

PLANNING DEVELOPMENT CONTROL COMMITTEE

11 December 2008

SUMMARY OF PLANNING APPEALS – JUNE – OCTOBER 2008

REPORT OF THE HEAD OF PLANNING CONTROL

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RECENT REFERENCES:

PDC747 – Planning Appeals – December 2007 – May 2008

EXECUTIVE SUMMARY:

This report provides a summary of appeal decisions received during the period from June to October 2008. 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 CONTROL

DETAIL:

A summary of Development Control appeal decisions received between June and October 2008 is set out below:

Date	12 th May 2008
Site	Showmans Depot, Botley Road, Shedfield, Southampton, Hampshire
Ref no:	06/02659/FUL
Decision	Allowed
Proposal	Change of use to showmen's permanent quarters
Summary	<p>The Inspector noted the unmet need for sites for travelling show people as outlined in the report by the Hampshire Strategic Housing Officers which was published March 2008, and stated that he had accorded this report significant weight and that in this appeal the most significant factor was the unmet need for sites for travelling show people and the lack of alternative sites which had been identified. With regard to the visual impact of the proposal, the Inspector considered that this could be reduced to an acceptable level through the use of an appropriate landscaping scheme. Furthermore, he considered that issues such as noise, lighting and activity could all be dealt with by appropriate conditions. The Inspector considered that granting a temporary permission (for four years) would be a reasonable course to take, given that work was currently in progress to identify alternative sites, work which should be completed within the next four years. He stated that he was not necessarily identifying this site as a permanent location for travelling show people, and that the decision was a response to this particular set of circumstances, and therefore he attached little weight to the issue of precedent and distinguished this current case from the previous appeal in connection with this site (which had been for a larger number of plots). The Inspector also attached a personal condition to the consent.</p> <p>CTTE IH</p>

Date	22 May 2008
Site	5 Kerrfield Mews, Winchester, Hampshire, SO22 5ES
Ref no:	07/02677/FUL
Decision	Allowed
Proposal	Detached five bed dwelling in land adjacent to 5 Kerrfield Mews
Summary	<p>The appeal addressed the question of what was an acceptable size for a private amenity area (as required by policy DP3). The Inspector examined the garden sizes currently enjoyed by surrounding properties, and considered that 75 square metres was consistent with the nearby properties and therefore considered that it was appropriate</p>

	<p>in this case. A secondary garden area, which was steeply sloping and covered with TPO trees was considered to be of little practical use as a garden.</p> <p>Furthermore, the Inspector considered that the wooded area to the rear of the garden would further increase the enjoyment of the rear gardens. The Inspector considered that the appropriate amount of private amenity space to be provided should be looked at flexibly, and should be assessed in the light of each individual case. The Inspector stressed that such a flexible approach is also prescribed in PPS3. The Inspector also considered that the distance of 6 metres between the new dwelling and the boundary with the neighbour would be sufficient to avoid any detrimental impact in the form of an overbearing impact or overshadowing.</p> <p>The Inspector further considered that the proposed rear balcony would not cause an unacceptable degree of overlooking. The Inspector was satisfied that no detrimental impact would be inflicted on the trees in the vicinity of the site. There was also a restrictive covenant relevant to the site, but the Inspector stressed that this was not a planning matter.</p> <p>DEL WR</p>
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Date	11 June 2008
Site	Meadow View, Bull Farm Estate, Kings Worthy
Ref no:	07/01676/FUL
Decision	Dismissed
Proposal	Erection of two storey side and rear extensions; detached double garage
Summary	The Inspector concluded that the proposal would not result in a loss of affordable dwellings in the countryside. However, the Inspector considered that the proposed extension would be detrimental to the character and appearance of the surrounding countryside to a sufficient enough extent for the appeal to be dismissed.
	DEL WR

Date	12 June 2008
Site	Police House, Main Road, Itchen Abbas.
Ref no:	06/03652/FUL
Decision	Dismissed
Proposal	The development proposed is the erection of a new dwelling house and garage following demolition of existing dwelling and garage (old police house).
Summary	This is an important appeal decision in connection with the interpretation of PPS3. The Inspector noted that the proposal resulted in a density of 12 dwellings per hectare and so clearly failed to meet the requirements of the Winchester District Local Plan Review 2006 and PPS3. Therefore, the Inspector stressed that it was necessary for

the appellant to demonstrate that there are material considerations to justify departing from the local plan and PPS3.

