

RECENT APPEAL DECISIONS TO 7 JUNE 2013**Application Ref: S12/1561/CAC NB****Planning Inspectorate No: APP/E2530/E/12/2184165/NWF**Appeal Type: **Written Evidence**

Appellant:	Messrs Hartley/Munton
Proposal:	Demolition of bungalow
Site:	High Lodge, Casterton Road, Stamford, Lincolnshire, PE9 2YL

Appeal Decision – Date:	Appeal allowed with conditions - 21 May 2013
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SUMMARY

The Inspector noted that the bungalow does not make a significant contribution to the character of the Conservation Area; rather it has a neutral effect on its setting. Furthermore, the scheme to replace the bungalow would be an enhancement on the existing bungalow (albeit to a modest degree) and, therefore, did not object to its demolition subject to a contract being signed for the erection of the 3 dwellings to ensure that there would not be a gap within the streetscene.

Application Ref: S12/1562/FULL NB**Planning Inspectorate No: APP/E2530/A/12/2184162**Appeal Type: **Written Evidence**

Appellant:	Messrs Hartley/Munton
Proposal:	Erection of 3 dwellings
Site:	High Lodge, Casterton Road, Stamford, Lincolnshire, PE9 2YL

Appeal Decision – Date:	Appeal allowed with conditions - 21 May 2013
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SUMMARY

The Inspector considered there to be two key issues with the appeal. Firstly, the impact that the development would have on the character and appearance of the Conservation Area; secondly, the impact on residential amenity through a dominating or overlooking impact.

On the first issue the Inspector considered that the replacement dwellings would be more akin to the properties that surround it being two-storey (with accommodation in the roof space) and drawing on the character of the adjacent nineteenth century buildings. The proposal would, as a result, be an enhancement (albeit to a modest degree) on the character of the area.

On the second issue the Inspector noted that the dwellings would be cut into the earth bank and whilst undoubtedly larger than the existing bungalow the resultant impact from the dwellings would not over dominant. Furthermore, fenestration would be orientated toward the rear garden and, combined with appropriate boundary treatment, along with the flat roof not being used as a balcony, any impacts would not cause unacceptable harm to the residential amenities of neighbouring properties.

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Application Ref: S12/1584/FULL PL
Planning Inspectorate No: APP/E2530/A/13/2192590/NWF

Appeal Type: **Written Evidence**

Appellant:	Mr P Gregory
Proposal:	Proposed on site dwelling associated with Fishery with office space to serve Fishery
Site:	White House Farm Fishery, Cross Road, Baston Fen

Appeal Decision – Date:	Appeal dismissed - 04 June 2013
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SUMMARY

The application was refused under delegated powers on 3 October 2012 on the following grounds:

The proposed dwelling would be located in open countryside where the principle of residential development is not normally supported, save for certain exceptions. The scheme as submitted does not meet any identified exceptions with the proposal deemed contrary to Core Strategy policies SP1, SP2 and H1, with no other material planning considerations to indicate that the application should be determined otherwise.

In dismissing the appeal the Inspector upheld the Council's refusal reason agreeing that there were no exceptions that would support the provision of a new residential dwelling in this location, considering that its provision would only be for the convenience of the applicant and not outweighing any National or Local planning policies.

Application Ref: S12/2127/OL AH
Planning Inspectorate No: APP/E2530/A/13/2190767/NWF

Appeal Type: **Written Evidence**

Appellant:	Mr & Mrs R Bontoft
Proposal:	Erection of dwelling (outline application with details of access, layout and scale provided)
Site:	Land adjacent, 29, Station Road, Castle Bytham, Grantham, Lincolnshire, NG33 4QA

Appeal Decision – Date:	Appeal allowed with conditions – 16 May 2013
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SUMMARY

This application for outline planning permission was determined under delegated powers and related to the proposed erection of a one and half storey dwelling on the side garden area to No. 29 Station Road, Castle Bytham. The application was refused for the following reason :-

“The proposed development would detract to an unacceptable extent from the amenities, appearance and general character of the locality by consolidating sporadic development along Station Road and intruding into open countryside which would result in material harm to the form and character of Castle Bytham and the surrounding area. It is therefore considered that the proposed development would be contrary to Policies SP1 and EN1 of the South Kesteven Core Strategy and Policy SAPH1: ‘Other Housing Development’ of the Site Allocations and Policies Development Plan Document Submission (Incorporating Modifications) (June 2012).”

