

PLANNING DEVELOPMENT CONTROL COMMITTEE

21 February 2007

PLANNING APPEALS – SUMMARY OF DECISIONS

REPORT OF THE DIRECTOR OF DEVELOPMENT

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RECENT REFERENCES:

Report PDC632 – Planning Appeals - April to June 2006

EXECUTIVE SUMMARY:

This report provides a summary of appeal decisions received during October to December 2006. Copies of each appeal decision are available in the Members Room.

RECOMMENDATIONS:

- 1      That the report be noted.

PLANNING DEVELOPMENT CONTROL COMMITTEEPLANNING APPEALS – SUMMARY OF DECISIONSREPORT OF THE DIRECTOR OF DEVELOPMENT

## DETAIL:

This report contains a summary of appeal decisions received during October, November and December 2006:

Date	2 <sup>nd</sup> October 2006
Site	Fir Tree Farm, Bishops Wood Road, Mislingford, Swanmore
Ref no:	05/02345/FUL W03147/28
Decision	<b>Dismissed</b>
Proposal	Retention of mobile home as permanent agricultural dwelling
Summary	The Inspector considered that the scale of the agricultural enterprise does not warrant the justification of allowing an agricultural workers dwelling and that the existing mobile home causes harm to the character of the rural area. <b>DEL WR</b>

Date	9th October 2006
Site	Land Surrounding Shieldaig, Hill Crest, Heathfiend House, Warnford Road, Corhampton, Southampton, SO32 3ND
Ref no:	04/00919/FUL
Decision	<b>Allowed</b>
Proposal	Redevelopment of land to provide 26 no. new residential units, to include: 11 no. three bedroom units, 9 no. two bedroom units and 6 no. one bedroom units (comprising semi-detached houses, terraced houses and apartments), retention of Heathfield, provision of roads and car parking spaces and garages, provision of public open space and landscaping.
Summary	The Inspector rejected the idea that the AONB was under threat due to the cumulative impact of development within it. The Inspector considered that although there would be a change in the existing tree and hedge cover, important trees would be protected and further planting would be undertaken. The Inspector concluded that the mitigation proposals were realistic and would restore the enclosure of the street scene and the local character maintained. Therefore the Inspector concluded that the overall loss of the trees would not be material and would be outweighed by the benefits that this development would bring to the settlement in terms of enhanced landscaping, the provision of affordable housing and public access to the rill via the public open space. The Inspector concluded that the highways arrangements were acceptable as the Inspector felt that no compelling evidence had been forthcoming that highway safety would be compromised by the scheme. The physical layout and materials to be employed by the proposal was felt by the Inspector to suitably reflect the character of the surrounding settlements. The Inspector concluded that the living conditions of the residents of the surrounding area would not be materially harmed. <b>CTTE PI</b>

<b>Date</b>	16 <sup>th</sup> October 2006
<b>Site</b>	Swanmore Business Park, Lower Chase Road, Swanmore
<b>Ref no:</b>	02/00195/OPER
<b>Decision</b>	<b>Dismissed and enforcement notice upheld</b>
<b>Proposal</b>	Removal of earth bund
<b>Summary</b>	The Inspector considered that the earth bund would have screened the business park and its removal now allows views of a section of the site that detracts from the character and the appearance of the areas as a whole and has upheld the enforcement notice to reinstate the bund. <b>DEL WR</b>

<b>Date</b>	19 <sup>th</sup> October 2006
<b>Site</b>	Tesco, Easton Lane, Winchester, SO23 7RS
<b>App Ref:</b>	06/01733/AVC
<b>Decision</b>	<b>Dismissed</b>
<b>Proposal</b>	1 no. freestanding externally illuminated advertisement sign.
<b>Summary</b>	The Inspector concluded that the advertisement panel would not only appear as an over dominant feature on the small landscaped area but would also detract from its contribution to the setting of the store. The Inspector also felt that as the panel would occupy an exposed position well away from the main store building it would thus have an open outlook with a wide range of visibility and be very intrusive. The Inspector felt that the external illumination would only serve to accentuate its inappropriate presence at night. <b>DEL WR</b>

<b>Date</b>	24 <sup>th</sup> October 2006
<b>Site</b>	14 Springvale Road, Kings Worthy, Winchester SO23 7LT
<b>App Ref:</b>	06/00480/FUL
<b>Decision</b>	<b>Dismissed</b>
<b>Proposal</b>	Removal of condition no. 6 of planning permission 05/02152/FUL (implementation of visibility splays).
<b>Summary</b>	The Inspector did not feel that the minor deviation from the recommended visibility splay would, in itself, constitute a danger to highway safety and, therefore, would not be a determining factor. The Inspector felt that though there was currently visibility through a bus shelter, this could not be guaranteed in the future. The Inspector felt that visibility could not be measured to the nearside of the channel and concluded that removal of condition 6 would give rise to unreasonable highway danger due to insufficient visibility. <b>DEL WR</b>

