



## Planning Management Committee – 02 October 2019

### Appeal Decision Monitoring Report

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#### **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 13 August 2019 to 17 September 2019

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#### **1.0 Introduction**

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 13 August 2019 to 17 September 2019 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.

<b>Legal</b>	Power: Planning and Compulsory Purchase Act 2004				
	Other considerations: None				
<b>Background Papers:</b> Office Files					
<b>Person Originating Report:</b> Rosalind Johnson, Planning Development Manager ☎ 01832 742045 ✉ rjohnson@east-northamptonshire.gov.uk					
<b>Date:</b> 23 September 2019					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

# East Northamptonshire Council

## DM and Enf Appeal Results

For Period from: 13 August 2019 to 17 September 2019

Officer

Procedure

Case Ref. No. Appellant  
Proposal

Location

Appeal Type  
Date Decided Decision

Dean Wishart

### Written Representations

18/00646/FUL	Mr Lawson -	Rushden Memorial Clinic, Hayway, Rushden	Non-determination
Conversion and extension of the existing Memorial Clinic to create 12no. one...22/08/2019			<b>Dismissed C</b>

This appeal relates to the non-determination of the above application, which was presented to Members on 10 April 2019. The Committee resolved that the application would have been refused, and added in an additional reason for refusal on design grounds. The appellant paid the SPA contribution, so in accordance with the committee report, the council did not defend this reason at appeal.

In dismissing the appeal, the Inspector took the view that the side extension would unbalance the appearance of the building, but that the rear extension would have a neutral effect. He concluded that the proposed bungalows would have appeared as incongruous and would fail to complement either the Memorial Clinic building or the extensions.

The impact on living conditions of existing and future residents was deemed to be acceptable, and the Inspector concluded that the proposals would not cause significant harm to the character and appearance of the area. On highway safety, minor infringements of the County Council's parking standards were noted, but the conclusion was that the proposal would be unlikely to cause risk to highway safety through overspill parking. The impact on trees was also found to be acceptable.

The impact on bats was found to be acceptable and the appellant was awarded partial costs in relation to this matter. They were unsuccessful in gaining an award of costs on other matters raised in their submission and the Inspector was satisfied there had been ongoing proactive dialogue between the case officer and agent, in accordance with planning guidance.

The proposal was found not to be in accordance with Policy H4 of the Rushden Neighbourhood Plan, on the basis that a large proportion of the proposal involved new build sections (extensions and the bungalows), so the criterion relating to conversion did not apply.

Anna Lee

### Written Representations

18/00585/FUL	Mr Frank Langley -	176 High Street, Irthlingborough	Against Refusal
Demolition of garages and erection of 6 No dwellings with associated parking			16/08/2019 <b>Allowed D</b>

This planning application for the demolition of garages and erection of 6 no. dwellings was refused on the basis of an objection from the Local Highway Authority, relating to the use of a private drive to serve more than 5 dwellings.

In considering the appeal, the Planning Inspector noted:

*'In the interest of highway safety and ensuring a suitable access, the Northamptonshire Highway Development Management Strategy (adopted December 2013) (DMS) confirms that, under Policy DM15, "...private drives serving more than five dwellings independently of their own direct highway frontage may create problems for residents, utilities, refuse collection and emergency access...Northamptonshire County Council allows no more than 5 dwellings independent of their own direct highway frontage to be served via a shared private drive...". As the appeal scheme is for 6 houses sharing a private drive, it would be contrary to this policy, albeit by only 1 dwelling. Whilst this document does not form part of the development plan, it supports Policy 8 of the adopted North Northamptonshire Joint Core Strategy 2011-2031 (adopted July 2016) (CS) which expects development to provide "...a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards...".'*

In allowing the appeal, the Inspector commented that she was satisfied the access would provide a satisfactory means of access, acceptable visibility and manoeuvring and was not persuaded that the increase in one dwelling from five to six was of significant scale to cause any of the perceived conflicts outlined in Policy DM15.

Jennifer Wallis

**Householder Appeal**

18/01796/FUL Mr Morris  
New fencing to side elevation

2 Harrington Road, Irthlingborough  
14/08/2019

Against Refusal

**Dismissed C M**

This planning application for fencing to the side of the dwelling was refused by the Planning Management Committee, as it was determined that the fence would be out of keeping with the streetscene and consequently would cause harm to the established character and visual appearance of the area.

At a site visit, the Inspector noted the fence had already been erected. They commented that: *'The appeal property itself has a high brick wall matching the house screening the rear garden from the road. The wooden fence as built extends from and in line with this wall, but the closed boarded design and materials are a stark contrast with the existing brickwork of both the wall of the appeal property and the other boundary walls in the immediate area. As such it is an incongruous feature and at odds with the prevailing character of the immediate streetscene.'* Consequently, the appeal was dismissed.

<b>Decided Appeals Dismissed :</b>	<b>2</b>	<b>66.67%</b>
<b>Decided Appeals Allowed :</b>	<b>1</b>	<b>33.33%</b>
<b>Decided Appeals Withdrawn :</b>	<b>0</b>	<b>0.00%</b>
<b>Decided Appeals Total :</b>	<b>3</b>	<b>100.00%</b>

**M** – Denotes Member decision against officer advice

**C** – Denotes Committee decision

**D** – Denotes delegated decision