The Inspector considered that if the existing property were to be replaced by two dwellings there would be no detrimental impact in visual terms. The Inspector rejected the appellants argument that Itchen Abbas was not a sustainable settlement, and therefore not suitable for higher density housing.

The appellants drew attention to their concerns about the impact on highway safety of more than one dwelling being provided on this site; the Inspector noted their concerns but stated that he had been presented with no evidence to substantiate these concerns.

In terms of the impact of raising the density of the site on the character of Itchen Abbas, the Inspector considered that the provision of two dwellings on the site would not have a detrimental impact on the character of the area he also considered that there were no special circumstances appertaining to Itchen Abbas which would justify not applying the Winchester District Local Plan Review 2006 and PPS3 in relation to this site. The Inspector also noted that the Itchen Abbas Village Design Statement encouraged the provision of smaller units. Futhermore, the Inspector noted that to allow this proposal as an exception to the policy which aims to make efficient and effective use of land and make provision for smaller dwellings would seriously undermine the Council's ability to implement these policy aims elsewhere.

With regard to the garage, the Inspector noted that the siting was not appropriate, as it jeopardised the viability of the hedge running along the front boundary of the property, but did note that this problem could be overcome by a relatively minor repositioning of the garage. Furthermore, the Inspector considered that the size and bulk of the garage would be out of character with the area.

DEL IH

Date	24 June 2008
Site	Stocks Down Farm, Stocks Lane, Meonstoke, SO32 3NQ
Ref no:	07/01885/FUL
Decision	Dismissed
Proposal	Conversion of a barn in to a dwelling house
Summary	<p>The Inspector considered the main issue to be whether or not there is an essential functional need for the proposed dwelling. The Inspector classified the proposed dwelling as occupational and acknowledged that new permanent dwellings in the countryside should only be allowed where they are required to support existing activities which have been running for at least three years and profitable for at least one. Although the appellant's statement sets out the proposed activities including breeding, the Inspector identified the current situation as being one where these activities do not yet take place.</p> <p>The Inspector also considered that the current practices do not require someone to live on the site. The Inspector considered the siting and appearance of the proposed dwelling to be appropriate; however this did not outweigh his opinion that there is a lack of functional need in this case. The Inspector considered the appellants suggestion that a condition be imposed preventing occupation of the dwelling until the arrangements for keeping day old chicks had been agreed, however, he concluded that this would be difficult to formulate and enforce so would not be appropriate in this case.</p> <p>DEL WR</p>

Date	14 July 2008
Site	53 Buriton Road, Harestock, Winchester, SO22 6JG
Ref no:	07/02688/FUL
Decision	Allowed
Proposal	First floor extension
Summary	<p>The Inspector considered the main issues to be the effect of the proposed extension on the character of the area and also whether the development would set an undesirable precedent. The Inspector observed there to be a mix of dwellings within Buriton Road and did not consider gaps between properties at first floor to be a predominant feature. The Inspector considered that the proposal would not be unduly prominent in the street scene as it would be set back and of matching appearance to the existing first floor extension of the neighbouring house which the Inspector concluded would meet the criteria to integrate with the character and appearance of the surrounding area.</p> <p>The Inspector did not consider that the gap between No 53 and No 55 made a significant contribution to the spacious character of the area. The Inspector considered that there were few properties in the area of similar design and concluded therefore that the fear of setting a precedent was unjustified.</p> <p>DEL WR</p>

