

PLANNING DEVELOPMENT CONTROL COMMITTEE

26 July 2007

PLANNING APPEALS – SUMMARY OF DECISIONS JANUARY – JUNE 2007

REPORT OF THE HEAD OF PLANNING CONTROL

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RECENT REFERENCES:

PDC671 – Planning Appeals – October to December 2006 – 21 February 2007

EXECUTIVE SUMMARY:

This report provides a summary of appeal decisions received during January to June 2007. Copies of each appeal decision are available from the Council's website.

RECOMMENDATION:

That the Report be noted.

PLANNING DEVELOPMENT CONTROL COMMITTEEPLANNING APPEALS – SUMMARY OF DECISIONSREPORT OF THE HEAD OF PLANNING CONTROLDETAIL:

A summary of Development Control appeal decisions received between January and June 2007

Date	16 th January 2007
Site	Townsend Northend Lane Droxford Southampton Hampshire SO32 3QN
Ref no:	06/00564/REM W18753/01
Decision	Dismissed
Proposal	Residential redevelopment following the demolition of existing dwelling comprising: 4 no. four-bedroom, 1 no. three-bedroom, 2 no. two-bedroom and 4 no. one-bedroom dwellings with associated garages/parking, landscaping and new access (Details in compliance with Outline planning permission W18753)
Summary	The Inspector concluded that, whilst the appeal site is not within the defined boundary of the Conservation area, it is adjacent and therefore the proposed development, by virtue of its unacceptable layout and design would be detrimental to the character of the Conservation area. DEL WR

Date	22 nd January 2007
Site	Land to the rear of 50-52 Wavell Way, Winchester, SO22 3EG
App Ref:	05/01783/OUT W15017/07
Decision	Dismissed
Proposal	Two single storey dwellings and parking and turning for 50 Wavell Way.
Summary	The Inspector considered that the proposed dwellings would not appear out of keeping with the area and as such no harm would be done to the character and appearance of the area. The Inspector concluded that due to overlooking distances of 15-16 meters (thus below the minimum standard usually required) and disturbance caused by parking arrangements that the impact on the living conditions of No.s 50 & 52 Wavell Way would be unacceptable. He also concluded that although no harm would be done to the character and appearance of the area, this would be outweighed by the harmful effect on the living conditions of the occupiers of neighbouring dwellings. CTTE WR (Committee refusal contrary to officer recommendation for approval.)

Date	22 nd January 2007
Site	Land to the rear of 50-52 Wavell Way, Winchester, SO22 3EG
Ref no:	06/01710/FUL W15017/08
Decision	Allowed
Proposal	Erection of a pair of 2 bedroom semi-detached dwellings.
Summary	The Inspector considered that the proposed dwellings would not appear out of keeping with the area and as such no harm would result to the character and appearance of the area. The units under consideration were 81 square metres as opposed to the 75 square metres required in the Winchester District Local Plan Review. The Inspector considered that this departure from the local plan was not harmful and should not prove fatal to the scheme. DEL WR

Date	24 th January 2007
Site	11 & 12 Corner Mead, Denmead, PO7 6YF
App Ref:	06/00778/FUL W15554/02
Decision	Dismissed
Proposal	Pair of garages servicing No's 11 & 12 Corner Mead
Summary	The Inspector considered that the main issue was the impact on the character and appearance of the area. The Inspector considered that the loss of a substantial planted area and its replacement by the garage building would impair the outlook from the front of some nearby houses. The Inspector also concluded that the proposal would impair the aspect along this part of Corner Mead and that the proposed garages would not leave enough space in order to provide sufficient landscaping to effectively mitigate the impact of the garages. The appeal was dismissed on the grounds that the proposal would be harmful to the character and appearance of the area and would fail to protect an open area important to the townscape. DEL WR

Date	25 th January 2007
Site	Ash Farm Titchfield Lane Wickham Fareham Hampshire PO15 6DY
Ref no:	05/02340/FUL W13097/03
Decision	Dismissed
Proposal	Continued use of land for the storage, display and sale of motor vehicles, without compliance with condition 1 of permission W13097/01
Summary	The Inspector concluded that the use of the site for the storage, display and sale of vehicles is not appropriate use in the countryside, especially as this location is within a Strategic Gap, and is therefore contrary to Local Plan Policy and harmful to the character of the area and to the function of the Strategic Gap. CTTE IH (Committee refusal contrary to officer recommendation for approval.)

