



## Planning Management Committee – 9 December 2020

### 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 12 October 2020 to 6 November 2020

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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 12 October 2020 to 6 November 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.

<b>Legal</b>	Power: Planning and Compulsory Purchase Act 2004				
	Other considerations: None				
<b>Background Papers:</b> Office Files					
<b>Person Originating Report:</b> Carolyn Tait, Principal Development Management Officer ☎ 01832 742321 ✉ rjohnson@east-northamptonshire.gov.uk					
<b>Date:</b> 25 November 2020					
<b>CFO</b>		<b>MO</b>		<b>CX</b> 25/11/20	<i>D. Oliver</i>

# East Northamptonshire Council

## DM Appeal Results

For Period from: 12 Oct 2020 to: 06 Nov 2020

Officer

Procedure	Case Ref. No.	Appellant	Location	Appeal Type	Date Decided	Decision
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### Jacqui Colbourne

#### Written Representations

19/01986/FUL	Mr N Streames	42 London Road Raunds Northamptonshire	Against Refusal
Erection of a detached single storey dwelling with associated access to highway (resubmission of 19/01632/FUL)			13/10/2020 <b>Dismissed D</b>

The Inspector considered the principle matters to be the effect of the proposed detached dwellinghouse on the character and appearance of the area and on the living conditions of the occupiers of the existing and proposed dwellings with particular regard to the level of garden space. The scheme had been refused on design grounds as it did not reflect the strong character of the surrounding area and the proposed layout would have resulted in cramped amenity space for both the new and existing properties. The inspector took the view that the proposal would clearly be at odds with the prevailing character of the existing buildings in the area, including the dormer bungalow opposite, and as such it would harm the character and appearance of the area.

In conclusion the Inspector concluded that the proposal would conflict with Policy 8 (d) of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) (NNJCS) and Policies R2 and R3 of the Raunds Neighbourhood Plan (2017) (RNP) which, amongst other matters, seeks to ensure that development is of a good design which responds to the sites immediate and wider context. It would also conflict with the overarching design aims of the National Planning Policy Framework (the Framework).

### Patrick Reid

#### Written Representations

19/01876/FUL	Mr Mike webb	26 High Street Rushden Northamptonshire	Against Refusal
Replacement of timber windows to first and second floors with upvc of similar style and appearance			19/10/2020 <b>Dismissed D</b>

UPVC window frames have been inserted into the property in the Rushden Conservation Area (CA). The windows replaced more traditional timber windows. The change in material and the resultant change in appearance was the reason for refusing the application. The Inspector agreed that the change '*adds to an incremental erosion of the elements that add to the significance of the CA*'. When the less than substantial harm to the heritage asset was weighed against the benefits, the Inspector found that the replacement windows provided no such benefits. The Inspector dismissed the appeal due to the harmful effect on the character and appearance of the CA.

### Pete Baish

#### Householder Appeal

19/01939/FUL	Mr And Mrs Neil	5 Manor Gardens Stanwick Wellingborough	Against Refusal
First floor extension over garage and adjoining two storey side extension (Re-submission of 19/01294/FUL)			04/11/2020 <b>Dismissed D</b>

The main issue was the impact of the proposed development upon the living conditions of the occupiers of No.4 Manor Gardens with regard to overlooking. It was considered that the first floor extension of No.5 Manor Gardens would lead to an unduly uncomfortable sense of actual and perceived overlooking of No.4 Manor Gardens. The window would relate to a bedroom and would be elevated and prominent in views from the neighbouring garden and ground floor rooms and notwithstanding the angle of the dormer window, nor the inclusion of an inset windowsill, there would be a harmful degree of overlooking relative to the existing standards of privacy. That harm would be concentrated directly to the rear of the dwelling in an area where residents may reasonably expect a greater degree of privacy.

The proposal would cause harm to the living conditions of the occupiers of No.4 through a loss of privacy and the inspector dismissed the appeal on this basis.

### Sunny Bains

#### Written Representations

20/00151/FUL	Mrs Natalie Whiting	8 Hayway Irthlingborough Wellingborough	Against Refusal
Proposed 2-storey 2-bedroom dwelling including access, parking and amenity space			19/10/2020 <b>Dismissed D</b>

The main issues were the effect of the proposal on the integrity of the Upper Nene Gravel Pits Special Protection Area (SPA) and the character and appearance of the area. It was considered that the architectural design of the proposed dwelling incorporated features from the surrounding properties and thus the Inspector concluded that the proposed dwelling would effectively assimilate into the street scene and would not cause adverse harm to the character of the local area. In terms of the SPA, the Inspector concluded that in the absence of appropriate mitigation, the proposal would be likely to adversely affect the integrity of the SPA. Subsequently, the Inspector

dismissed the appeal.

<b>Decided Appeals Dismissed:</b>	<b>4</b>	100.00%
<b>Decided Appeals Allowed:</b>	<b>0</b>	0.00%
<b>Decided Appeals Withdrawn:</b>	<b>0</b>	0.00%
<b>Decided Appeals Total:</b>	<b>4</b>	100.00%

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

**C** – Denotes Committee decision

**D** – Denotes delegated decision