Date	24 <sup>th</sup> October 2006
Site	Land and premises at Longside Kytes Lane Durley
Ref no:	05/00397/COU
Decision	<b>Dismissed and enforcement notice upheld</b>
Proposal	The erection of a dwelling house
Summary	The Inspector considered that the house was not used ancillary to the adjoining property and was an independent unit of accommodation and therefore contrary to both national and local planning policy as it was not required in connection with any agricultural enterprise. <b>DEL WR</b>

Date	24 <sup>th</sup> October 2006
Site	Quob Stables, Church Croft Farm, Durley Brook Road
Ref no:	05/02596/FUL W02588/13
Decision	<b>Dismissed</b>
Proposal	Use of existing barn to saddlery
Summary	The Inspector considered that the application did not contain enough information as to the exact nature of the business and that the amount of retail use would not be ancillary to the main use and therefore contrary to the relevant policies. <b>DEL WR</b>

Date	27 <sup>th</sup> October 2006
Site	Millrose, Winchester Road, Bishops Waltham
Ref no:	05/01094/FUL W15109/03
Decision	<b>Dismissed</b>
Proposal	Relocation of garage with first floor side and rear extension over
Summary	The Inspector considered that the proposal was of a poor design and would therefore be detrimental to the character of the area. <b>DEL IH</b>

Date	31 <sup>st</sup> October 2006
Site	Park Farm Barn Whiteley Lane Titchfield
Ref no:	05/02189/FUL W05252/14
Decision	<b>Dismissed</b>
Proposal	Conversion and part new build of agricultural building to form 1 no. new dwelling with new access; demolition and repair of other outbuildings, repair of boundary walls and new entrance gates
Summary	The Inspector considered that the conversion of the barn as proposed would be visually and architecturally unacceptable, would detract from the setting of the adjacent listed buildings and be an unwelcome intrusion into the countryside. He also considered that the application fails as it was not demonstrated that the barn could be altered without significant structural alterations. <b>DEL WR</b>

<b>Date</b>	1 <sup>st</sup> November
<b>Site</b>	Former Little Chef, A32, West Meon Hut, Petersfield GU32 1JX
<b>App Ref:</b>	05/02604/FUL
<b>Decision</b>	<b>Dismissed</b>
<b>Proposal</b>	Change of use to vehicle sales.
<b>Summary</b>	<p>The Inspector concluded that the proposed use would not have a harmful effect on the character or appearance of the countryside. However he considered that the proposal would not be sustainable as a considerable number of inevitably long journeys would be generated to the site and that the site had little scope for sustainable travel initiatives. The Inspector also concluded that the proposal would be harmful to highway safety as the site was not laid out in such a way as to allow a vehicle transporter to enter and leave the site in forward gear.</p> <p><b>DEL WR</b></p>

<b>Date</b>	<b>7<sup>th</sup> November 2006</b>
<b>Site</b>	The Long Barn (North), Winchester Road, Alresford, SO24 9EZ
<b>App Ref:</b>	05/02285/FUL
<b>Decision</b>	<b>Dismissed</b>
<b>Proposal</b>	Change of use to retail and offices and display of signs
<b>Summary</b>	<p>The Inspector considered that no definitive or informed evidence had been submitted by the applicant of a demonstrable shortfall of suitable and available retail sites for the business within the main shopping area of Alresford. Therefore the Inspector felt that there was no proven justification or need for this development within the acknowledged edge-of-centre location. The sequential test of PPS6 had therefore not been satisfied. The Inspector also felt that the applicant had failed to comply with policy E.2 which requires it to be demonstrated that there is a need for the development and that this need outweighs the benefits of retaining the current employment use. Concerning the highways issues the Inspector felt that the parking requirement had been satisfied and had the proposal been acceptable in all other material respects the appeal would not have been dismissed on those grounds alone.</p> <p><b>DEL WR</b></p>

