

Meeting: Planning and Development
Committee

Agenda Item:

Date: Thursday 27 May 2021

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

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1. APPEALS RECEIVED

- 1.1 20/00370/FP, Land Adjacent 39 Jessop Road. Appeals against refusal of permission for the demolition of 4 no. garages, removal of on street parking and alterations to service road to facilitate the erection of a 3 storey block of 6 x 1 bed flats with associated parking and 8 replacement public parking spaces.
- 1.2 20/00661/FP, 40 Burymead. Appeal against refusal of permission for the erection of 1 no. one bedroom end of terrace dwelling.

2. DECISIONS AWAITED

- 2.1 20/00384/FP, 8A Magellan Close. Appeal against refusal of permission for the Variation of condition 11 (no new windows and doors) attached to planning permission 16/00791/FP to allow insertion of a roof light and gable window to be added to the dwellings.
- 2.2 19/00474/FPM, Land West of Lytton Way. Appeal against refusal of planning permission for the demolition of existing office building (Use Class B1) and structures, and the construction of seven apartment buildings comprising 576 dwellings (Use Class C3) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works.

3. DECISIONS RECEIVED

- 3.1 20/00146/FP, 330 Canterbury Way. Appeal against refusal of permission for the erection of 1 no. one bedroom dwelling.

Main issues

- 3.1.1 The main issues are the impact on the character and appearance of the area, amenity of future occupiers, car parking provision and neighbour amenity.

Reasons

- 3.1.2 The inspector agreed that the design would emphasise the narrow width of the proposed development and result in an incongruous appearance which is at odds with the unified feel of the area. The narrow private amenity space would result in the property appearing overly large for the plot, harmfully detracting from the prevailing unified pattern of development. Consequently the Inspector concluded that the

development would be contrary to policies SP8, HO5 and GD1 of the adopted Local Plan and the NPPF.

- 3.1.3 The Inspector found that the internal floor area did not meet the Technical Housing Standards and therefore would result in an oppressive environment which would have limited usability, contrary to policy SP8 of the Local Plan.
- 3.1.4 On outdoor amenity space, the Inspector concluded that whilst the area should be 50sqm as required in the Design Guide SPD, the proposal is not for a family and does not therefore directly conflict with this SPD, further whilst the depth would be less than 10m, the Inspector felt that given the number of occupiers, the space would be fit for purpose.
- 3.1.5 With regards to car parking provision, the Inspector agreed that as the proposed parking space falls outside the red line area, there is no mechanism to secure the use of that space for future occupiers of the dwelling. Accordingly, He concluded that the scheme would fail to provide adequate car parking in line with policy IT5 of the Local Plan, the Parking Provision SPD and the NPPF.
- 3.1.6 Lastly, the Inspector stated that as there are no windows in the flank elevation, the reduced separation distance between the development and No. 326 would not directly conflict with the requirements of the Design Guide SPD on separation distances. There would be a reasonable distance between the two properties so as to not impact on the outlook. As such, the development would be acceptable in this regard and accord with policies SP8, HO5 and GD1 of the Local Plan.

Other matters

- 3.1.7 The inspector noted the evidence regarding the sustainability of the location. However, due to the harms identified, this did not alter their overall decision.

Conclusion

- 3.1.8 Appeal dismissed; copy of the decision notice attached.
- 3.2 20/00697/FPH, 10 Gorleston Close. Appeal against refusal of planning permission for the erection of first floor cantilevered rear extension.

Main Issues

- 3.2.1 The main issue is the effect of the proposed development on the living conditions of the occupiers of No.20 Kessingland Avenue with particular regard to privacy and outlook.

Reasons

- 3.2.2 The rear of the proposed extension would be approximately 18m from the rear of No.20 which is significantly below the 25m back to back separation distance in the Design Guide SPD. The scheme would include two large windows on the rear elevation which would result in views into the rear garden and upper rear windows of No.20, which would unduly diminish their privacy.
- 3.2.3 The Inspector noted the extension next door had a reduced separation distance but agreed with the Council that the scheme was not directly comparable as they have one small obscure glazed window and a shorter depth of extension.
- 3.2.4 The Inspector agreed with the Council that the use of obscure glazing on the sole window of a habitable bedroom would result in a poor outlook and be unreasonable.

- 3.2.5 The Inspector stated that whilst the proposed extension would be visible from upper floor windows of No.20, the lack of other projections on other properties would mean there is sufficient uninterrupted outlook from No.20 so as to not be unduly harmful.
- 3.2.6 The Inspector concluded that the proposed development would be harmful to the living conditions of No.20 with particular regard to privacy would therefore contravene policies GD1 and SP8 of the Local Plan, and the Design Guide SPD.

Other matters

- 3.2.7 Whilst concerns regarding the service provided by the Council are noted, the Inspector has assessed the scheme based on its merits and this has not altered their overall decision.

Conclusion

- 3.2.8 Appeal dismissed; copy of the decision notice attached.