

PLANNING DEVELOPMENT CONTROL COMMITTEE6 February 2014PLANNING APPEALS – SUMMARY OF DECISIONS (FROM OCTOBER 2013 TO DECEMBER 2013)REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENTContact Officer: Julie PinnockTel No: 01962 848439RECENT REFERENCES:

Relevant planning applications files.

EXECUTIVE SUMMARY:

This report provides a summary of appeal decisions received from 1 October 2013 to 31 December 2013. Copies of each appeal decision are available on the Council's website. During this period 18 appeals have been received

Of these decisions:

1 appeal was a Planning Development Control recommendation overturn which was dismissed (6%)

6 appeals were allowed (33%)

1 appeal was invalid or withdrawn (6%)

No appeals were part allowed and part dismissed (0%)

11 appeals were dismissed (61%)

RECOMMENDATION:

That the Report be noted.

PLANNING DEVELOPMENT CONTROL COMMITTEE

6 February 2014

PLANNING APPEALS – SUMMARY OF DECISIONS (FROM OCTOBER 2013 TO DECEMBER 2013)

REPORT FROM HEAD OF DEVELOPMENT MANAGEMENT

This report sets out the appeal decisions during the period 1 October 2013 to 31 December 2013. What is worthy of note is the continued success rate of the decisions upheld by the Council.

During this period, ignoring the withdrawn appeal, the success rate is 65% being dismissed by the Appeal Inspector which is up from the period July 2013 to September 2013 which was just over 53%. The Council's target for appeal dismissals is 70%.

Of the above appeals, 4 included an application for costs and 2 of these applications were allowed.

A summary of appeal decisions received during the period:

Item No: 1			
Date of Inspector's Decision:	19th November 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:	12/02029/FUL
Case Officer:	Mr Simon Avery
Original Decision Type:	Committee Decision
Was Decision Overturned at Committee?	Yes

Proposal:	Demolition of an existing double garage and erection of a 1 no. two bedroom detached dwelling
Location:	47 Monks Road Winchester Hampshire SO23 7EQ

Summary of Inspector's Decision

While the proposed development would be a distinctly modern design and wholly different to adjacent development in scale and form, it was found that it respects the order and rhythm of the street and the proposed materials would reinforce those in the locality. As such it would sit comfortably within the appeal site and street scene. Great weight was attached to its innovative design. The appellant submitted a

Sustainability Assessment demonstrating that the proposal could achieve the lowest level of carbon emissions and water consumption that is practical and viable. In conjunction with this amended plans were submitted showing photovoltaic panels on the flat roofs of the proposed dwelling.

However, it was not clear whether the panels would be visible from the surrounding properties, particularly the upper floors. As the amended plans had not been the subject of consultation as part of the application process, they were not accepted by the Inspector and the appeal was dismissed alone on the basis that the proposal failed to meet the required Code for Sustainable Homes levels.

Item No: 2			
Date of Inspector's Decision:	25th October 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:	12/02079/FUL
Case Officer:	Mrs Jill Lee
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	Demolition of 68 Stoney Lane and erection of 5 no. two bedroom dwellings and 5 no. three bedroom dwellings with associated access, parking and landscaping
Location:	68 And Land Rear Of 58 To 72 Stoney Lane Winchester Hampshire

Summary of Inspector's Decision

In dismissing the appeal the Inspector found that the proposed development would differ markedly from the prevailing pattern of surrounding development. Front gardens would be small or absent and there would be a significant proportion of hard surfacing. The side elevations of some of the proposed dwellings would be close to the boundaries and would be overbearing from the surrounding gardens and limiting opportunities for effective landscaping. The Inspector concluded that the scheme would appear unduly cramped and out of keeping and would unacceptably harm the area's character and appearance. The gardens were considered big enough in terms of amenity for occupants.

Item No: 3			
Date of Inspector's Decision:	31st October 2013	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	I	Costs:	No application for costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/02022/FUL		
Case Officer:	Mr James Jenkison		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Replacement of existing dwelling and erection of 4 no. five bedroom dwellings with associated access parking and landscaping
Location:	Rooksacre, Lankhills Road, Winchester Hampshire SO23 7AE

Summary of Inspector's Decision

The scheme was deemed to be out of character with its surroundings. In particular the Inspector found that the verdant character houses with lots of space about them should be respected which was not. The Inspector concluded that the character of the area was also a local circumstance that could be taken into consideration when assessing Policy CP2. The Inspector also considered the appellants viability appraisal and submitted legal document to be deficient.