Date	5 th February 2007
Site	Dernier Upham Street Upham Southampton Hampshire SO32 1JA
Ref no:	06/00116/FUL W06039/08
Decision	Allowed
Proposal	Erection of replacement double garage with studio/gym in roof (RESUBMISSION)
Summary	The Inspector concluded that, given the scale of the site and the design of the garage being in keeping with the existing dwelling, the character of the area would not be detrimentally affected by the development. It was also considered that the proposal would have no detrimental impact on the adjoining neighbour. DEL WR

Date	20 th February 2007
Site	Tangletrees, Broad Street, Alresford, SO24 9AN
App Ref:	06/02673/FUL W12547/09
Decision	Allowed
Proposal	Conversion of garage to provide living accommodation with linked extension between existing one bedroom dwelling and garage, to create two bedroom dwelling.
Summary	The Inspector considered that the main issue for consideration was the effect of the proposal on the variety of the area's rural housing stock. The Inspector considered that the proposal would result in a marked increase in the floor space from the existing modest dwelling and noted that the proposal would clearly result in an addition of over 25% and as such clearly conflict with policy CE.23 of the Winchester District Local Plan Review. However, the Inspector considered that the appeal site was closely related to the built up area, was within easy walking distance to the town centre and neither lay in a particularly rural setting nor had any obvious functional linkage with the surrounding countryside. The Inspector concluded that the proposal would not adversely affect the variety of the area's rural housing stock and that policy CE23 of the Winchester District Local Plan Review could be overridden in this instance. He stressed that all applications have to be considered on their individual merits and as a result granting permission in this case would not create a dangerous precedent. DEL WR

Date	22 nd February 2007
Site	Land at 46 Avondale Mobile Home Park, Main Road, Colden Common, Winchester
App Ref:	06/01894/TPO WTPO/1212/60
Decision	Dismissed.
Proposal	Felling of Oak Tree subject to a tree preservation order.
Summary	The Secretary of State acknowledged the importance of the tree in terms of its contribution to the public amenity of the area, both as an individual tree and as part of a tree belt. The Secretary of State considered that while the tree overhangs number 46 Avondale, no evidence has been provided to demonstrate that the bank on which the tree stands is unstable, or that there has been root-plate movement in the ground. DEL WR

Date	26 th February 2007
Site	27 The Pastures, Kings Worthy
App Ref:	06/01635/TPO WTPO/1667/01
Decision	Dismissed.
Proposal	Fell four Silver Birch Trees.
Summary	The Secretary of State noted the positive contribution made by the trees to the landscape character of the area and agreed that their loss would have a detrimental effect on the public amenity of the northern part of The Pastures. The Secretary of State considered that the trees appear to be in a reasonable condition, are structurally sound and pose no abnormal risk hazard potential and dismissed the appeal. DEL WR

Date	26 th February 2007
Site	Land Adjacent to 9, Dean Lane, Winchester, Hants, SO22 5LH
App Ref:	06/02359/FUL W00392/08
Decision	Dismissed
Proposal	Two one bedroom semi-detached bungalows.
Summary	The Inspector considered that the bungalows would be significant in the street scene and that on such a small plot they would be out of character with the surrounding area and as a result be detrimental to the character and appearance of the wider area. The private amenity spaces of the proposed development were also criticised by the Inspector, he felt that they would be uninviting and unattractive. He considered that the proposed development would not provide adequate living conditions. He felt that there was no justification for the lack of on-site parking provision and concluded that the proposal would be detrimental to highway safety and the free flow of traffic. The Inspector concluded that the harm of the first issue alone would be enough to dismiss the appeal and that the other issues only served to reinforce that view. DEL WR

Date	2 nd March 2007
Site	Former Milesdown Childrens' Home, Northcroft Avenue, SO23 0JW
Ref no:	05/02320/FUL W13723/03
Decision	Dismissed
Proposal	Residential retirement redevelopment comprising 27 no. dwellings including some affordable; including conversion of Milesdown House; associated.
Summary	<p>The Inspector stated that the main issues requiring consideration were the effect of the proposal on the character and appearance of the site and its surrounds, whether the proposal would cause material harm to the living conditions of neighbouring occupiers and whether the proposal makes appropriate provision for affordable housing. The Inspector considered that the proposal would cause serious harm to the character and appearance of the area and would neither preserve nor enhance the character and appearance of the conservation area. He considered that the harm that would be caused by the need to remove trees T14 and T47 and the need to prune others would add to the harm found in relation to other concerns relating to character and appearance. In respect of the living conditions of the neighbouring dwellings the Inspector was of the view that the harm which would be caused to The Brambles and Dedham House would be serious and would conflict with policy DP3. In respect of the issue of affordable housing the Inspector considered that a financial contribution in lieu of on-site provision of affordable housing would be acceptable.</p> <p>DEL PI</p>

