



Planning Management Committee – 21 August 2019

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 20 June 2019 to 12 August 2019

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 20 June 2019 to 12 August 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.

3.0 Legal Implications

3.1 There are no legal implications.

4.0 Risk Management

4.1 There are no significant risks.

5.0 Financial implications

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

6.0 Privacy Impact Assessment

6.1 There are no privacy implications.

7.0 Constitutional Implications

7.1 There are no Constitutional Implications.

8.0 Implications for our Customers

8.1 There are no implications for our customers.

9.0 Corporate Outcomes

9.1 The report supports priority outcomes set out in the Corporate Plan - Effective Management; and Value for Money.

10.0 Recommendation

10.1 The Committee is recommended to note the report.

Legal	Power: Planning and Compulsory Purchase Act 2004				
	Other considerations: None				
Background Papers: Office Files					
Person Originating Report: Rosalind Johnson, Planning Development Manager ☎ 01832 742045 ✉ rjohnson@east-northamptonshire.gov.uk					
Date: 13 August 2019					
CFO		DMO		CX	

East Northamptonshire Council

DM Appeal Results

For Period from: 20 Jun 2019 to : 12 Aug 2019

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

Written Representations

18/01439/FUL	Mr A Watts	42 Victoria Road, Rushden	Against Refusal
Change of use from vacant B1 to sui generis use as eleven units (inclusive of a manager's accommodation) of House in Multiple Occupancy, alterations to the roof and elevations, including new windows and doors and the blocking-up of openings, provision of refuse stores and cycle parking			03/07/2019
			Allowed M

The main issues relating to this appeal were:

1. whether or not future residents would be provided with appropriate living conditions with particular regard to internal and external space;
2. the effect on highway safety, having regard to the proposed parking provision; and
3. whether or not the proposal is an appropriate mix of dwelling sizes and tenures.

In considering the first issue, the Inspector concluded that each of the bedrooms would have adequate light and outlook, and the future residents would each have access to a satisfactory external space, therefore the appeal proposal was acceptable in this regard.

In relation to parking, the Inspector was satisfied that there is sufficient on street parking capacity on Victoria Road and nearby streets, despite parking restrictions in the vicinity of the site. She also noted that the proximity to shops, services and facilities would moderate the requirement for car parking and she concluded that there was no fundamental conflict with JCS Policy 8bii. The Inspector allowed a partial award of costs against the Council in relation to this matter.

Regarding the third issue, the Inspector concluded: *'I have found that the accommodation would meet the Council's own guidance and residents' living conditions would be acceptable. Moreover, the proposal offers one bedroom accommodation, albeit shared, which would meet the requirements of Policies 30 and 8 ci of the JCS and meet a need identified in the SHMA.... In addition, as the proposal is for the conversion of an existing non-residential building, and meets an identified local need, it meets two of the three exceptions within Policy H4 of the NP, where, having regard to the wording of the Policy, there is only a requirement to meet one.'*

18/01525/VAR	Mr G Prodger	1 Hunter Rise, Brigstock	Against Refusal
Variation of condition 5ii pursuant to planning application 17/02567/FUL: Erection of a detached dwelling and a detached triple garage dated 07.02.2018			26/06/2019
			Dismissed

This appeal relates to the refusal of the Council to vary a planning condition which requires provision to ensure that access between public footpath MK12 and the Swan Avenue footpath link is enabled and kept open and useable as a footpath link in perpetuity.

The Inspector, in dismissing the appeal, commented that without the condition: *'the use of the route would be permanently impeded. The footpath route provides a shorter route to access MK12 which provides access to both the countryside and the village. Policy 8 of the North Northamptonshire Joint Core Strategy (July 2016)(CS) states, among other things, that development should create connected places by ensuring that it connects to the maximum number of local streets, to allow integration into the wider settlement and to connect to existing services and facilities. Thus, I find that the Condition continues to serve a useful purpose having regard to the current development plan and as such there would be significant harm caused to future users of the footpath link. It therefore satisfies the test of being necessary.'*

An application for costs against the Council was refused.

Carolyn Tait

Written Representations

17/00266/FUL **Equation Properties Ltd. West End, Land North Of Brick Kiln Road, Raunds** **Against Refusal**
Proposed Distribution Centre (B8 Use Class) together with ancillary offices, parking, servicing and site landscaping **07/08/2019** **Withdrawn** **M**

This appeal has been withdrawn by the appellant.

17/02358/OUT **Mr A Brown** **The White Cottage, Main Street, Glapthorn** **Against Refusal**
Outline: Erection of new four bedroom dwelling, works to include demolition of existing garage and erection of replacement garage for existing dwelling: some matters reserved (except access, scale and layout). **09/07/2019** **Dismissed**

This application for a dwelling was refused by the Council, as it was considered that the backland form of development, would not be in accordance with the character of the adjacent part of the settlement and thus would be detrimental to it.