Date	16 July 2008
Site	Spindles, Main Road, Littleton
Ref no:	07/02591/FUL
Decision	Allowed
Proposal	Loft conversion with dormer windows to the front and roof lights to the front and rear
Summary	<p>The Inspector considered that the attractiveness of the Littleton Conservation area stems from its informal layout, setting and appearance of a mixed range of residential buildings. The Inspector confirmed the principle of dormer windows in this location to be acceptable due to the existing mix of buildings. The Inspector accepted that whilst Spindles is a relatively dominant building he considered that the addition of dormer windows, designed to reflect the existing building, would not significantly increase the prominence of the building or be detrimental to the character of the area. The Inspector considered that the proposed dormer windows would appear balanced and not incongruous, due to the scale of the existing roof and appearance of the front elevation.</p> <p>The Inspector concluded that the proposal would preserve the character of the Littleton Conservation area and that the development would not harm the setting of the nearby listed building as St Catherine's Church is situated a significant distance from Spindles.</p> <p>DEL WR</p>

Date	25 July 2008
Site	Cuckmere, Ham Green, Sparsholt, Winchester, Hampshire, SO21 2PA
Ref no:	07/02578/FUL
Decision	Allowed and Partial Costs Awarded to Appellant
Proposal	Replacement of existing dwelling with 1 no. four bedroom dwelling (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY) (RESUBMISSION).
Summary	<p>The main issues in this case related to policy CE23 and in particular whether the new house would change the character of the existing property and would be visually intrusive. The Inspector considered that in the circumstances of this case policy CE23 was outweighed by policy DP3, and that the main consideration should therefore be whether the proposed replacement dwelling responded positively to the character of the area, as opposed to whether it changed the character of the existing dwelling, which was of no architectural merit and was, itself, an unwanted interruption in the rural scene.</p> <p>The Inspector then considered that, whilst the dwelling would lead to a site which appeared to be more developed than at present, the proposal would successfully respond to the local environment, and would appear more appropriate in the landscape than the existing</p>

	<p>property. The Inspector made a partial award of costs against the Council because he considered that it had not been adequately demonstrated that the proposed dwellings would be visually intrusive and out of character in this area.</p> <p>DEL IN</p>
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Date	29 July 2008
Site	Little Oakdale, Durley Hall Lane, Durley, Southampton, SO32 2AN
Ref no:	07/00932/FUL W18672/06
Decision	Allowed
Proposal	Proposed siting of mobile home for an equestrian worker
Summary	<p>In relation to the criteria set out in PPS7 the Inspector considered that the existing business on the site was profitable and could continue to operate from land in the appellant's ownership supported by other alternative rented land. The Inspector also highlighted other temporary mobile homes in the area and gave these permissions some weight in his decision. The information submitted provided clear evidence of a firm intention and ability to develop the enterprise. The Inspector considered that the scale of the business, as proposed, would mean that there would be a relatively frequent requirement to be present on site to supervise births, as well as to supervise the stud process, and to deal with any other emergencies.</p> <p>In relation to the financial criteria the Inspector considered that the proposed enterprise has been planned on a sound financial basis and therefore has met the relevant tests. The appeal Inspector highlighted points raised by the Council regarding the affect of the mobile home on the surrounding countryside. However, it was concluded that the mobile home was relatively modest in size, and is well screened by hedges and other buildings, and therefore the impact would be small and would not materially harm the character and appearance of the rural landscape.</p> <p>DEL IH</p>

Date	30 July 2008
Site	12 Thistledown Close, Winchester, Hants, SO22 5HZ
Ref no:	07/03008/FUL
Decision	Dismissed
Proposal	Amendment to soft landscaping scheme to provide for one car parking space and soft landscaping.
Summary	<p>The Inspector considered that the landscaping in question was important in order to relieve the appearance of the large flank wall of the terrace, and drew attention to the requirements in PPS1 and PPS3, that new housing schemes should be attractive and incorporate a high standards of design.</p>