<b>Date</b>	10 <sup>th</sup> November 2006
<b>Site</b>	3-5 Court Road, Kings Worthy, Nr Winchester, SO23 7JQ
<b>Ref no:</b>	06/01604/FUL
<b>Decision</b>	<b>Dismissed</b>
<b>Proposal</b>	Erection of 24 residential units, parking, open space, landscaping and new access; demolition of existing 3 dwellings (Resubmission).
<b>Summary</b>	<p>The Inspector considered that the proposal would be acceptable in relation to amenity and recreational space, but concluded that because of the harm to the character and appearance of the area and living conditions of a neighbouring occupier, the proposal would be unacceptable. The benefits, including making better use of previously developed land and providing some affordable housing, would not be sufficient to outweigh that harm.</p> <p><b>DEL PI</b></p>

<b>Date</b>	14 <sup>th</sup> November 2006
<b>Site</b>	Foulis Court Lodge, Main Road, Fishers Pond, Eastleigh SO50 7HG
<b>App Ref:</b>	06/00551/FUL
<b>Decision</b>	<b>Dismissed</b>
<b>Proposal</b>	Single-storey side extension
<b>Summary</b>	<p>The Inspector concluded that the proposal needed to be judged in accordance with policy CE.23 as there was no dispute between the parties that the floor area of the dwelling is 110 sq.m and the extension would increase the floor area by some 50%, thus contravening policy CE.23. The Inspector felt that there was no doubt that the proposal would undermine the objective of retaining the stock of small and more affordable dwellings and felt that there were no material considerations to outweigh the clear conflict with policy CE.23.</p> <p><b>CTTE WR</b></p>

<b>Date</b>	16 <sup>th</sup> November 2006
<b>Site</b>	Torbay Farm, Sciviers Lane, Lower Upham
<b>Ref no:</b>	WLDC/352
<b>Decision</b>	Allowed (Decision subject to High Court appeal by the City Council)
<b>Proposal</b>	Certificate of Lawful Use for Class B1(b) research and development
<b>Summary</b>	<p>The issue in this case is whether the use falls within Class B1(C), since if it does, a use within Class B1(b) would also be lawful. As incidental to the vaccine production the use, as a matter of fact and degree, amounted to an industrial process in terms of the Use Classes Order (UCO).</p> <p>The Inspector therefore concluded that the lawful use falls within Class B1 (C) and permitted development rights would allow a change to Class B1(b) use.</p> <p>Note This decision is currently subject to an appeal to the High Court appeal by the City Council.</p>

<b>Date</b>	17 <sup>th</sup> November 2006
<b>Site</b>	Tinnisbourne, Beacon Hill Lane, Exton
<b>App Ref:</b>	05/02606/FUL
<b>Decision</b>	<b>Allowed</b>
<b>Proposal</b>	Change of use of land to residential garden (RETROSPECTIVE).
<b>Summary</b>	<p>The Inspector could find no evidence of the views of the site referred to by the AONB officer in his consultation response or any other views of the site from the South Downs Way. The Inspector felt that there was potential to plant more trees in the garden and that as long as no buildings or other built structures were put on the land the scenic beauty of the area would not be harmed. The Inspector felt that the retaining wall had a modest adverse impact on the open character of the area. However, the Inspector concluded that due to its high degree of visual containment the proposal did not affect local distinctiveness or the intrinsic qualities of the countryside and subject to conditions to protect the sensitive nature of the area the appeal was allowed. A separate application for an award of costs was allowed against the City Council for a failure to demonstrate that the site was significantly visible from the public realm.</p> <p><b>DEL IH</b></p>

<b>Date</b>	22 <sup>nd</sup> November 2006
<b>Site</b>	The Former Forge, The Dean, Alresford, SO24 9BH
<b>App Ref:</b>	05/01397/FUL
<b>Decision</b>	<b>Dismissed</b>
<b>Proposal</b>	Demolition of warehouse and conversion of former offices to 4 no. dwellings with associated parking and landscaping.
<b>Summary</b>	<p>The Inspector concluded that businesses had been able to successfully operate from the premises in the past and there was no firm evidence to suggest that this situation would materially change with the resumption of a B1/B8 use in the future, and found there to be no overriding environmental or highway objections which the proposed development would overcome. The Inspector felt that it had not been established that the need for additional housing in the area outweighed the benefits of retaining the existing use in this case. The Inspector also concluded that were the proposal to be permitted on the basis of the present limited attempts to sell the property it would then be difficult for the Council to resist other similar applications and ultimately the cumulative effect of approving such as scheme would be to cause significant harm to the Council's ability to retain sites and premises in the District for employment use. The Inspector also felt that it was not possible to conclude that on-site amenity and recreational space was appropriate or adequate in qualitative terms to serve the needs of future residents of the development.</p> <p><b>DEL WR</b></p>

