

RECENT APPEAL DECISIONS TO 28 SEPTEMBER 2012

Application Ref: S11/1796/FULL AH
Planning Inspectorate No: APP/E2530/A/12/21731

Appeal Type: **Written Evidence**

Appellant:	Mr D Gibbons
Proposal:	Dwelling on land south of Manor House Farm
Site:	Manor Farmhouse, Main Street, Baston, Peterborough, PE6 9PB

Appeal Decision – Date:	Appeal dismissed - 24 September 2012
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SUMMARY

This application was determined under delegated powers and related to the proposed erection of a large detached dwelling on land to the south of Manor Farmhouse. The site is situated adjacent to a lake created upon the restoration of minerals extraction site. The application was refused on three grounds, namely; the development was in an unsustainable location, the scheme was detrimental to the setting of a nearby listed building and the applicant had failed to demonstrate that the site was not at risk of flooding. This latter ground for refusal was subsequently withdrawn by the Council before the determination of the appeal as a result of the appellants demonstrating to the Environment Agency that there would be no flood risk involved.

In dismissing the appeal the Inspector, whilst not agreeing with the District Council's position in respect of the impact on the setting of the listed building, upheld the Council's first refusal reason in relation to the fact that the scheme did not represent sustainable development. In this respect, the Inspector concluded that the site was well beyond the edge of the built up area of Baston and considered that no case had been presented by the appellants that would outweigh the presumption against development in such a location set out in Policy S1 of the South Kesteven Core Strategy and the National Planning Policy Framework.

Application Ref: S11/1898/FULL LDPP
Planning Inspectorate No: APP/E2530/A/12/2172888

Appeal Type: **Written Evidence**

Appellant:	Mr W Addison
Proposal:	Three storey dwelling (amendments to S01/1047)
Site:	Adj 3 High Street, Pointon, Sleaford, NG34 0LX

Appeal Decision – Date:	Appeal dismissed - 14 September 2012
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SUMMARY

TO BE REPORT AT NEXT COMMITTEE

Application Ref: S11/2438/FULL RV
Planning Inspectorate No: APP/E2530/A/12/2172808/NWF

Appeal Type: **Written Evidence**

Appellant:	Mrs Jill Smith, County Car Auctions
Proposal:	Change of use of store to A1 retail
Site:	County Car Auctions, East Gate, Bourne, Lincolnshire, PE10 9JY

Appeal Decision – Date:	Appeal allowed with conditions - 24 September 2012
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SUMMARY

An application was submitted for the erection of a dwelling.

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The proposal was considered to be an overdevelopment of a site with limited area which would have left little or no private amenity space to the existing or proposed dwelling. If approved would have created loss of privacy to the existing unit and would create a visual impact on the surrounding area by virtue of the cramped appearance the proposal would have created. There was also some impact on the proposed unit from the driveway to the existing dwelling from a noise nuisance, loss of privacy and living standards aspect.

The Inspector indicated that he did not think the proposal would have a major impact on the street scene, was compatible with other development within the surrounding area and the plot size and design of the proposal in context with the plot was acceptable. With regard to overlooking he was of the opinion the distance of 23 metres between the rear windows of the proposed dwelling and the front windows of the existing unit was sufficient. He did agree there would be some overlooking of private space but did not think (8.3 metres from the rear fence of the proposed dwelling) this was a significant issue that would threaten the enjoyment of the proposed rear garden area. As there are no windows in the drive side gable he did not feel that this was likely to cause a significant noise nuisance albeit the driveway is right alongside this wall. This view is at odds with the Council's Back Land Development Guidelines.

In the opinion of the Inspector the proposal is therefore in accordance with National Policies PPS1 and PPS5EN1 and Policies SP1 and EN1 of the South Kesteven Core Strategy (2010) and he has allowed the appeal.

No application for costs was made by either party.

Application Ref: S12/0095/FULL RV
Planning Inspectorate No: APP/E2530/A/12/2172614/NWF

Appeal Type: **Written Evidence**

Appellant:	Ms Jane Galilee
Proposal:	Erection of dwelling
Site:	26, Roman Bank, Stamford, Lincolnshire, PE9 2SS

Appeal Decision – Date:	Appeal allowed with conditions - 19 September 2012
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SUMMARY

An application was submitted for the erection of a dwelling.

The proposal was considered to be an overdevelopment of a site with limited area which would have left little or no private amenity space to the existing or proposed dwelling. If approved would have created loss of privacy to the existing unit and would create a visual impact on the surrounding area by virtue of the cramped appearance the proposal would have created. There was also some limited impact on the visual appearance and setting of the adjacent Listed Building.