	<p>The Inspector considered that the proposed landscaping scheme and parking space would not be sufficient to adequately reduce the visual impact of the flank wall, therefore, allowing the application would have a detrimental impact on the visual amenity of the area. The Inspector also noted that whilst individuals may not have a right to a specific view the wider street scene is an integral element of the residential development as a whole and that this was a material consideration to which he attached great weight.</p> <p>In addition, the Inspector considered that there was insufficient justification for a new parking space within this development, and noted that the Council's Highways Engineer was satisfied with the parking provision when the housing development was originally permitted. Furthermore, the Inspector considered that by allowing the appeal could set a precedent and this added weight to his conclusion concerning the detrimental impact on the visual amenity of the area.</p> <p>DEL WR</p>
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Date	5 August 2008
Site	20 Bere Close, Winchester
Ref no:	07/02460/FUL
Decision	Dismissed
Proposal	Loft conversion including dormer and velux style windows, garage and extension with rooms in the roof
Summary	<p>The Inspector considered that the proposed extension would appear disproportionate to the house and would not represent a subordinate form of development. The additions would add to the bulk of the building and detract from its simple clean lines. The Inspector considered that the extension would erode the gap with number 22 and would harm the character and appearance of the area.</p> <p>The Inspector concluded that the scale of the proposed extension would detract from the setting of the neighbouring listed building, Pond Cottage, but not that of St Mathews Church. The Inspector did not consider that the extensions would harm the living conditions of either Pond Cottage or Number 22. The Inspector concluded that the proposed extensions would not respond positively to the character of the area and would have an adverse effect on the setting of Pond Cottage.</p> <p>CTTE WR (Officer Recommended Approval)</p>

Date	14 August 2008
Site	44 Heathlands, Shedfield, Southampton, SO32 2JD
App Ref:	07/02519/FUL W18055/02
Decision	Allowed
Proposal	Two storey side extension and construction of porch
Summary	<p>The Inspector considered noted that the house already had more than three double bedrooms, albeit its floor area was less than 120 square metres and that although the proposed extension would increase the floor area by more than 25% the use of the word 'normally' in CE23 provided scope for flexibility. In addition, the Inspector considered that the proposed extension would result in a four bedroom dwelling, which would still remain a semi-detached property, and also add to the diversity of dwelling types in this residential enclave of predominantly three bedroom dwellings. The Inspector did not consider the proposal to result in the unacceptable loss of a small more affordable dwelling in the countryside.</p> <p>DEL WR</p>

Date	19 August 2008
Site	2 Rowlings Road, Weeke, Winchester, Hampshire, SO22 6HH
Ref no:	07/03004/FUL
Decision	Dismissed
Proposal	Demolition of existing brick outhouse and timber shed; construction of two storey side extension with overhang to porch.
Summary	<p>The Inspector considered that the proposal would, by virtue of its scale, forward projection, and two pitched roof dormer windows constitute a 'bulky' addition to the existing property that would be highly visible from Rowlings Road and Taplings Road and appear obtrusive in the street scene despite the hedgerow which mainly surrounds the existing house and provides some screening. Furthermore, the Inspector considered that the loss of the space next to the dwelling would give rise to a cramped form of development which would be contrary to the spacious appearance of the nearby dwellings. The Inspector noted the similar extension at no.11 Rowlings Road, but considered that the two extensions could be distinguished.</p> <p>DEL WR</p>

Date	19 August 2008
Site	Land at Vicarage /Wandfield Lanes, Curdridge, SO32 2DP
Ref no:	07/02413/FUL W20866
Decision	Allowed
Proposal	Change of use from agriculture to the keeping of horses and single storey stable block comprising of 5 loose boxes and tack room and detached hay store

