



Development Control Committee - 28 April 2010

Appeal Decision Monitoring Report

Summary

Update on appeals decided by the Planning Inspectorate and an analysis of the main issues to monitor consistency between the Council's and Planning Inspectorate's decisions.

Attachment(s)

Appeal Decisions - 8 March to 2 April 2010

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from 8 March to 2 April 2010 and analyses the decisions made by the Development Committee and Officers under Delegated Authority.

1.2 Details of costs awarded against the Council (if any) are also given.

2.0 Recommendation

2.1 That the report be noted.

Implications:		
Corporate Outcomes or Other Policy/Priority/Strategy		
Good Quality of Life	<input type="checkbox"/> Good Reputation	<input checked="" type="checkbox"/>
Good Value for Money	<input type="checkbox"/> High Quality Service Delivery	<input type="checkbox"/>
Effective Partnership Working	<input type="checkbox"/> Strong Community Leadership	<input checked="" type="checkbox"/>
Effective Management	<input checked="" type="checkbox"/> Knowledge of our Customers and Communities	<input type="checkbox"/>
Employees and Members with the Right Knowledge, Skills and Behaviours		<input checked="" type="checkbox"/>
Other:		
Decision(s) would be outside the budget or policy framework and require full Council approval		
Financial	There are no financial implications at this stage	<input checked="" type="checkbox"/>
	There will be financial implications – see paragraph	<input type="checkbox"/>
	There is provision within existing budget	<input type="checkbox"/>
	Decisions may give rise to additional expenditure at a later date	<input type="checkbox"/>
	Decisions may have potential for income generation	<input type="checkbox"/>
Risk Management	An assessment has been carried out and there are no material risks	<input checked="" type="checkbox"/>
	Material risks exist and these are recorded at Risk Register Reference - inherent risk score - residual risk score -	<input type="checkbox"/>
Staff	There are no additional staffing implications	<input checked="" type="checkbox"/>
	Additional staff will be required – see paragraph	<input type="checkbox"/>
Equalities and Human Rights	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications	<input checked="" type="checkbox"/>
	There will be an impact on equality (see categories above) or human rights implications – see paragraph	<input type="checkbox"/>
Legal	Power: Planning and Compulsory Purchase Act 2004	
	Other considerations:	

Background Papers:					
Person Originating Report: Sue Wheatley - Development Control Manager 01832 742227 sjwheatley@east-northamptonshire.gov.uk					
Date: 19 April 2010					
CFO		MO		CX	

(Committee Report Normal Rev. 21)

East Northamptonshire Council

DC Appeal Results

From 8 March to 2 April 2010

Officer

Procedure

Case Ref. No. Appellant
Proposal

Location

Appeal Type
Date Decided Decision

Carolyn Tait

Written Representations

09/00273/OU Mr M Pabari 280 Bedford Road, Rushden
New Two Storey dwelling next to existing house

Against Refusal
31/03/2010 **Dismissed**

- The Inspector considered that the main issues were the acceptability of the proposed development in the countryside, having regard to the development plan for the area and national policy and its effect on the character and appearance of the street scene.
- Policies 1, 9 and 13 of the North Northamptonshire Core Spatial Strategy and Policy 3 of the East Midlands Regional Plan indicate that in rural areas development will take place on sites within village boundaries and adjacent to settlements, with priority given to previously developed land which is accessible by a choice of travel means and that new development in the open countryside will be strictly controlled. Policy RU2 of the East Northamptonshire Local Plan identifies where residential infilling on Bedford Road will normally be permitted.
- The Inspector also states that PPS7 puts forward that its aim is to protect the open countryside for the sake of its intrinsic character and beauty.
- In the Inspector's view, a new house in the proposed location could not reasonably be described as residential infill. The Inspector agreed with a recent appeal decision on a nearby site at 165 Bedford Road where the Inspector concluded that the appeal site at the end of a small group of properties outside the main built up area did not accord with the provisions of saved policy RU2 and did not constitute infill development.
- The Inspector noted that there was a nearby bus stop; however, there is little evidence that the site is well served by public transport or that there is good access to local services. The Inspector was therefore unconvinced that the scheme would be a sustainable form of development and would be contrary to policies 1, 9 and 13 of the North Northamptonshire Core Spatial Strategy and Policy 3 of the East Midlands Regional Plan.
- The application contained enough information for the Inspector to determine the appellant's design intentions and concluded that the proposed design would be sympathetic to the character of No. 280. The Inspector did not find that the design of the dwelling in itself would harm the character and appearance of the street scene.
- The proposal would conflict with the general aims of the North Northamptonshire Core Spatial Strategy policy 13 and policy 2 of the East Midlands Regional Plan which require a high quality standard of design, as the proposal includes a garage to the front of the site that would reduce the openness at the front of the site and would add to the harm resulting from the development.
- The Inspector concluded that the proposed development would cause harm to the countryside and would conflict with the national and local policies. No other matters were sufficient to outweigh the considerations that the Inspector listed.
- A claim for costs was made by the Local Planning Authority against the appellant. The Inspector awarded full costs to the Council.
- The Inspector concluded that the appeal proposal was clearly contrary to national planning policy and the statutory development plan for the area. The Inspector goes on to say that very limited justification or other material circumstances were advanced by the appellant with inadequate supporting evidence to justify determining otherwise. Furthermore, the appellant was advised at pre-application stage that the application was likely to be refused as there was conflict with policies.
- The Inspector concluded that the appellant pursued an appeal which had no reasonable prospect of success despite the Council drawing attention to the relevant facts at pre-application stage and this constituted unreasonable behaviour.

09/00918/VA Mr S Hall Manor Farm House, Main Street, Wadenhoe
Removal of condition 2 (dealing with pyramid rooflights) from Planning

Against Condition

01/04/2010 **Dismissed**

09/00981/VA Mr S Hall Manor Farm House, Main Street, Wadenhoe
Variation of condition 2 (dealing with rooflights) from Listed Building Consent

Against Condition

01/04/2010 **Dismissed**

- The Inspector considered the main issue to be the effect that removing the disputed conditions would have on the special architectural and historic interest of the listed building and whether it would preserve or enhance the character or appearance of the conservation area.
- The Inspector observed that the permitted extension was under construction at the time of the site visit.
- The Inspector considered that the south west facing glazed screen would allow sufficient penetration of daylight and ventilation into the space making additional light and ventilation from the roof lights unnecessary.
- The Inspector considered that the roof lights because of their size and pyramidal shape would be a dominant, visually jarring feature of the extension that would detract from the appearance of the building which is listed for its historic qualities and as such would harm the special architectural and historic interest of the listed building.
- The Inspector also considered that the proposed roof lights would also fail to preserve or enhance the character or appearance of the conservation area as a whole.
- The Inspector concluded that the removal of the conditions would conflict with the advice in PPS5 and policies of the

Decided Appeals Dismissed:	3	100.00%
Decided Appeals Allowed:	0	0.00%
Decided Appeals Withdrawn:	0	0.00%
Decided Appeals Total:	3	100.00%

M Denotes Member
Decision against
Officer advice