Date	5 th March 2007
Site	Land Adjacent To Glenwood Heath Road Soberton Heath Hampshire
App Ref:	06/01850/FUL W13522/05
Decision	Dismissed
Proposal	(AMENDED SITE ADDRESS) Demolition of storage buildings for construction of dwelling (OUTLINE - considering siting and access)
Summary	<p>The Inspector considered that the design of the proposed dwelling would not be in keeping with surrounding dwellings that give the area a semi-rural feeling. He also considered that the proposal did not comply with the criteria as set out in policy H4 of the adopted Local Plan (Infill housing within the countryside) and would therefore be contrary to both local and national planning policy.</p> <p>DEL WR</p>

Date	5 th March 2007
Site	Orchard House, Sarum Road, Winchester, SO22 5DP
App Ref:	06/02515/FUL W06107/03
Decision	Dismissed
Proposal	Residential development comprising of six one-bedroom flats and four two-bedroom flats with associated undercroft parking.
Summary	<p>The Inspector considered that the main issues relating to this appeal were that of the effect of the proposal on highway and pedestrian safety and whether the scheme would make the best possible use of opportunities to reduce reliance on the private car. He agreed with the local planning authority's concerns that Sarum Road would be blocked up by vehicles serving the new residential properties and felt that further blockages would be caused by refuse vehicles carrying out collections at the new properties, concluding that the proposal would unacceptably harm highway and pedestrian safety. However, he felt that the site was in a sustainable location because of its proximity to a number of bus routes, the easy walking distance to local facilities and the acceptable walking distance to the city centre. The Inspector concluded that the appeal should be dismissed on the grounds of the unacceptable harm that would be caused to highway and pedestrian safety.</p> <p>DEL WR</p>

Date	19 th March 2007
Site	The Chimneys, 1 Burnett Close, Winchester, SO22 5JQ
App Ref:	05/00797/FUL W04183/18
Decision	Dismissed
Proposal	Demolition of No. 2 Burnett Close; erection of single and two storey building to provide food store (class A1) and health care facility (dentist surgery, class D1); alterations to access, car park and landscaping (land at No's 1 and 2 Burnett Close) (AMENDED DESCRIPTION).
Summary	<p>The first issue the Inspector felt necessary for consideration was that of the impact on the character and appearance of the area. The Inspector considered that the building itself would have an attractive, contemporary appearance and would make a pleasing contribution to the architectural vocabulary of the locality and that the proposed landscaping scheme would be inadequate. In respect of the impact on the character and appearance of the area the Inspector concluded that the proposal would significantly and unacceptably extend the visual impact of commercial/retail activities into the adjacent residential area. The second issue considered crucial by the Inspector was that of the level of residential amenity enjoyed by the occupiers of adjacent dwellings. The Inspector concluded that when account was taken of both the screening effect of the proposed tree planting, and existing boundary fences and vegetation, the proposed development would be acceptable in terms of visual intrusion.</p> <p>CTTE PI (Committee refusal in accordance with officer recommendation for refusal)</p>

Date	26 th March 2007
Site	8 The Hall Way, Littleton, Winchester
App Ref:	06/00368/TPO TPO/1474/04
Decision	Dismissed
Proposal	Pollard trees to trunk.
Summary	<p>The Secretary of State considered that the trees are prominent in the landscape and a valuable component of a linear group of trees and important to the character of the area and did not suffer from any disease, structural defects or apparent indication of instability. Furthermore that Secretary of State considered that there was no evidence linking the appeal tree to any abnormal hazard to the property, concluding that the proposal to pollard the tree right back to the pollard points would be excessive, unnecessarily detrimental to public amenity and unjustified.</p> <p>DEL WR</p>

Date	5 th April 2007
Site	Joymont Farm Curdridge Lane Curdridge Southampton Hampshire SO32 2BH
App Ref:	05/02330/FUL W18803/02
Decision	Allowed
Proposal	Use of land for siting of a mobile home for one Gypsy family (RETROSPECTIVE)
Summary	<p>The Inspector considered that, although the appellant travels and has travelled less because of his own and his wife's health needs, he has not given up his nomadic habit of life and falls within the definition of a gypsy contained in ODPM Circular 1/2006. The Inspector concluded that the existing mobile home is visually intrusive and harmful to the character of the countryside, however, as the City Council does not have any allocated Gypsy sites, this weighs heavily in favour of the applicant. The Inspector was aware that the City Council are in the process of undertaking a Gypsy and Traveller Accommodation Assessment and that this should lead to allocated sites becoming available in the future. Accordingly, the Inspector granted temporary permission for 5 years to allow the Council time to provide sites and for the applicants to investigate alternative sites</p> <p>DEL PI</p>

