



Planning Management Committee – 30 January 2020

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 09 December 2019 to 10 January 2020

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 09 December to 10 January 2020 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.

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| 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: 16 January 2020 | | | | | |
| CFO | | MO | | CX | |

East Northamptonshire Council

DM Appeal Results

For Period from: 09 December 2019 to 10 January 2020

Officer

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

Anne Dicks

Householder Appeal

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|--------------|---|--|-----------------------------|
| 19/01021/FUL | Mr And Mrs Harris - Luddington Farm, Winwick Road, Thurning | | Against Refusal |
| | Single storey timber orangery and porch | | 07/01/2020 Allowed D |

The Inspector considered the principal matters to be the effect of the proposed flat roof orangery, with its parapet and lantern and the porch, with its hipped roof (both in a contrasting off-white colour), on the character and appearance of the dwelling. The scheme had been refused on design grounds, given the linear, barn style appearance of the large scale dwelling. The inspector took the view that it would not be unreasonable for extensions of the size and scale of the proposal to be attached to the dwelling. It was his view that, *'despite exhibiting some features of a converted barn'*, the property has the appearance of a conventional dwelling house - with domestic paraphernalia in the garden, a large garage and a Juliet balcony. He therefore considered that the proposed visually subordinate additions would be acceptable.

Gordon Smith

Written Representations

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|--------------|---------------------------|---------------------------------|-------------------------------|
| 19/00206/FUL | Jwanczuk - Spencer | Spenwood Alexandra Road Rushden | Against Refusal |
| | Erection of two dwellings | | 02/01/2020 Dismissed D |

The application for two dwellings was refused permission due to concerns that the access was inadequate to safely accommodate the intensification of use. The Inspector agreed with the Council's concerns and noted that: *'Where two vehicles meet, the drive's restricted width would generally necessitate a reversing manoeuvre on the part of one driver. This would carry increased risks to both motorists and other users of the drive... It would also impede the passage of emergency service vehicles along the lane, with a resulting adverse effect on their ability to respond to incidents.'* The Inspector also raised concerns about the surface of the drive – that it may deteriorate further and that it is not suitable for refuse vehicles, causing inconvenience to residents in moving bins a considerable distance to the Highway.

The Inspector gave consideration to a 'fallback' position – an existing consent for one dwelling on the site, but felt that the appeal proposal would lead to an unacceptable increase in movements over and above this. Consequently the appeal was dismissed.

Written Representations

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|--------------|---|--|-------------------------------|
| 19/00454/FUL | Mr D McLoughlin - Land Adjacent Rectory View, Church Road | | Against Refusal |
| | Erection of two dwellings (amended proposal) | | 08/01/2020 Allowed C M |

The planning application was refused by the Planning Management Committee due to concerns that:

1. By virtue of the height of the dwellings and the elevated site, the proposal would adversely affect the character and appearance of the area; and
2. The proposed two large dwellings did not address the need for smaller dwellings in the district.

In considering the first point, the Inspector stated: *'To appreciate the height of the proposed dwellings an observer would need to be a substantial distance from the village to the west. There is a large detached dwelling opposite the site entrance and many mature trees surround it and the wider village. As such, there would be very limited opportunity for distant views to be read in combination with the proposal. Furthermore, such distant views would read the proposed dwellings in context with the surrounding village limiting any overall effect. Furthermore, the impact on the streetscene would be limited due to the distance of the proposed dwellings from Church Road and the relatively narrow view between the approved frontage dwellings. Subsequently, the proposal would be in character with the local area.'*

In relation to the second matter for consideration, the Inspector agreed that the proposal would not comply with Joint Core Strategy Policy 30a, however felt that this was not sufficient grounds to refuse planning permission for the proposal.