Summary	<p>The Inspector considered two main issues when determining this appeal; highway safety, in particular the use of local roads by riders, and the impact upon the character and appearance of the area. In relation to highway safety the Inspector didn't consider the proposal would cause harm, as the proposal is relatively small-scale and RT11 covers a wide range of equestrian uses some of which could generate higher traffic levels than the actual use proposed. He also considered the potential traffic that could be created by the agricultural use of land. Additionally, he noted that the Highways Officer had advised that it is unlikely that the proposed change would result in a material increase in traffic or impact on highway safety.</p> <p>The Appeal Inspector concluded that the proposal would not have an adverse effect on the character and appearance of the countryside. This is because the stable block and hay barn are low level structures which would be unobtrusive and blend in with their rural surroundings. The proposed buildings would be largely screened by vegetation on Vicarage and Wangfield Lanes and would be seen against the backdrop of the vegetation on Botley Road.</p> <p>DEL WR</p>
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Date	19 August 2008
Site	1 Rosewarne Court, Hyde Street, Winchester, Hampshire, SO23 7HL
App Ref:	07/02556/FUL W03924/04
Decision	Dismissed
Proposal	Conservatory to rear
Summary	<p>The Inspector considered that this development would appear intrusive when viewed from both Rosewarne Court and Hyde Street and would detract from the character and appearance of the conservation area by virtue of its scale and location at a prominent focal point in this attractive development. The increased height of the wall would disrupt the pleasing symmetry with no.21, notwithstanding the retention of the scroll detailing. It was concluded that the proposal would not preserve the character or appearance of the conservation area and would thereby conflict with policies DP3 and HE5 which seek to promote good design and to preserve conservation areas.</p> <p>DEL WR</p>

Date	26 August 2008
Site	Land adjoining Botley Road, Shedfield, Hampshire, SO32 2HW
Ref no:	07/02970/FUL W13157/08
Decision	Allowed
Proposal	Erection of a storage barn for the relocation of a wholesale fruit and vegetable business (use class B8)

Summary	<p>The Inspector considered that a business of this type needs good road access to suppliers and retail outlets and considered that the site in question benefited from good road links and is a more sustainable location than the existing site and therefore complies with policy DP3 which, amongst other things, requires development to provide for ease of movement and to maximise access to public transport.</p> <p>In relation to the character and appearance of the surrounding area, the Inspector considered that the proposed building and hardstanding would not appear unduly intrusive given other buildings in the vicinity and the busy road. The design, scale and layout would respond positively to the variety of the local environment.</p> <p>The Inspector concluded that the proposals would not harm sustainability or the character and appearance of the countryside. Furthermore, the Inspector considered that allowing this appeal should not prevent the Council from refusing similar applications where harm may arise.</p> <p>DEL WR</p>
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Date	27 August 2008
Site	St Albyns, Fairdown and Cherry Trees, Bull Lane, Waltham Chase, SO32 2LS
Ref no:	07/02698/FUL W207604/02
Decision	Dismissed
Proposal	The erection of eleven residential dwellings with associated car parking, landscaping and new access.
Summary	<p>The Inspector considered this application to be out of keeping with the character and appearance of the surrounding area in that the proposed building on the frontage (plots 9-11) on Bull Lane would seem unduly dominant and appear intrusive in terms of its scale, height, significance of the roof slope and dormer windows. In addition to this the Inspector considered the proposed development would appear cramped and an overdevelopment of the site.</p> <p>In relation to impact to neighbouring properties the Inspector did not consider the proposal would have an unacceptable adverse impact on adjoining land, uses or property.</p> <p>CTTE WR (Officer recommended approval)</p>

Date	8 September 2008
Site	Micheldever Post Office and Stores, Church Street, Micheldever
Ref no:	07/02762/FUL
Decision	Dismissed
Proposal	Demolition of existing double garage and the erection of 2 No 2 bedroom semi-detached houses with associated parking and sewage treatment plant.
Summary	<p>The Inspector considered that the proposal would have a bulky appearance, which would be out of keeping with the area, the impact of which would be emphasised by the reduced spacing between buildings. The Inspector considered that the proposed sewage treatment plant would be visually intrusive and occupy a significant portion of one of the gardens, reducing the usable space. The Inspector considered that concerns regarding the drainage and the archaeological potential of the site could be overcome with the imposition of conditions.</p> <p>The Inspector also considered that the proposal would not result in any unacceptable loss of sunlight or give rise to unacceptable overlooking. The Inspector dismissed the appeal concluding that the proposal would have a detrimental impact on the character of the area and on the living conditions of the occupiers of the proposed dwellings.</p> <p>DEL WR</p>

