

PLANNING DEVELOPMENT CONTROL COMMITTEE

17 October 2013

PLANNING APPEALS – SUMMARY OF DECISIONS (1 APRIL 2013 TO 30 JUNE 2013)

REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT

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RECENT REFERENCES:

Relevant planning applications files.

EXECUTIVE SUMMARY:

This report provides a summary of appeal decisions received from 1 April 2013 to 30 June 2013. Copies of each appeal decision are available on the Council's website. During this period 16 appeals have been received. Of these decisions:

- 9 appeals were allowed (56%)
- 7 appeals were dismissed (44%)

RECOMMENDATION:

That the Report be noted.

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REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT

Introduction

This report sets out the appeal decisions during the period 1 April 2013 to 30 June 2013.

During this period the success rate is 44% being dismissed by the Appeal Inspector. The Council's target for appeal dismissals is 70%.

Whilst the rate of allowed appeals exceeds the Council's target this has been a period of policy transition and the following report reflects the level of complexity of the cases appealed at this time, including four cases in Alresford at 15 Jacklyns Lane and the Mulberries, and two cases at the Nurseries, Botley Road, Shedfield.

There were seven claims made for costs and only two costs claim was allowed, detailed below at Item 8 and 9.

Summary of appeal decisions received during the period:

Item No: 1			
Date of Inspector's Decision:	22nd April 2013	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	W	Costs:	Costs Refused
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			
Case No:	12/00187/SFUL		
Case Officer:	Mr James Jenkison		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
Proposal:	Amendment to the design of the approved garages at plots 2 and 3 (Ref 09/02590/FUL)		
Location:	Street Record Freemans Yard Lane Cheriton Hampshire		

Item No: 2			
Date of Inspector's Decision:	3rd June 2013	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	W	Costs:	Costs Refused
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			
Case No:	12/00379/FUL		
Case Officer:	Mr Andrew Rushmer		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
Proposal:	Demolition of existing dwelling at 15 Jacklyns Lane and erection of 6 no. dwellings comprising 3 no. two bedroom houses and 3 no. three bedroom houses (RESUBMISSION)		
Location:	15 Jacklyns Lane Alresford Hampshire SO24 9JJ		

Summary of Inspector's Appeal Decision

The Inspector allowed this appeal and the associated conservation area consent for demolition appeal, Item 3 below, his findings are summarised as follows:

"The development responds to the local character and is visually attractive as a result of good architecture, with landscaping appropriate to its location near the town centre".

acknowledge that

"Some of [the amenity spaces] are relatively small, but nevertheless they would provide a reasonable outdoor space for the occupants and be appropriate for the size of town house proposed".

"the appellant has demonstrated that the proposal would not be viable if affordable housing contributions are required".

"it would not be reasonable to apply [CSH level 5] at this stage, as it should be applied from the very beginning of a scheme design, taking account of siting, location, window size, position and orientation and other factors that would not be reasonable to require the developer to change at this late stage in the process".

"The refusal of conservation area consent was on the basis of the council not accepting that the proposed development was a suitable replacement, which was reasonable. However, I have found that the proposed replacement would be acceptable and have granted planning permission for it".

Item No: 3			
Date of Inspector's Decision:	3rd June 2013	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	W	Costs:	Costs Refused
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/00380/LBC		
Case Officer:	Mr Andrew Rushmer		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Demolition of existing dwelling at 15 Jacklyns Lane and erection of 6 no. dwellings comprising 3 no. two bedroom houses and 3 no. three bedroom houses (RESUBMISSION)
Location:	15 Jacklyns Lane Alresford Hampshire SO24 9JJ

Item No: 4			
Date of Inspector's Decision:	16th May 2013	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	W	Costs:	No application for costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/01108/FUL		
Case Officer:	Mr Simon Avery		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Change of use of land adjacent to a cattle barn for use for residential purposes for the siting of 1 no. static caravan (RETROSPECTIVE)
Location:	Unit 1 Furzecote Farm Curdrige Lane Curdrige Southampton Hampshire

Item No: 5			
Date of Inspector's Decision:	23rd May 2013	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	W	Costs:	No application for costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/01008/FUL		
Case Officer:	Mrs Jill Lee		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Erection of 1 no. three bedroom detached dwelling with associated works
Location:	7 Seldon Close Winchester Hampshire SO22 4JG

Item No: 6			
Date of Inspector's Decision:	4th June 2013	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	I	Costs:	Costs Refused
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/01345/FUL		
Case Officer:	Andrea Swain		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Demolition of dwelling 'Mulberries' and erection of 8 no. dwellings comprising; 4 no. two bedroom houses and 4 no. four bedroom houses (RESUBMISSION) (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY)
Location:	Mulberries Station Approach Alresford Hampshire SO24 9JH

Summary of Inspector's Appeal Decision

The Inspector allowed this appeal and the associated conservation area consent for demolition appeal, Item 7 below, his findings are summarised as follows:

"The development would provide satisfactory living conditions for the future residents with respect to shadowing of outside amenity space, and that the character and appearance of the Conservation Area would be preserved".

“the Council do not attach particular heritage value to the existing house, and there is no reason to take a different view in this decision. Subject to a condition to ensure that demolition does not take place until an approved redevelopment scheme is put in hand”.

Sight lines to the Station Approach and conflict with pedestrian visitors has been dealt with by planning condition.

A s106 will secure transport and public open space financial contributions.

“Overall, there are adequate grounds to support the appellants’ contention that there is no scope for the additional costs associated with meeting Core Strategy Policies CP3 and CP11.”

