

PLANNING DEVELOPMENT CONTROL COMMITTEE

25 May 2005

PLANNING APPEALS – SUMMARY OF DECISIONS

REPORT OF THE DIRECTOR OF DEVELOPMENT

Contact Officer: John Hearn Tel No: 01962 848354

RECENT REFERENCES:

Report PS 56 to Principal Scrutiny Committee- Performance Report Concerning Planning Appeals (9.12.02)

Report EN 8 to Environment Performance Improvement Committee- planning appeals analysis of decisions. (12.03.03)

EXECUTIVE SUMMARY:

This report provides a summary of appeal decisions received during April 2005, as requested by members at the Environment Performance Improvement Committee meeting in March 2003. Copies of each appeal decision are available in the Members' Room if required.

RECOMMENDATIONS:

- 1 That the report be noted.

PLANNING DEVELOPMENT CONTROL COMMITTEE25 MAY 2005PLANNING APPEALS – SUMMARY OF DECISIONSREPORT OF THE DIRECTOR OF DEVELOPMENTDETAIL:

A summary of appeal decisions received during April 2005 for sites within Development Control Area East is set out below:

1.1 April 2005 Appeal Decisions for Development Control Area East

Date	Site	Decision	Proposal	Issues
01.04.05	W18868 Land at rear of 155 Springvale Road, Headbourne Worthy.	Dismissed	Erection of 5 no. dwellings of varying size, associated garages & new access.	Held that potential for comprehensive development was not materially restricted, however application failed to meet PPG3 density requirements when land on which TPOs were found was included. This land should have been included in original calculations. Hence appeal dismissed due to low density of scheme, although loss of TPO trees also mentioned in summary. DEL WR
11.04.05	W15711/03 Fishers Hut, Hensting Lane, Fishers Pond, Colden Common.	Dismissed	Double garage, store and loft (revised design)	Held that the garage building would appear unacceptably prominent within the site in a countryside location, and would have an adverse impact on the character and appearance of the surrounding area. At odds with Local Plan policy on Countryside development. CTTE WR

18.04.05	W09161/13 Manor Cottage, Beauworth, nr. Alresford.	Allowed	Two storey side extension	Loss of small dwellings in the countryside. Held that the existing dwelling was neither "small" nor "more affordable" and therefore not subject to C.19 WDLP nor C.22 WDLPR. CTTE WR
18.04.05	W07353/12 The Frying Fish, West Street, Alresford.	Dismissed	Demolition of single storey store, erection of one-bedroom flat.	Held that there would be a negative effect on 27 West Street in terms of light and visual impact – overbearing and overshadowing. Also held that the loss of privacy to 1, Granary Yard would not be unacceptable in this context. CTTE WR
18.04.05	W10897/07 Caledonia House, Winnall Manor Road, Winchester.	Dismissed	Addition of portacabin at rear of premises for use as a showroom/shop.	Retail development is promoted in the town centre by EN.5, E.2 and W.11 (WDLP), and DP.3, DP.5, E.2 and SF.1 (WDLPR). The application site is not in the City Centre. Held that the need for a retail use in this location could be better satisfied in the town centre. DEL WR
20.04.05	W17689/01 Heather Glen, Main Road, Itchen Abbas.	Dismissed	Demolition of existing dwelling and erection of replacement dwelling.	Impact of proposed development on character and appearance of surrounding area. Held that the bulk and scale would be excessive and that the imposing and formal design would exacerbate the prominence of the proposed development in the surrounding area. This would cause unacceptable harm to the character and appearance of the surrounding area. CTTE WR
27.04.05	W01424/07 The Old School House, Lane End, nr Owslebury.	Allowed	Relocation of vehicular entrance.	Impact of proposed development on East Hants AONB. Held that harm would be minimal to landscaped setting, and would make a very local impact which would not be "unduly

				intrusive or harmful” (C.7 WDLPR) Issues surrounding the poor existing access to the site supported the Inspector’s decision. CTTE IH
28.04.05	W10052/03 55, Chilbolton Avenue, Winchester.	Allowed	Demolition of existing property and erection of 13 no. residential units.	Effect of proposal on character and appearance of area; prejudicing effective and efficient planning of the area. Held that the NDS and LADS were too embryonic and non-statutory to carry weight. Also held that in this instance lack of a comprehensive scheme could not justify the refusal of the appeal. Also held that the proposal would not cause material harm to the character and appearance of the area. Application for award of costs refused. DEL PI
28.04.05	W16034/02 Balaka Indian Restaurant, 75, Stoney Lane, Winchester.	Allowed	Relief of condition: “No customer shall be on the premises between the hours of 2230 hours and 1100 hours. The restaurant shall not open on bank holidays.”	Effect of proposal on living conditions of the occupiers of nearby dwellings, with particular reference to noise and disturbance. Held that the harm was significant but that a rewording of the condition would “overcome the difficulty in respect of customers finishing their meals within a reasonable time”. DEL WR
28.04.05	W08697/08 Sutton Springs Trout Farm, Bullington Lane, Sutton Scotney.	Dismissed	Erection of a farm worker’s dwelling (Outline).	Effect of proposal on character and appearance of ASLQ (Area of Special Landscape Quality). Held that the open, undeveloped appearance of the site would be significantly harmed by the proposed development. Site and operational constraints were noted but not upheld as outweighing the potential harm of the development on the character and appearance of the countryside. DEL IH

29.04.05	W18693/01 Tresco, 40 Alresford Road, Winchester.	Allowed	Demolition of existing dwelling and erection of 2 no. three storey semi-detached dwellings.	Appropriateness of the form of residential development with reference to Local Plan policy and County policy, as well as Conservation Area SPG and National PPGs 1&3. Held that the design would enhance the visual quality of Alresford Road, that the height, massing and profile would fit comfortably in the surrounding area, that the level of inter-visibility would be neither unusual nor unacceptable and that the issues of housing mix and lack of amenity space were not sufficient to merit refusal in this case. DEL WR
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DEL Delegated decision
CTTE Committee decision

WR Written representations
IH Informal hearing
PI Public inquiry

OTHER CONSIDERATIONS:

2 CORPORATE STRATEGY (RELEVANCE TO):

2.2 Success on appeal is a measure of quality. It demonstrates that the policies of the development plan and the decisions reached by officers and members can be successfully defended.

3 RESOURCE IMPLICATIONS:

3.1 The number of appeals received and the success of appeals has an impact on staff time and legal costs.

BACKGROUND DOCUMENTS:

None

APPENDICES:

None