<b>Date</b>	23 <sup>rd</sup> November 2006
<b>Site</b>	Land at Cornerstones, 23 Abbey Hill Road, Winchester
<b>Ref no:</b>	06/00187/TPO
<b>Decision</b>	<b>Dismissed</b>
<b>Proposal</b>	Felling of Pine Tree
<b>Summary</b>	<p>The Inspector considered that, despite the tree dropping needles and other debris below and that the tree is starting to show signs of infection, these reasons do not justify the removal of the tree given its amenity value. The Inspector did consider that the tree could possibly be felled when the infection had spread further, however this time had not yet been reached.</p> <p><b>DEL WR</b></p>

<b>Date</b>	23 <sup>rd</sup> November 2006
<b>Site</b>	Langton House, Bishops Sutton Road, New Alresford SO24 9EH
<b>Ref no:</b>	05/02209/FUL
<b>Decision</b>	<b>Dismissed</b>
<b>Proposal</b>	Construction of new temple garage building.
<b>Summary</b>	<p>The Inspector felt that the architectural attributes of the proposal were not in question, but felt that the visual impact of the bulk of the garage would fundamentally change the experience of visitors by altering the traditional architectural composition of the group of buildings and the particular setting of Langton House, which consists essentially of a formal façade facing open countryside. The Inspector felt that however pleasing the architectural composition of the garage may be, it would not compensate for the impact of the building's bulk and width; it would be almost 5 metres high at the ridge, and would occupy the majority of the available open space. The Inspector</p>

	<p>also felt that the proposed garage would occupy a prominent position above the retaining wall and partially obscure the main frontage of the house which adds weight to the conclusion that the development would have an unacceptable impact. The Inspector also concluded that there was no adequate justification for the proposed siting of the garage in the chosen location. Concerning the listed wall and gates the Inspector felt that their character would not have been significantly harmed and had the Inspector been minded to allow the appeal a condition would have been imposed requiring that its structural integrity be preserved. The Inspector felt that in relation to the conservation area the character and appearance of the conservation area would not be preserved or enhanced by the proposal. The Inspector also felt that the proposal would be intrusive and would not integrate into the rural setting and therefore would fail to satisfy the countryside protection objectives of national guidance, SP policies and LP policies C.1 and C.22.</p> <p><b>DEL WR</b></p>
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Date	24th November 2006
Site	18-19 High Street Twyford Winchester
Ref no:	05/02691/FUL W09657/04
Decision	<b>Dismissed</b>
Proposal	Detached triple garage
Summary	<p>The Inspector considered that the garage would pose a threat to the adjoining tree which contributes to the amenity of the area and its loss would be detrimental to the character of the conservation area.</p> <p><b>DEL WR</b></p>

<b>Date</b>	24 <sup>th</sup> November 2006
<b>Site</b>	Cranworth House, Cranworth Road, Winchester, SO22 6SD
<b>App Ref:</b>	05/01678/FUL
<b>Decision</b>	<b>Dismissed</b>
<b>Proposal</b>	Replace office block with three storey building containing 4 no. one bed and 5 no. two bed flats and 2 no. two bed houses with associated parking (RESUBMISSION).
<b>Summary</b>	<p>The Inspector felt that the proposal would not provide adequate living conditions for future residents because of the lack of private amenity space for virtually all dwellings. The Inspector felt that as the proposed building would stand to the south-east and would be less than 3m away from some of the neighbouring dwellings the impact on outlook and loss of light to the neighbours would be significant and unneighbourly to an extent that is unacceptable. The Inspector did not feel that the design of the building would be harmful in itself.</p> <p><b>CTTE WR</b></p> <p>The committee voted in accordance with officer recommendation.</p>



Date	16 <sup>th</sup> October 2006
Site	Land at Broke Close Farm Durley Hall Lane Durley
Ref no:	05/00227/COU
Decision	<b>The appeal succeeds in part and permission for that is granted, but otherwise the appeal fails.</b>
Proposal	Operational Development: Two Patio Areas, Walls and Brick Steps on land that had been determined at a previous appeal to be in agricultural use.
Summary	The Inspector considered that the encroachment of the main patio into a small area of agricultural land was not detrimental given the screening available and was clearly associated with the house and therefore is allowed to be retained. The other patio area, walls and brick steps was considered unacceptable by the Inspector in that it would diminish the rural characteristics of the area and therefore cannot remain. <b>DEL WR</b>