Date	11 th April 2007
Site	Fernhurst, Lower Moors Road, Colden Common.
App Ref:	06/01532/FUL W19611/02
Decision	Allowed
Proposal	Redevelopment of site with 9 no. dwellings, access from Frampton close, parking and landscaping; demolition of existing building (AMENDED PLANS).
Summary	<p>The Inspector considered that the main issue for consideration is the effect of the proposal on the character and appearance of the area. He considered that the proposed layout would provide a sufficiently spacious appearance so that the development would not look out of place with surrounding housing and that the present gap in the boundary hedge would help to diminish the prominence of the development when viewed from Lower Moors Road. He considered that there is sufficient variety in the style and layout of local housing so that the proposal would not look out of place, concluding that the proposal would not have a detrimental effect on the character and appearance of the area. The Inspector also considered that no payment for highway improvements should be required.</p> <p>CTTE WR (Committee refusal contrary to officer recommendation for approval.)</p>

Date	13 th April 2007
Site	Southview Forest Road Waltham Chase Hampshire SO32 2LA
Ref no:	06/00545/FUL W04086/02
Decision	Allowed
Proposal	Erection of new two-storey dwelling adjacent to Southview, with 4 no. bedrooms, integral garage and associated access; replacement detached single garage at Southview
Summary	<p>The Inspector considered that the space around the existing dwelling was not typically characteristic of properties in the area and therefore the provision of a new dwelling in this location would not be visually detrimental to the street scene.</p> <p>DEL WR</p>

Date	9 th May 2007
Site	10 The Circle Wickham Fareham Hampshire PO17 5HW
Ref no:	06/02111/FUL W20152
Decision	Dismissed
Proposal	Erection of a detached two storey two bedroom dwelling on land adjacent to 10 The Circle
Summary	<p>The Inspector considered that the proposed dwelling would have a detrimental effect on the amenities of the adjoining neighbour at 1, The Spur and that the proposal would result in a harmful reduction in spaciousness between dwellings and therefore be detrimental to the character of the area.</p> <p>DEL WR</p>

Date	15 th May 2007
Site	8 Little Hayes Lane, Itchen Abbas, Winchester, SO21 1XA
App Ref no:	06/02213/FUL W20183
Decision	Allowed
Proposal	Loft conversion with dormer windows.
Summary	<p>The Inspector considered that the two main issues for consideration were the effect on the character and appearance of the premises and surrounding area and effect on the living conditions of the occupiers of neighbouring properties. He was of the view that the modest size and design of the dormer windows would maintain a satisfactory relationship with the appearance of the host property, particularly as the dormers would be somewhat screened by the chimney and that the dormers would create balance with those on the house at the other end of the group of houses and be in keeping with other houses within the development that incorporate dormer windows. The Inspector attached conditions which he felt were necessary in order to make the design of the new elements acceptable. Concerning the impact on the neighbouring dwellings, the Inspector felt that the development would not have an unacceptable adverse impact on adjoining properties. The first floor windows of the appeal premises already overlooked the rear gardens of the neighbouring houses and the addition of the proposed door and balcony was not felt to significantly change the situation.</p> <p>DEL WR</p>

Date	16 th May 2007
Site	38 Milverton Road, Winchester, SO22 5AU
App Ref:	06/02549/FUL W17257/05
Decision	Dismissed
Proposal	Loft conversion with side and rear dormer windows.
Summary	<p>The Inspector was of the view that the two main issues to be considered in the appeal were the impact on the character of the area and the impact on the living conditions of neighbouring residents. In terms of the impact on the character of the area the Inspector considered that the proposal would have a dramatic impact on the existing roof profile and would appear incongruous in the street scene, thereby being contrary to policy UB3 of the Hampshire County Structure Plan and policy DP3 of the Winchester District Local Plan Review 2006. In terms of appraising the impact of the proposal on the neighbouring dwelling the Inspector considered that the extent of overlooking created by the proposal would not be significant but the balcony style arrangement intended for the rear doors would result in an unacceptable degree of overlooking.</p> <p>DEL WR</p>

Date	18 th May 2007
Site	Little Haven Mayles Lane Wickham Fareham Hampshire PO17 5ND
Ref no:	06/03040/FUL W01393/15
Decision	Dismissed
Proposal	Relief from condition 5 on planning permission W01393/14 (No development permitted by classes A B C D E of part 1 and Class A of part 2 of the order shall be carried out without the prior written consent of the Local Planning Authority)
Summary	The appeal was submitted by the applicants as, although the application was approved, the permission issued included a replacement condition that meant permitted development rights for roof alterations (parts B and C of the General Permitted Development) Order were still restricted. The Inspector considered that the imposition of condition 5 of W01393/14 (removal of permitted development rights) was unreasonable in the first instance as it did not meet the tests as set out in Circular 11/95 and that the Council failed to demonstrate justification as to why these rights should be removed/restricted. CTTE WR (Went to PDC with a recommendation for approval. The application was subsequently approved by the Committee).