Ian Baish

Written Representations

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|---|-------------------------------|
| 19/00549/FUL - Mr David Wilkinson - Manor Farm, Cotterstock Road, Glapthorn | Against Refusal |
| The Removal of a Modern Agricultural Building and Construction of 1 No. Self-Build Residential Dwelling to Enhance the Setting of the Adjacent Listed Manor House | 10/01/2020 Dismissed D |

The appeal related to an application refused for two reasons: Reason one: Impact on the adjacent listed Manor Farm House and Reason two: That the proposal was contrary to Policy 30 of the NNJCS and policy 3 of the Glapthorn Neighbourhood Plan.

The Council's Senior Conservation Officer objected to the proposal at the southern edge of the site, due to the negative impact on the setting of the adjacent listed building and the farmstead setting. He stated that the proposal would block views of the complex and cause less than substantial harm to the setting and significance of the listed building. This impact would be greatest when the Manor House was viewed from the Public Footpath to the south of the site and from Main Street.

The second refusal reason relates to conflict with policies that require housing developments to provide a mix of house sizes to include smaller units of 1 – 3 bedrooms to meet the needs of young families and the ageing population.

The inspector considered the material considerations of the nature of the site and surroundings and concluded that the proposal would not cause harm to the listed Manor Farmhouse and would instead open up wider views of it when viewed from the south and southeast. Officers have contacted PINS on this point as they query whether all relevant viewpoints have been considered.

The inspector could not find any mechanism within the submitted information to ensure that the property would not be made available to the open market (a self build dwelling was proposed); it had not been demonstrated how the proposal would help to maintain a mix of tenure, type and size within the Parish; and the proposal did not respond to the need for smaller properties as required by the Glapthorn Neighbourhood Plan Policy 3. The appeal was dismissed on these grounds.

Written Representations

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| 19/00730/FUL - Mr A Beeson - The Abbey, 34 Stamford Road, Easton On The Hill | Against Refusal |
| Single storey side extension to dwelling | 13/12/2019 Dismissed D |
| 19/00731/LB - Mr A Beeson - The Abbey, 34 Stamford Road. Easton On The Hill | Against Refusal |
| Single storey side extension to dwelling | 13/12/2019 Dismissed D |

The appeal related to an application for planning permission and listed building consent for a single storey side extension which was refused as the proposal would detract from the well proportioned Georgian façade and the fine Georgian design of the building which would have a negative impact on the special character and significance of the Listed Building, contrary to Policy 2 of the NNJCS and paragraphs 184, 193, 194 and 196 of The National Planning Policy Framework.

The Council's Senior Conservation Officer objected to the proposal, stating that he did not feel that the longevity of the listed building would be dependant on the works going ahead and that there was no public benefit to the proposal.

The inspector agreed with the Council, concluding that the appeal should be dismissed on the basis of the impact on the façade of the building; the lack of public benefit and that the longevity of the building does not rely on the works going ahead.

Lloyd Mills

Written Representations

19/00020/LB - Mrs Joanne Dawson, Stafford Knott House, Main Street, Laxton Corby Against Refusal
Replace existing Collyweston tile and corrugated roof covering over barn with 13/12/2019 **Dismissed D**
imitation Collyweston tile

19/00021/FUL - Mrs Joanne Dawson - Stafford Knott House, Main Street, Laxton Corby Against Refusal
Replace existing Collyweston tile and corrugated roof covering over barn with 13/12/2019 **Dismissed D**
imitation Collyweston tile

The Inspector agreed with the council that the replacement of natural Collyweston stone slates with man-made/imitation tiles would cause harm to the historic significance of the listed building and that of the Laxton Conservation Area. The level of harm was assessed as less than substantial.

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|------------------------------------|----------|---------|
| Decided Appeals Dismissed : | 6 | 75.00% |
| Decided Appeals Allowed : | 2 | 25.00% |
| Decided Appeals Withdrawn : | 0 | 0.00% |
| Decided Appeals Total : | 8 | 100.00% |

M – Denotes Member decision against officer advice

C – Denotes Committee decision

D – Denotes delegated decision