Date	29 <sup>th</sup> November 2006
Site	Land adjacent to West House South Hill Droxford
Ref no:	06/00034/FUL
Decision	<b>Dismissed</b>
Proposal	Erection of 1 no. three bedroom dwelling with attached double carport/cycle store
Summary	The Inspector considered that the proposal would not detrimentally affect the adjoining listed building. However, he did consider that the use of weatherboarding on a principal elevation and the scale proposed would not be characteristic of this part of the Conservation Area. In addition, the various roof heights, which include a cat slide roof and an area of flat roofing present a visually confusing and restless appearance which is at odds with the general ambience of the locale. <b>DEL WR</b>

Date	29 <sup>th</sup> November 2006
Site	Land at 14 the Hallway, Littleton, Winchester
App Ref:	TPO 1474 of 1995
Decision	<b>Allowed</b>
Proposal	Repollard two lime trees
Summary	The Secretary of State agreed that the trees had grown to dominate the appellant's gardens and rear of the house to an excessive and unreasonable extent. The Secretary of State noted that the trees had been regularly repollarded in the past. The Secretary of State felt that the pollarding would drastically reduce their amenity value, but that the trees would tolerate such treatment and regrow. <b>DEL WR</b>

Date	30 <sup>th</sup> November 2006
Site	3 Lavender Court, Whiteley
Ref no:	05/02614/FUL W19794
Decision	<b>Dismissed</b>
Proposal	Erection of 1.9m fence around perimeter; shed in rear garden (RETROSPECTIVE)
Summary	The Inspector considered that the relocation of the fence and the erection of the shed to be visually intrusive into the street scene, and the subsequent loss of the landscaping strip to be detrimental to the character of the area. Enforcement action is now being considered. <b>DEL WR</b>

Date	6 <sup>th</sup> December 2006
Site	Webbs Land Cottage, Titchfield Lane, Wickham
Ref no:	05/02918/FUL W11246/12
Decision	<b>Dismissed</b>
Proposal	Two storey extension
Summary	The Inspector considered that the resulting overall width of the property would be out of character of domestic buildings in the open countryside and would therefore be detrimental to the character of the countryside. He also considered that the design of the extension to contain elements that would make it appear incongruous. <b>DEL WR</b>

Date	12 <sup>th</sup> December 2006
Site	Meonvale Farm, Stocks Lane, Meonstoke SO32 3NQ
App Ref:	06/00722/FUL
Decision	<b>Dismissed</b>
Proposal	Demolition of existing dwelling and construction of a 5 bedroom replacement dwelling and detached garage.
Summary	The Inspector concluded that the size and massing of the proposed dwelling would make it a visually over dominant and intrusive building in the context of the predominantly natural features that give the landscape of the AONB its natural beauty. This intrusive quality was likely to be particularly obvious and harmful to the landscape because of the prominent and open position of the appeal site. The Inspector concluded that the existing farm buildings could not be used to justify the proposed development. Concerning the design the Inspector felt that the overall architectural composition was contrived and over elaborate, and that this gave weight to the decision to dismiss the appeal. <b>DEL WR</b>

Date	15 <sup>th</sup> December 2006
Site	119 Harestock Road, Winchester, Hants, SO22 6NY
Ref no:	ENF 05/00194
Decision	<b>Dismissed</b>
Proposal	Formation of a vehicular access onto Harestock Road without planning permission.
Summary	<p>The Inspector felt that the available sight lines fell severely short of those recommended in national planning guidance and that stopping distances in the Highway Code did not provide appropriate guidance for the design of accesses. The Inspector concluded that despite the reduction in on-street parking along Harestock Road that might be achieved by the development, it would not be eliminated entirely and could not provide justification for the retention of an access the use of which the Inspector found unacceptably hazardous. The Inspector concluded that in relation to other accesses in the area, the existence of substandard or dangerous accesses elsewhere did not provide justification for another. The Inspector also concluded that the enforcement notice did not exceed what was necessary to remedy the breach of planning control.</p> <p><b>DEL WR</b></p>

Date	19 <sup>th</sup> December 2006
Site	Highmere Meadow, Upper Wield, Alresford, Hants, S024 9RN
App Ref:	05/03040/FUL
Decision	<b>Dismissed</b>
Proposal	Change of use of land to form extended residential curtilage (RETROSPECTIVE).
Summary	<p>The Inspector considered that the use of the appeal site as a domestic garden gave it a materially different appearance to the surrounding rural landscape. The available screening was not considered to be sufficient to prevent the garden having an adverse visual impact on the rural landscape and the Inspector did not feel that the applicants had sufficient control over the areas of land in which they promised to provide more screening meaning the undertaking to provide more screening was given little weight.</p> <p><b>DEL WR</b></p>