The Inspector, whilst indicating that he did not think the proposal would have a major impact on the Listed Building, accepted that the proposal would have little amenity space around the dwelling and the layout of the development would appear unduly cramped. He concluded that the limited size of the plot would be in conflict with the appearance of the area and would fail to preserve the character of the Conservation Area contrary to relevant plan policy and felt that the lack of amenity space would cause harm to future occupiers failing to comply with the high standard of design advised in PPS1

The proposal would therefore be contrary to National Policies PPS1 and PPS5EN1 and Policies SP1 and EN1 of the South Kesteven Core Strategy (2010).

No application for costs was made by either party.

RECENT APPEAL DECISIONS TO 28 SEPTEMBER 2012

Application Ref: S12/0320/HSH PJM
Planning Inspectorate No: APP/E2530/D/12/2177938

Appeal Type: **Written Representation**

Appellant:	Mr Neil O'Keefe
Proposal:	Two storey side extension
Site:	The Cottage, Main Street, Little Humby, Grantham, NG33 4HW

Appeal Decision – Date:	Appeal allowed with conditions - 21 August 2012
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SUMMARY

The appeal was allowed for a two storey extension to the existing dwelling. The Inspector considered the effect of the proposal on the living conditions of the occupiers of the adjoining dwelling at Red House Farm when reaching his decision.

The local authority had previously approved an extension and the Inspector considered that the appeal turned on whether the additional build of the proposed extension would cause harm.

Due to the window positioning, levels and relationship between the two properties the Inspector commented that the extension would not impact on the neighbours outlook or have a significant effect on the levels of light entering habitable rooms.

Subject to conditions the Inspector concluded that the proposal would not materially harm the living conditions of the occupiers of the adjoining dwelling at Red House Farm.

Application Ref: S12/0494/HSH NB
Planning Inspectorate No: APP/E2530/D/12/2180682

Appeal Type: **Written Evidence**

Appellant:	Jonathon Harvey
Proposal:	Erection of detached garage and annexe
Site:	The Barn, 21, High Street, Carlby, Stamford, Lincolnshire, PE9 4LX

Appeal Decision – Date:	Appeal dismissed - 13 September 2012
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SUMMARY

The application was determined under delegated powers and refused permission on the grounds of the building being too tall and out of character with the area, with single story outbuildings being typical for the area.

The appeal was dismissed on the same grounds that the application was refused permission. Whilst accepting that there are other outbuildings in the locality it was noted that they were typically single storey and that this formed part of the character of the area and allowing a structure of the size proposed, with a ridge height of 6m and accommodation at a first floor, would be detrimental to the established character.

RECENT APPEAL DECISIONS TO 28 SEPTEMBER 2012

Application Ref: S12/0496/HSH PL
Planning Inspectorate No: APP/E2530/D/12/2178461

Appeal Type: **Written Representation**

Appellant:	Dr M Kebbeh
Proposal:	Erection of fence and gates
Site:	10, The Pollards, Bourne, Lincolnshire, PE10 0QB

Appeal Decision – Date:	Appeal dismissed - 12 September 2012
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SUMMARY

The application was refused by the Development Control Committee because of the fencing adjacent to the highway would be visually incongruous in the streetscape and have a detrimental affect upon the visual amenities of the locality and out of keeping with the character of the area.

The Inspector agreed that the fence is a harsh and incongruous feature in the street-scene which ignores completely the coherent palette of materials and colours which prevails throughout the development. The characteristic open-plan approach to the public-private realm is also severely compromised by the fence and was satisfied that the development conflicts with Core Strategy policy EN1.

Application Ref: S12/0715/HSH AH
Planning Inspectorate No: APP/E2530/D/12/2178402

Appeal Type: **Written Evidence**

Appellant:	Mr & Mrs P Sullivan
Proposal:	Erection of extension (revised scheme) and new screen planting
Site:	The Hawthorns, Kings Road, Stamford, Lincolnshire, PE9 1HD

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

This application was determined under delegated powers and related to the proposed erection of an orangery extension to the south-eastern corner of The Hawthornes; a bungalow located in a visually prominent site at the junction of Kings Road and New Cross Road adjacent to the boundary with the Stamford Northfields Conservation Area. The application was refused on the grounds that the proposal would be an unsympathetic addition to the property that would be detrimental to the visual amenities of the locality and the setting of the Stamford Northfields Conservation Area.

In allowing the appeal the Inspector commented that whilst he had some sympathy with the Council's assessment in terms of its visual impact he considered that given the wide variety of architectural building styles in the locality there was some scope to allow an extension in the position proposed to be absorbed into the wider street pattern. More significantly, however, in his determination the Inspector considered that the Council had underestimated the ability of the landscaped screening provided along the boundaries of the property to soften the visual impact of the proposed addition, especially as the appellants intend to augment it.