Item No: 7			
Date of Inspector’s Decision:	4th June 2013	Inspector’s Decision:	Appeal Allowed
Appeal Procedure (see code below):	I	Costs:	Costs Refused
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/01346/LBC
Case Officer:	Andrea Swain
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	Demolition of dwelling (RESUBMISSION)
Location:	Mulberries Station Approach Alresford Hampshire SO24 9JH

Item No: 8			
Date of Inspector’s Decision:	27th June 2013	Inspector’s Decision:	Appeal Allowed
Appeal Procedure (see code below):	I	Costs:	Costs Allowed
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/01453/FUL
Case Officer:	James Jenkinson
Original Decision Type:	Committee Decision
Was Decision Overturned at Committee?	No

Proposal:	Use of land as a site for a family of travelling showmen (RETROSPECTIVE)
Location:	2 The Nurseries Botley Road Shedfield Hampshire

Summary of Inspector's Appeal Decision

"The temporary periods for the permitted residential use of the Plots provided in the planning permissions do not extend to the date when the Council expects to have an adopted development plan that allocates sites for travelling showpeople let alone such sites being ready for occupation with planning permissions".

Summary of Inspector's Costs Decision

"The decision of the Committee to select 31 May 2014 as the expiration date for the temporary planning permissions it was prepared to grant appears arbitrary and does not appear to relate squarely to the Council's programme of work to identify and allocate sites for travelling showpeople it was undertaking through the development plan process. The Council's decision on the appeal applications is also inconsistent with the decision it took in May 2012 for a similar proposal at Swanmore where a longer temporary period for occupation than that recommended by the Planning Officer in these cases was approved".

Item No: 9			
Date of Inspector's Decision:	27th June 2013	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	I	Costs:	Costs Allowed
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			
Case No:	12/01454/FUL		
Case Officer:	James Jenkinson		
Original Decision Type:	Committee Decision		
Was Decision Overturned at Committee?	No		
Proposal:	Use of land as a site for travelling showmen and sewage treatment plant (RETROSPECTIVE)		
Location:	5 The Nurseries Botley Road Shedfield Southampton Hampshire SO32 2HN		

Summary of Inspector's Appeal Decision

Concluded that extending the temporary periods permitted for occupation of these plots is justified, having regard to the local and national policies of significance and other material considerations.

Summary of Inspector's Costs Decision

"The decision of the Committee to select 31 May 2014 as the expiration date

for the temporary planning permissions it was prepared to grant appears arbitrary and does not appear to relate squarely to the Council's programme of work to identify and allocate sites for travelling showpeople it was undertaking through the development plan process. The Council's decision on the appeal applications is also inconsistent with the decision it took in May 2012 for a similar proposal at Swanmore where a longer temporary period for occupation than that recommended by the Planning Officer in these cases was approved".

Item No: 10			
Date of Inspector's Decision:	10th April 2013	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	H	Costs:	No application for costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/02147/FUL
Case Officer:	Mr Ian Cousins
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	(HOUSEHOLDER) Double storey rear extension and double garage to front of property
Location:	2 Mohawk Cottages Sandy Lane Waltham Chase Southampton Hampshire SO32 2LR

Item No: 11			
Date of Inspector's Decision:	4th April 2013	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	H	Costs:	No application for costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/02148/FUL
Case Officer:	Mr Ian Cousins
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	(HOUSEHOLDER) Demolish existing attached garage and erection of two storey extensions to front, rear and side including integral garaging
Location:	Green Acre Durley Street Durley Southampton SO32 2AA

Item No: 12			
Date of Inspector's Decision:	8th April 2013	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	H	Costs:	No application for costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/02215/FUL		
Case Officer:	Beverley Morris		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	(HOUSEHOLDER) Replacement oak framed garage with room over
Location:	20 Bull Farm Lovedon Lane Kings Worthy Winchester Hampshire SO21 1AQ

Item No: 13			
Date of Inspector's Decision:	26th April 2013	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	H	Costs:	No application for costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/01778/FUL		
Case Officer:	Lisa Booth		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	(HOUSEHOLDER) Demolish existing detached garage and replace with attached garage with on-suite bathroom to master bedroom and loft space to new garage
Location:	13 Beaufort Drive Bishops Waltham Southampton Hampshire SO32 1HZ

Item No: 14			
Date of Inspector's Decision:	26th April 2013	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	H	Costs:	No application for costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/02647/FUL		
Case Officer:	Mrs Megan Osborn		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	(HOUSEHOLDER) Two storey side extension (RESUBMISSION)
Location:	78 Fromond Road Winchester Hampshire SO22 6EG

Item No: 15			
Date of Inspector's Decision:	30th May 2013	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	H	Costs:	No application for costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/01692/FUL		
Case Officer:	Richard Whittington		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	(HOUSEHOLDER) First floor extension including 5 No dormer windows and 2 No conservation rooflights; single storey side and rear extension (RESUBMISSION)
Location:	1 Old Stoke Road Stoke Charity Winchester SO21 3PH

Item No: 16			
Date of Inspector's Decision:	10th June 2013	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	H	Costs:	No application for costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			
Case No:	12/02323/FUL		
Case Officer:	Mrs Megan Osborn		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
Proposal:	(HOUSEHOLDER) Loft conversion with a rear dormer window. (PART RETROSPECTIVE)		
Location:	8 Fryers Close Kings Worthy Winchester SO23 7LP		