Date	11 th June 2007
Site	Park Lodge, Ovington, Winchester, Hants, SO24 0HZ
App Ref:	06/01553/FUL W03599/04
Decision	Allowed
Proposal	The appeal was against condition 4 of permission 06/01553/FUL. This condition required that: 'The use of cattery hereby permitted shall be carried on only by Mr D and Mrs P Mason and shall not ensure for the benefit of the land. When the premises cease to be occupied by Mr D and Mrs P Mason the use hereby permitted shall cease and all materials and equipment brought onto the site in connection with the use shall be removed.'
Summary	The Inspector considered that the condition did not meet the requirements outlined in Circular 11/95 <i>The Use of Conditions in Planning Permissions</i> . More specifically the Inspector considered that the condition was not necessary or justified. In coming to his decision he drew attention to paragraph 93 of the Circular which states that personal conditions would scarcely ever be justified in the case of permission for the erection of a permanent building. The Inspector considered that there were no exceptional circumstances relevant to this case which would require the imposition of the disputed condition and considered that the development in question would be acceptable in planning terms without the disputed condition. DEL WR

Date	14 th June 2007
Site	Pitcroft Lane, Hambledon
App Ref:	06/02403/FUL W20243
Decision	Dismissed
Proposal	The development proposed was the erection of a tack room, hay store and two stables.
Summary	<p>The Inspector stated that it was evident from his site visit that the special quality of the landscape could be seriously degraded by the cumulative effect of relatively modest developments. The Inspector considered that despite attempts at mitigation the proposed development would remain highly visible, appear as an alien feature and be out of character with the open nature of the landscape. In relation to the precedent argument the Inspector considered that in such an area of natural beauty it is important for the local planning authority to maintain tight control over new development and that to grant planning permission for an unsuitable development would inevitably undermine the local planning authority's control over other proposals. In relation to highways concerns the Inspector considered that level of visibility for a vehicle entering and leaving the site and for any traffic on the lane would be acceptable. The appeal was dismissed on the grounds that the proposal would harm the outstanding rural character of the area.</p> <p>DEL WR</p>

Date	28th June 2007
Site	Milesdown, Northbrook Avenue, Winchester
Ref no:	06/02663/FUL W13723/04
Decision	Dismissed (and costs awarded to Winchester City Council)
Proposal	The development proposed is part demolition, conversion and renovation of existing building to provide four dwellings and the erection of 20 dwellings, formation of access and landscaping.
Summary	<p>The Inspector considered that the impact on the conservation area and the effect upon the living conditions of the neighbouring residents were the two main issues relevant to determining this appeal. The Inspector considered that the proposed two and a half and three storey elements near the Northbrook Avenue would be conspicuous elements, especially in the autumn months. This conspicuousness of was aggravated by the location of the blocks within the site, resulting in the appearance of one large building. The Inspector therefore felt that the proposal would be inappropriate in the context of Baring Road and St. Giles Hill Park and would harm the character and appearance of the conservation area. The proposal involved the loss of a Lime tree on Northbrook Avenue and the Inspector considered that this would harm the character and appearance of the conservation area. The density of the proposed scheme was calculated to be 40 dwellings per hectare which the Inspector considered was inconsistent with the requirements of PPS3. The second issue felt to be critical by the Inspector was the impact on the living conditions of the neighbouring dwellings. In relation to 'Denham House' the Inspector felt that as a result of the height and mass of the buildings and difference in levels the buildings would appear visually dominant and overbearing, and agreed with the local planning authority that this overbearing impact would be aggravated by the largely unadorned facing elevation, which would create a bleak outlook from 'Denham House'. The Inspector noted that there were aspects to the scheme which lent weight to it being allowed (such as meeting the needs of older members of society and add to the mix of properties in the area) but felt that on balance the appeal should be dismissed.</p> <p>DEL PI</p>

DEL Delegated decision
CTTE Committee decision

WR Written representations
IH Informal hearing
PI Public inquiry