Item No: 4			
Date of Inspector's Decision:	4th October 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:	12/01259/FUL		
Case Officer:	Mr James Jenkison		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Redevelopment of site to form ground floor retail unit and 5 no. apartments above comprising 3 no. two bedroom and 2 no. one bedroom
Location:	21A - 21B Southgate Street Winchester Hampshire SO23 9EB

Item No: 5			
Date of Inspector's Decision:	30th October 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:	12/02137/FUL
Case Officer:	Mr Simon Avery
Original Decision Type:	Committee Decision
Was Decision Overturned at Committee?	No

Proposal:	Erection of 2 no. three bedroom dwellings and 1no. four bedroom detached dwelling with ancillary garages, hardstanding and landscaping and construction of new car park to serve public house.
Location:	Prince of Wales Public House High Street Shirrell Heath Southampton SO32 2JN

Summary of Inspector's Decision

The Inspector found that the two dwellings proposed to be sited on the High Street frontage would not appear out of keeping with the local pattern of development. However, the scheme did not lie within a continuously developed road frontage and the proposal was therefore contrary to LPP1 policy MTRA3 in that it would not amount to infilling. The dwelling proposed towards the rear of the site would be a clear intrusion into the countryside harming the character of the village and surrounding countryside.

The appeal scheme proposed two 3-bed houses and one 4-bed house whereas LPP1 policy CP2 states that a majority of homes should be in the form of 2 and 3 bed houses. However, the Inspector was satisfied that, as the majority of this scheme would be within the range of size provision required, an appropriate mix of housing would be provided.

While the proposal lacked information about the development's likely performance in respect of carbon emissions and water consumption, the Inspector concluded that, were the scheme otherwise acceptable, this matter could be addressed by the imposition of a planning condition.

Item No: 6			
Date of Inspector's Decision:	18th October 2013	Inspector's Decision:	Appeal Allowed - Costs Refused
Appeal Procedure (see code below):	I	Costs:	Costs Refused
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/02205/FUL		
Case Officer:	Mr James Jenkison		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Redevelopment of units 4 & 5 consisting of 2 no. four bed and 2 no. two bed dwellings with associated parking and landscaping
Location:	Unit 4 North Park Business Centre Mayles Lane Knowle Fareham Hampshire

Item No: 7			
Date of Inspector's Decision:	12th December 2013	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	I	Costs:	
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/02154/FUL		
Case Officer:	Mr James Jenkison		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Change of use of land to a private gypsy and traveller caravan site consisting of 3 no. mobile homes, 3 no. touring caravans and associated amenity and day rooms; retention of hard standing
Location:	Land Lying East Of Mayles Lane Knowle Hampshire

Summary of Inspector's Decision

The Inspector supported the Council's approach to supplying gypsy sites through the Local Plan process and agreed that the proposal was visually harmful and inappropriate development in a settlement gap. The development was edge of settlement and was found to undermine the function and openness and appearance of the gap.

Item No: 8			
Date of Inspector's Decision:	10th October 2013	Inspector's Decision:	Appeal Dismissed - Costs Refused
Appeal Procedure (see code below):	H	Costs:	Costs Refused
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/02301/FUL		
Case Officer:	Trish Price		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	(HOUSEHOLDER) Complete replacement of all windows for like for like UPVC windows
Location:	74 Chesil Street Winchester Hampshire SO23 0HX

Item No: 9			
Date of Inspector's Decision:	21st November 2013	Inspector's Decision:	Appeal Dismissed - Costs Allowed
Appeal Procedure (see code below):	I	Costs:	Costs Allowed
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	13/00549/FUL		
Case Officer:	Mr Simon Avery		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Conversion of first floor accommodation of flat and bed and breakfast rooms to 2no. two bedroom flats with associated car parking and landscaping
Location:	The Old Forge Inn Winchester Road Shedfield Southampton Hampshire SO32 2HS

Summary of Inspector's Decision

The proposal was submitted as enabling development to provide a regular income for the business. However, the proposed flats would not improve the trading position of the pub and was found to actually threaten rather than enable the long term viability of the business. Therefore there was no justification for the proposed development in this rural location.

