

**RECENT APPEAL DECISIONS TO 14 FEBRUARY 2012****Application Ref: S11/2335/TPO NB****Planning Inspectorate No: APP/TPO/E2530/2274**Appeal Type: **TPO Fast track**

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| Appellant: | Mr A Sparks   |
| Proposal:  | Replace 3 Lime trees (TPO 315)                              |
| Site:      | The Surgery, 40, North Road, Bourne, Lincolnshire, PE10 9BT |

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| Appeal Decision – Date: | Appeal dismissed - 10 February 2012 |
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**SUMMARY**

The Inspector considered there to be two key issues, firstly, the visual impact and prominence of the trees within the local environment and, secondly, whether there was sufficient justification for their removal. The Inspector noted that only the crown of the trees are visible from Galletly Close and North Street and, whilst they were not highly prominent, they did afford a degree of appreciable public amenity. Furthermore, given the relatively large rear gardens of properties on Galletly close there was no overriding need to remove the trees to enhance the amenity of the occupiers.

**Application Ref: S11/2180/TPO AH****Planning Inspectorate No: APP/TPO/E2530/2206**Appeal Type: **TPO Fast track**

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| Appellant: | Stuart Kent                              |
| Proposal:  | Fell 1 no beech tree                     |
| Site:      | North House, Casewick, Stamford, PE9 4RX |

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| Appeal Decision – Date: | Appeal dismissed - 10 February 2012 |
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**SUMMARY**

The appellants proposed to remove one beech tree but the Inspector noted that it was visible from many vantage points within the Conservation Area, including a public footpath. As a result it was identified that there would need to be an overriding consideration to support removal of the tree, which contributes to the character of the area. The appellants wanted to remove the tree in case it fell and caused damage to properties or people; however, there was no justification put forward that this was likely to happen with the beech considered to be a good and safe specimen.

**RECENT APPEAL DECISIONS TO 14 FEBRUARY 2012****Application Ref: S11/1758/HSJ PJM****Planning Inspectorate No: APP/E2530/D/11/216725**Appeal Type: **Written Representation**

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| Appellant: | Mr & Mrs Richardson   |
| Proposal:  | Alterations and extensions to dwelling (revised scheme)             |
| Site:      | 14, Billingborough Road, Horbling, Sleaford, Lincolnshire, NG34 0PD |

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| Appeal Decision – Date: | Appeal dismissed - 10 February 2012 |
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**SUMMARY**

The main issue is the effect of the proposed development on the character and appearance of the existing dwelling and the surrounding area.

**Reasons**

The Inspector reported that the proposed extension would be a substantial structure to the rear of this traditional detached dwelling, and its scale, form and massing would dominate the host building rather than comprise a subordinate addition. It was considered that its impact would be compounded by excessive fenestration on the south elevation, and the design would be at odds with the distinctive character of the property. As a result the scheme would seriously harm the appearance of the existing dwelling.

The appeal site is located on the edge of the village and the development would therefore be highly prominent in the street scene, especially when viewed from the south on Billingborough Road and Stow Lane. The extended dwelling would be wholly out of keeping with the scale of the terrace to the west, which clearly reads as four individual dwellings, and the modest house to the immediate north of the site. The Inspector acknowledges that the development would be observed against a backdrop of some relatively large properties to the north and north-west, but considered that it would have a far greater effect on the street scene due to its proximity to the junction.

The Inspector concluded that the proposal would seriously harm the character and appearance of the existing dwelling and the surrounding area, contrary to Policy EN1 of the adopted *Local Development Framework for South Kesteven: Core Strategy* which sets out criteria for assessing development proposals, including the layout and scale of buildings, the quality and character of the built fabric and visual intrusion. It also was considered to conflict with Planning Policy Statement 1: *Delivering Sustainable Development* which encourages high quality and inclusive design that integrates successfully with the built environment and adds to the overall character and quality of an area.

**RECENT APPEAL DECISIONS TO 14 FEBRUARY 2012****Application Ref: S10/2388/MJRF KJC****Planning Inspectorate No: APP/E2530/A/11/2162804**Appeal Type: **Written Evidence**

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| Appellant: | Mr David Defusto, Hungerton Developments Ltd |
| Proposal:  | Erection of 22 apartments                    |
| Site:      | 85, Manthorpe Road, Grantham, NG31 8DE       |

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| Appeal Decision – Date: | Appeal dismissed - 31 January 2012 |
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The main issue considered by the Inspector was the effect of the proposal on the character and appearance of the area. The depth of the two blocks combined with the height of the height of the proposal was considered to be incongruous in relation to other developments nearby.

The inspector found that the proposal would have sufficient separation distances to neighbouring properties to ensure that there would not be any significant impact on outlook, loss of privacy or noise and disturbance.

He determined that based on the response from the local highway authority the additional traffic movements would not be detrimental to highway safety or capacity. Adequate on-site car parking would be provided taking into account the sustainable location.

The Inspector came to this conclusion having taken into account the previous planning permission and the previous Inspector's decision. He concluded that on balance, despite the benefits that would arise from the development of a vacant site with new housing they would not outweigh the impact on the proposal on the character and appearance of the area.

An award of costs application was refused. The Inspector concluded that unreasonable resulting in unnecessary or wasted expense was not demonstrated.