The site had twice previously been the subject for proposals for the erection of a new detached dwelling; in 1992 and in 1997. Both applications were refused planning permission on similar grounds to the most recent application; with the 1992 application being the subject of an appeal that was dismissed.

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In allowing the appeal the Inspector commented that there had been material changes in circumstances since the previous refusals and the inspectors appeal decision of 1992. Specifically, with the adoption of the South Kesteven Core Strategy and the identification of Castle Bytham as a Local Service Centre, this meant that in principle the scheme represented sustainable development in line with the governments guidance set out in the National Planning Policy Framework. Furthermore, the Inspector was also mindful of the amount of development that has been built and approved in recent years along Station Road and considered that the scheme would be in keeping with the general character of the locality given that it related well visually to the existing dwelling at No. 29 Station Road.

Application Ref: S12/2951/HSH SB

Planning Inspectorate No: APP/E2530/D/13/2194871

Appeal Type: **Written Representation**

Appellant:	Mr & Mrs N Steen
Proposal:	Erection of garage/annex building
Site:	28, Towngate West, Market Deeping, Peterborough, Lincolnshire, PE6 8DG

Appeal Decision – Date:	Appeal dismissed - 24 May 2013
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SUMMARY

A householder application was submitted for the erection of a triple garage and annex accommodation within the front garden of 28 Towngate West. The property, Towngate House, is a Grade II Listed Building.

The Inspector found that the location, size and scale of the proposed building would have significantly detract from the setting of the listed building. He agreed with the Council that the size of the building was more akin to a new dwelling than ancillary accommodation. The building would be located very close to Towngate House, it would not be screened by existing landscaping and would intrude upon the openness of the front garden area. The Inspector dismissed the appeal this ground.

Although the Inspector recognised that there are several mature trees in the grounds of the listed building, and that a mature Horse Chestnut closest to the building is a good specimen, he did not agree that the proximity of the tree to the building would lead to pressure to prune or remove the tree in the future. He did not agree the development would be a risk to the tree.

Application Ref: S13/0141/HSH AH

Planning Inspectorate No: APP/E2530/D/13/2196087

Appeal Type: **Written Evidence**

Appellant:	Mr Paul Branch
Proposal:	Erection of ground floor and first floor extensions to property and associated alterations
Site:	8, Caledonian Road, Stamford, Lincolnshire, PE9 2TG

Appeal Decision – Date:	Appeal dismissed - 28 May 2013
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SUMMARY

This application was determined under delegated powers and related to the proposed erection of a two storey/first floor extension to the northern side elevation of the dwelling at No. 8 Caledonian Road, Stamford. The application was refused on the grounds that the proposal development by reason of its design, composition and its visual prominence in the streetscape - having regard to its relationship with the host dwelling at No. 8 Caledonian Road and the other similar properties at Nos. 4 and 6 Caledonian Road - would appear visually discordant with the character of the locality to the detriment of the visual amenities of the area.

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In dismissing the appeal the Inspector commented that the overall size and mass of the development is unacceptable because it would result in the closure of the gap at first-floor level between the appeal property and No. 6 (Caledonian Road). The Inspector considered that this gap is an important feature of the streetscene and its infilling would have an unacceptably harmful effect on the character and appearance of the streetscene. The Inspector therefore agreed that the proposed development would be contrary to Policy EN1 of the South Kesteven Core Strategy (2010).