The Inspector in dismissing the appeal, agreed with the Council that: *'the main part of the appeal site is not between two built curtilages and would not be within a built up frontage. It would not therefore, in my view, be infill... [and] the appeal proposal would disrupt the prevailing linear pattern and grain of the village and harm its character and appearance.'*

18/02209/OUT **Mr R Price** **10 Mill Estate, Wymington Road, Rushden** **Against Refusal**
To build a single new 2/3 bedroom bungalow at the rear (north) of 10 Mill estate- All matters reserved **03/07/2019** **Allowed**

The main issue relevant to this appeal was whether or not the access arrangements would be acceptable, having particular regard to the fact that there would be more than 5 dwellings served off a private drive. The Inspector stated that the determinative issue was whether the intensification of the use of Mill Estate would lead to material harm to highway safety. She concluded: *'One must adopt the common-sense approach advocated in Manual for Streets, looking at all the relevant factors rather than a rigid and slavish adherence to highway standards. In the absence of trip rates to suggest otherwise, a single dwelling would only generate a minimal amount of traffic which would be imperceptible against existing flows along the private drive. Therefore, and bearing in mind that the road already serves 10 dwellings, as a piece of basic arithmetic, it cannot be reasonably argued that the dwelling would lead to a material intensification of traffic movements on Mill Estate. On that basis, it follows that there would be no material increase in opposing traffic movements along the driveway or turning manoeuvres to / from Wymington Road.'* She further added that, even if the proposal did result in a material increase in traffic movements on Mill Estate: *'the reality of the situation is that the road and junction have, for a number of years, been used by residents of the other ten houses. The road is not a through route and has good visibility along its length. In my view, local residents would be well aware of its limitations and drive accordingly...I have no reason to believe that future occupiers of the proposed development would not do the same.'*

18/01132/OUT **Mr Sugars - Blenheim Realty Ltd.** **138 Finedon Road, Irthlingborough** **Against Refusal**
Outline: The construction of 7no. new dwellings, closing off existing vehicular access and forming a new vehicular access (all matters reserved) **22/07/2019** **Dismissed**

This outline application for 7 dwellings was refused under delegated powers, as it was considered that the proposal would be unduly cramped and would create an unsatisfactory relationship with the existing dwellings nos.138 Finedon Road and no. 140 Finedon Road. Furthermore, it was considered that it would be detrimental to the character and appearance of the site and the predominant linear character and spacing of development along Finedon Road; and it would harm the character and setting of a non-designated heritage asset (138 Finedon Road). A further refusal reason was also added relating to failure to pay the necessary SPA contribution, however that was not pursued following receipt of the contribution.

The Inspector agreed with the Council's concerns commenting that:

'Whilst the particular layout and detail of the dwellings is not fixed at this stage, the size and layout of the site is such that any scheme for 7 dwellings would be likely to create an unsatisfactory relationship with the existing dwelling and would result in a substantial and cramped form of development, out of keeping with the prevailing character and appearance of the area...Moreover, the existing garden setting of the existing dwelling would be significantly diminished and this would have a harmful effect on the significance of the non-designated heritage asset.'

Jacqui Colbourne

Householder Appeal

18/02373/FUL Mr T Crewe Ashley Farm House, Main Street, Upper Benefield Against Refusal
Proposed double bay garage with room above (re-submission of 18/01561/FUL) 18/07/2019 Dismissed

This householder application for a detached double garage with room above, was refused by the Council because it was considered that: *'The proposal would lead to the creation of a large detached garage which by virtue of its scale, location and materials would compromise the setting of the host dwelling Ashley Farm House and result in an incongruous feature within the street scene.'* Ashley Farm house is grade II listed and situated within the designated Upper Benefield Conservation Area.

In dismissing the appeal, the Inspector commented that: *'The properties forming the village almost exclusively follow the line of the road. Whilst there are different building lines throughout the village, the houses in the immediate locality of the appeal site follow roughly the same line. The introduction of a substantial building forward of that line would be incongruous in the street scene and would adversely affect the character of the UPCA [Upper Benefield Conservation Area]. The siting of the proposed building in front of the farmhouse would also adversely impact the setting of the listed building by closing in the open frontage.... Turning to the design and materials of the timber-clad proposed building it is clear that it would be at odds with the traditional stone-built host building and would be out of place in the village street scene as described above. This harm is further exacerbated by the scale of the proposal as a result of the room in the roof with dormer windows which would increase the bulk of the structure when viewed against the host building.'*

Decided Appeals Dismissed :	4	57.14%	M Denotes
Decided Appeals Allowed :	2	28.57%	Decision against
Decided Appeals Withdrawn :	1	14.29%	Officer advice
Decided Appeals Total :	7	100.00%	