Date	11 September 2008
Site	Poultry Houses, Wallops Wood Farm, Grenville Lane, Droxford, Hampshire
Ref no:	07/01952/FUL W02097/03
Decision	Dismissed
Proposal	Change of use of a poultry farm to light industrial and storage/warehouse use.
Summary	<p>The main issues highlighted by the appeal Inspector were; whether the buildings are suitable for conversion without requiring substantial reconstruction, the effect on the character and appearance of the countryside, the AONB, the surrounding woodland, the affect of the traffic movements and whether the site was sustainable.</p> <p>The appeal Inspector concluded, from the information provided, that considerable structural work would be necessary to make the buildings suitable for the proposed use as it would amount to substantial reconstruction and would therefore be contrary to policy.</p> <p>Turning to the issue of impact on the character and appearance of the area, the Inspector considered that whilst there is potential to maintain the woodland screening, the proposal would cause significant harm from the encroachment of activity into the woodland and root damage</p>

	<p>of the nearest trees. This would be to the detriment of the character and appearance of the area including the AONB.</p> <p>In relation to traffic movements generated by the proposed development, the Inspector concluded that the development would be likely to generate a significant increase in large vehicle movements on unsuitable approach roads to the detriment of the safety and convenience of other highway users and to the character and appearance of the area.</p> <p>The appeal Inspector also considered that in comparison to the previous uses the proposed use would be unlikely to result in a significant increase in staff numbers and associated movements and that most of the movements would be by private car as there is a lack of convenient alternatives.</p> <p>DEL WR</p>
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Date	11 September 2008
Site	Land adjacent to Twynhams House, Twynhams Hill, Shirrell Heath, Southampton, SO32 2JL.
Ref no:	08/00004/FUL W14617/05
Decision	Dismissed
Proposal	Erection of a three bed dwelling
Summary	<p>The Inspector considered that the proposed dwelling did not meet all the criterion of policy H4. It was concluded that it would not qualify as the 'infill' development to which the policy requires, which is further defined by the SPD and Glossary to apply only to limited gaps in continuously built up frontages. The Inspector considered that to develop this site would erode the existing broad gap to the detriment of the low density rural character of the road. The Inspector also considered that the proposed dwelling would not contribute to a sustainable pattern of development in respect of accessibility and would thereby contravene with Local Plan policy H4.</p> <p>DEL WR</p>

Date	18 September 2008
Site	Lawsonia, Bull Lane, Waltham Chase, SO32 2LS
Ref no:	07/01433/FUL W02350/08
Decision	Allowed
Proposal	9 residential units with vehicular access from Ashley Gardens
Summary	<p>The main issue examined by the Inspector was whether the proposal would harm the character and appearance of the surrounding residential area. The two houses at the western end of the site would be sited at an angle to the drive and, although closely spaced, the Inspector did not agree with the council's view that they would appear</p>

	<p>as one dwelling. The Inspector accepted that there would be a substantial amount of hard standing and built development around the access, however, it was considered that this could be broken up with appropriate landscaping around the parking areas. The concerns raised regarding the size of the apartments block were examined by the Inspector and it was considered that it would not be incongruous in such a setting.</p> <p>In addition the Inspector examined representations made by local residents. Whilst it was noted that there may be changes to the frequency of public transport services, this was insufficient basis for refusal of this application. Similarly there was little evidence that overspill parking into surrounding roads would be experienced if this application were permitted. It was concluded that there will be no material planning harm in relation to loss of light or overlooking to the surrounding neighbouring dwellings. Objections were made regarding the adequacy of the sewerage system within the area and that this proposal would exacerbate them. The Council's drainage engineer was satisfied that such matters can be addressed by on site works and the Inspector was happy for this to be dealt with by condition.</p> <p>The Inspector was made aware of the planning permission that has been permitted since this appeal was made, which was a very similar form of development. The access proposed for this application would be the same as the one approved and therefore it would be unacceptable to refuse this application for this reason.</p> <p>CTTE IH (Officer recommended approval).</p>
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DEL Delegated decision
CTTE Committee decision

WR Written representations
IH Informal hearing
PI Public inquiry