to concerns that the proposal did not constitute sustainable development by virtue of the remote location and that it would have an urbanising effect and detract from the area's tranquillity and character.

Whilst the Inspector gave only limited weight to the Council's concerns about access to local services, she agreed that the development would detract from the locality's remote character and noted that this would have an adverse effect on the character and appearance of the area, contrary to Joint Core Strategy Policies 3a; Policy 8d and the guidance given in the current Northamptonshire Landscape Character Assessment. Consequently the appeal was dismissed.

17/01566/FUL Mr M Kennedy - 65 Northampton Road Rushden Against Refusal  
Proposed single-storey dwelling with parking and amenity land 17/05/2018 **Dismissed**

This planning application proposed the erection of a bungalow in the front garden of 65 Northampton Road, Rushden. Members will recall previous applications at the site relating to the erection of 4 dwellings in the rear garden. Planning permission was refused for the bungalow under delegated powers, as it was determined that as a result of the location and siting, the proposed dwelling would adversely affect the established character and appearance of the area. Furthermore, the dwelling would be the 6th dwelling off a private drive (contrary to Local Highway Authority Standards) and there were concerns about highway safety and obstruction.

In dismissing the appeal, the Planning Inspector upheld both areas of concern, noting that: *'The proposed dwelling would be positioned directly in front of No 65 and so would result in a reduction in the distinctive openness of the immediate area...Moreover, the single storey nature of the proposal in contrast with the two-storey nature of No 65 would result in it appearing contrived in its setting...In addition, it would be significantly closer to the road than all the other nearby properties on this south side of the road, including those to the east, and so would appear incongruous in the street scene.'*

In relation to the concerns about access, the Inspector agreed that the lack of good visibility onto the shared drive and inadequate turning provision would render the development unsafe.

17/01853/FUL Mr Paul Petrie 3 Stanwick Road Higham Ferrers Against Refusal  
Demolition of existing detached outbuilding and erection of 1 detached 17/05/2018 **Dismissed**

This planning application proposed the demolition of an existing detached outbuilding and the erection of a two storey detached dwelling with garage to the side of 3 Stanwick Road; a semi-detached dwelling. The application was refused under delegated powers due to concerns that the dwelling would appear incongruous in the street scene and would fail to respect or enhance the established form, character and appearance of the area. In addition, it was concluded that the applicant had failed to demonstrate that a safe access could be provided in line with the Local Highway Authority's Standing Advice.

The Inspector shared the Council's concerns about the impact on the character and appearance of the area, noting that: *'due to its forward position on the site' the dwelling 'would appear unduly prominent in the street scene and would erode the characteristic spaciousness.'* In relation to concerns about the access, the Inspector agreed that as the visibility splay on one side of the access passed over third party land, this could not be adequately controlled e.g. in relation to future planting. He therefore concluded that he could not be *'confident that the access from the development would be permanently afforded sufficient visibility for vehicles such that highway safety would not be compromised.'* The appeal was therefore dismissed.

Wayne Cattell

**Written Representations**

7/01469/FUL Mr A Lawson Printing Workshop Midland Road Rushden Against Refusal  
 Part demolition part retention and conversion of former print works with 22/05/2018 **Allowed M**

This application was refused at Committee against officer advice on the grounds that it was considered the site was being overdeveloped with tandem parking being a symptom of this. It was also considered that the tandem parking arrangements would lead to vehicles parking outside the site on roads which Members considered were already heavily parked.

The Inspector considered that tandem parking is not uncommon in urban areas and, in this case, he was of the view that it not representative of a cramped development. The Inspector did not consider it unreasonable to expect householders to manage their own parking allocation and any inconvenience to other residents while manoeuvring vehicles would be for a very limited time. Also, at the time of his site visit (late morning), he noted there was plenty of space for on street parking in front of the site. He accepted that in the evenings and at weekends, parking space would be less prevalent but he considered some capacity at least for visitor parking would most likely be available nearby.

Overall, he considered the scale and layout of the development would be appropriate for this urban site and allowed the appeal.

17/01520/LBC Mr And Mrs J Fir tree Cottage 11 The Green Ashton Against Refusal  
 Proposed replacement side door 23/05/2018 **Allowed**

This application was refused because it was considered the design of a proposed replacement side door (an in particular the amount of glass) on a listed building would be out of keeping with the historic surroundings in the Ashton Conservation Area.

The Inspector noted that the proposed door would be less utilitarian than the existing one but, as it was to be painted the traditional Ashton blue and timber would still predominate, he did not consider the proposal would cause harm to the listed building or the Ashton Conservation Area. He therefore allowed the appeal.

<b>Decided Appeals Dismissed :</b>	<b>6</b>	66.67%	
<b>Decided Appeals Allowed :</b>	<b>3</b>	33.33%	<b>M</b> Denotes Member
<b>Decided Appeals Withdrawn :</b>	<b>0</b>	0.00%	Decision against
<b>Decided Appeals Total :</b>	<b>9</b>	100.00%	Officer advice