The Council accepted that its Rural Housing Development Action Plan shows that there is a lack of two bedroomed accommodation in Shedfield and that therefore, in this case, the proposal would accord with LPP1 policy CP2.

Two reasons for refusal relating to contributions towards affordable housing and open space were withdrawn by the Council. While the Council only had a short time (9 working days) to consider additional financial information submitted by the appellant, costs were awarded against the Council for the late withdrawal of these reasons.

Item No: 10			
Date of Inspector's Decision:	13th November 2013	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	W	Costs:	No application for costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	13/00263/FUL		
Case Officer:	Richard Whittington		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	(HOUSEHOLDER) - Construction of raised car parking space at the front (RETROSPECTIVE)
Location:	8 Amport Close Harestock Winchester Hampshire SO22 6LP

Item No: 11			
Date of Inspector's Decision:	26th November 2013	Inspector's Decision:	Appeal Allowed - Costs Allowed
Appeal Procedure (see code below):	I	Costs:	Costs Allowed
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	12/02039/FUL		
Case Officer:	Mr James Jenkison		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Continued use of part of an existing building as residential accommodation for an equestrian groom (RESUBMISSION) (RETROSPECTIVE)
Location:	Home Farm Equestrian Reading Room Lane Curdrige Southampton SO32 2HE

Summary of Inspector's Decision

The Council invited the application and were concerned with the existing small one bedroom flat within a barn considering it to be unnecessary for the functioning of the enterprise. The decision was allowed as it was demonstrated that a continual presence on the holding of the groom's accommodation was essential to the efficient working and developing of the enterprise as an important part of the appellants' business offer to the customer, which could not be met from the existing dwelling on the site.

Costs were awarded as the Council appeared to be relying on the previous decision as the basis for making the decision and that the Council had not taken a positive approach to this rural enterprise. The Council were therefore not reasonable in refusing permission for development in accordance with the Development Plan.

Item No: 12			
Date of Inspector's Decision:	4th October 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:	13/00749/FUL
Case Officer:	Trish Price
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	(HOUSEHOLDER) Second Storey Side Extension above existing garage
Location:	16 The Ridings Waltham Chase Southampton Hampshire SO32 2TS

Item No: 13			
Date of Inspector's Decision:	4th October 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:	13/01310/FUL		
Case Officer:	Trish Price		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	(HOUSEHOLDER) Second Storey Side Extension above existing garage (RESUBMISSION)
Location:	16 The Ridings Waltham Chase Southampton SO32 2TS

Item No: 14			
Date of Inspector's Decision:	1st November 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:	13/01277/TPO		
Case Officer:	Mr Thomas Gregory		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	1no Silver Birch - Fell
Location:	18 Hazel Close Colden Common Winchester Hampshire SO21 1DL

Item No: 15			
Date of Inspector's Decision:	13th November 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:	13/01399/FUL		
Case Officer:	Mrs Megan Osborn		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	(HOUSEHOLDER) Replacement/new fence and removal of hedge on north boundary
Location:	43 Old Kennels Lane Olivers Battery Winchester Hampshire SO22 4JS

Item No: 16			
Date of Inspector's Decision:	5th December 2013	Inspector's Decision:	Application Withdrawn
Appeal Procedure (see code below):	H	Costs:	
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	13/01122/TPO		
Case Officer:	Mr Thomas Gregory		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	1no. Ash, 3no. Field Maples - crown reduction to leave a finishing height of 11m and spread of 10m and clear building by 5m
Location:	55 Old River Denmead Waterlooville PO7 6XS

Summary of Inspector's Decision

WCC could not provide evidence that the TPO had been confirmed.

Item No: 17			
Date of Inspector's Decision:	10th December 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:	13/01616/FUL		
Case Officer:	Mr James Jenkison		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	(HOUSEHOLDER) Single storey side, rear and front extensions and double garage with glazed link to dwelling
Location:	158 Main Road Colden Common Winchester Hampshire SO21 1TJ

Item No: 18			
Date of Inspector's Decision:	9th December 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:	13/01666/FUL		
Case Officer:	Trish Price		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	(HOUSEHOLDER) Replacement rear windows (RETROSPECTIVE)
Location:	48 Tower Street Winchester Hampshire