

RECENT APPEAL DECISIONS TO 6 July 2012

Application Ref: S11/1374/MJRF NB
Planning Inspectorate No: APP/E2530/A/12/2168416/NWF

Appeal Type: **Informal Hearing**

Appellant:	Mr B Maynard, Linden Homes (Midlands) Ltd
Proposal:	Residential development (46 dwellings)
Site:	Wherry's Yard, South Road, Bourne, Lincolnshire, PE10 9LU

Appeal Decision – Date:	Appeal allowed - 21 June 2012
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SUMMARY

The application was recommended for approval at Committee but refused permission on the grounds of being contrary to policy H1 of the Core Strategy (CS), which indicates that outside of Elsea Park, and other sites which currently benefit from planning permission, no further residential development will be allowed in Bourne. However, emerging policy H1 in the Site Allocation and Policies (SAP) Development Plan Document (DPD) indicates that new housing, including in Bourne, will also be granted through the development of suitable brownfield redevelopment and small infill sites. The Inspector gave substantial weight to this document.

Housing provision was also a key issue and the need for the Council to identify a 5 year land supply; as required in the National Planning Policy Framework. At the time of the Hearing there was no such supply.

The Inspector reasoned that taking into account the emerging DPD and lack of a 5 year land supply that there was no justifiable reason for withholding permission given that in all other aspects the development was considered to be acceptable. It should however be noted that since the appeal was determined South Kesteven are now in a position to demonstrate a 5 year land supply.

During the Hearing the Inspector raised a number of issues with regard to the Unilateral Undertaking (UU), which was instead of a Section 106 Legal Agreement (S106) for financial contributions, and questioned the validity of some of the monies sought. That said, given that it is a UU and not a S106 the Inspector had no powers to amend the document.

An application for costs was also made at the Hearing. The Inspector; however, felt that the Council had not acted unreasonably in refusing the application noting that policy H1 of the CS was explicit in its direction, despite some conflict with the emerging DPD there were substantive reasons in how the Council came to their conclusions. The application for an award of costs was refused.

Application Ref: S11/2275/ADV SP
Planning Inspectorate No: APP/E2530/H/11/2166083

Appeal Type: **Written Evidence**

Appellant:	David Pennell, Burghley House Preservation Trust Ltd
Proposal:	Provision of two fascia signs, one hanging sign and one free standing sign (retrospective application)
Site:	The William Cecil, 36, High Street, Stamford, Lincolnshire, PE9 2LJ

Appeal Decision – Date:	Appeal dismissed - 03 July 2012
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SUMMARY

See S11/2400 below

RECENT APPEAL DECISIONS TO 6 July 2012

Application Ref: S11/2400/LB SP
Planning Inspectorate No: APP/E2530/E/11/2166084/NWF

Appeal Type: **Written Evidence**

Appellant:	Mr David Pennell, Burghley House Preservation Trust Ltd
Proposal:	Provision of two fascia signs, one hanging sign and one free standing sign (retrospective application) to Listed Building
Site:	The William Cecil, 36, High Street, Stamford, Lincolnshire, PE9 2LJ

Appeal Decision – Date:	Appeal dismissed - 03 July 2012
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SUMMARY

Listed Building and Advertisement Consent was refused last November for 2 fascia signs, 1 hanging sign and 1 freestanding sign at The William Cecil. The application building/s are Grade 11* and Grade II listed, and located within the Stamford Conservation Area. The applications were refused on grounds that the signage would be visually and architecturally intrusive to the detriment of the character and appearance of the listed buildings and the Conservation Area.

The Inspector concluded that the signs failed to preserve the listed buildings or their settings and did not preserve nor enhance the character or appearance of the Conservation Area and were therefore contrary to national policy. The appeals were dismissed for these reasons.

Application Ref: S11/2410/FULL ADH
Planning Inspectorate No: APP/E2530/D/12/2172361

Appeal Type: **Written Evidence**

Appellant:	Mr and Mrs R Evans
Proposal:	Redevelopment of bungalow to form a two storey dwelling
Site:	30 Church Street, Baston

Appeal Decision – Date:	Appeal dismissed – 20 June 2012
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SUMMARY

This application was determined under delegated powers and related to the proposed provision of first floor accommodation to the existing bungalow at No. 30 Church Street. The application was refused on two grounds. Firstly, that the proposal would result in a creation of a visually prominent two storey dwelling which by reason of its scale, bulk and proposed materials would be out of keeping with the prevailing character of the locality and would be detrimental to the setting of the nearby listed buildings. Secondly, on the basis that the development would give rise to the overlooking of the garden areas of nearby dwellings with a resultant loss of privacy to the residents concerned.

In dismissing the appeal the Inspector upheld the Council's first refusal reason in relation to the negative impact on the locality in concluding that the proposed development would significantly increase the bulk of the presently modest bungalow in what is clearly a prominent position within the street scene, and because of its inherently poor design, the proposal would not accord with CS (Core Strategy) Policy EN1 or national Framework objectives, causing material harm to the character and appearance of the area and the settings of the adjacent designated heritage assets. On the second reason for refusal on the impact on residential amenities, however, the Inspector determined that the neighbouring occupiers would suffer no loss of privacy or other amenity.

RECENT APPEAL DECISIONS TO 6 July 2012

Application Ref: S11/2989/HSH PWM
Planning Inspectorate No: APP/E2530/D/12/2174668

Appeal Type: **Written Evidence**

Appellant:	Mr James Coomber
Proposal:	Demolition of detached garage and erection of single storey side extension
Site:	Arrietta, The Paddocks, Long Bennington, Newark, NG23 5DZ

Appeal Decision – Date:	Appeal allowed with conditions - 12 June 2012
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SUMMARY

This application was refused under delegated powers on 02 February 2012 on the grounds that the extension would be excessively large and would result in a dwelling which would be detrimental to the character and appearance of the streetscene.

The application was a revised version of a previously refused application (S11/1255) – the extension was identical but the detached double garage to the rear had been omitted. The reasons for refusal of the previous application, including the scale of the extension were therefore a material consideration.

The inspector disagreed with the assessment of the visual impact of the extension, considering it to be visually acceptable and not detrimental to the dwelling or streetscene. The appeal was **allowed** subject to conditions.

No application for costs was made by either party.