

RECENT APPEAL DECISIONS TO 4 NOVEMBER 2013

Application Ref: S12/2920/FULL LDPP
Planning Inspectorate No: APP/E2530/A/13/2191541/NWF

Appeal Type: **Public Inquiry**

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| Appellant: | Mr W Addison |
| Proposal: | Erection of dwelling (retention of and alterations to existing unauthorised dwelling) |
| Site: | Adj 3 High Street, Pointon, Sleaford, NG34 0LX |

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| Appeal Decision – Date: | Appeal dismissed - 13 September 2013 |
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SUMMARY:

The appellant lodged two appeals in relation to the above site, one against the enforcement notice requiring the house to be removed and one in relation to the refusal of planning permission by the local planning authority. Both appeals have been dismissed.

The Inspector concluded that there was no extant planning permission on the site and that the dwelling was not substantially complete on or before 29th November 2008.

In relation to the refusal of planning permission the Inspector concluded that there would be harm by way of overlooking and over dominance from the dwelling, which would be contrary to policy EN1 of the adopted South Kesteven Local Plan.

He also considered the dwelling to be dominant and out of scale with its surroundings.

A replacement dwelling was also considered to be against policy as Pointon is not classed as a Local Service Centre and the creation of new dwellings is not acceptable in less sustainable locations in accordance with policy SP2 of the adopted South Kesteven Local Plan.

A cost application was submitted by the applicant but refused by the Inspector. He did however find in favour of the Council and granted a partial award of costs on the basis that the appellant acted unreasonably by pursuing elements of the appeal that had no chance of success.

Application Ref: S12/1665/FULL JJ
Planning Inspectorate No: APP/E2530/A/13/2197276

Appeal Type: **Informal Hearing**

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| Appellant: | D Pennell, Burghley House Preservation Trust |
| Proposal: | Retrospective application for retention of Marquee with associated bar/servery and toilets |
| Site: | The William Cecil, High Street, St Martins, Stamford, Lincolnshire, PE9 2LJ |

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| Appeal Decision – Date: | Appeal allowed with conditions - 18 October 2013 |
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SUMMARY

To be report to next Committee

RECENT APPEAL DECISIONS TO 4 NOVEMBER 2013

Application Ref: S12/1852/FULL NB
Planning Inspectorate No: APP/E2530/A/13/2197153

Appeal Type: **Written Evidence**

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| Appellant: | Mr C Dunmore |
| Proposal: | Erection of 3 detached dwellings, following demolition of Casterton House |
| Site: | Casterton House Rest Home, Casterton Road, Stamford, Lincolnshire, PE9 2UA |

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| Appeal Decision – Date: | Appeal dismissed - 24 October 2013 |
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SUMMARY

The application was determined at the Development Control Committee and refused permission, as per the Officer recommendation. There were two key issues; firstly, whether or not the backland form of development respects the character of the area; secondly, whether plot 3 would result in a significant overbearing impact on properties to the north, notably 3 Vence Close.

The Inspector did not raise any objection to the principle of backland development noting that there were others in the locality, including Casterton House, and the form of development would be acceptable. However, The Inspector felt that a 9m high gable wall, which would be at the foot of the rear garden of 3 Vence Close, would be too large and too close and a refusal of permission was justified on the grounds of the existing occupants not having a good standard of amenity. As a result, the appeal was dismissed on this ground only.

Application Ref: S12/3003/OUT PL
Planning Inspectorate No: APP/E2530/A/13/2198234

Appeal Type: **Written Evidence**

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| Appellant: | Mr F Sandall |
| Proposal: | Residential development (outline) |
| Site: | Land off, Eastgate, Bourne |

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| Appeal Decision – Date: | Appeal allowed with conditions - 24 October 2013 |
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SUMMARY

This application was refused under delegated powers on 23 January 2013 on the following grounds:

The proposal for a total of 10 residential units on the application site will result in the overdevelopment of the site to the detriment of the surrounding residential and commercial uses in terms of loss of light, privacy and residential amenity. Furthermore the indicative height of the residential units to the rear of the site is excessive and is out of character in relation to the immediate surrounding development and the area as a whole. As a result the application is considered contrary to the policies SP1 and EN1 of the South Kesteven Core Strategy, the latter of which states that all development proposals will be assessed in relation to, local distinctiveness and sense of place, the layout and the scale of buildings and designed spaces, the quality and character of the built fabric and their settings and visual intrusion and any noise or light issues.

In allowing the appeal the Inspector considered that it would be possible to provide 10 residential units on the site in a way that respects the character of the area without causing an unacceptable loss of light to surrounding residential and commercial units. Furthermore the Inspector expressed concern regarding the indicative height of the buildings at the rear of the site in contrast to those at the front.

The Inspector imposed six conditions, standard outline conditions, number of units to 10, drainage and parking/turning.

RECENT APPEAL DECISIONS TO 4 NOVEMBER 2013

Application Ref: S12/3212/FULL SP
Planning Inspectorate No: APP/E2530/A/13/2196445

Appeal Type: **Written Evidence**

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| Appellant: | Miss Rachel, Coulson |
| Proposal: | Four bedroom bungalow |
| Site: | Land to the rear of, 33, Main Street, Claypole, NG23 5BA |

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| Appeal Decision – Date: | Appeal dismissed - 22 October 2013 |
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SUMMARY

To be reported to next Committee

Application Ref: S13/0491/FULL RV
Planning Inspectorate No: APP/E2530/C/13/2199123

Appeal Type: **Written Evidence**

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| Appellant: | Philip Heath |
| Proposal: | Proposed new dwelling adjacent to 1 Albert Road and alterations and improvements including demolition of existing extension and erection of new extension at 1 Albert Road |
| Site: | 1, Albert Road, Stamford, Lincolnshire, PE9 2EA |

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| Appeal Decision – Date: | Appeal dismissed - 29 October 2013 |
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SUMMARY

To be reported to next Committee