

Meeting: Planning and Development
Committee

Agenda Item:

Date: Tuesday 13 July 2021

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

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1. APPEALS RECEIVED

1.1 None.

2. DECISIONS AWAITED

2.1 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.

2.2 20/00661/FP, 40 Burymead. Appeal against refusal of permission for the erection of 1no. one bedroom end of terrace dwelling.

3. DECISIONS RECEIVED

3.1 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.

3.1.1 Background and Procedural Matters

Planning permission was granted under reference number 16/00791/FP for a pair of semi-detached dwellings with a condition (No.11) preventing the insertion of additional openings beyond those approved, to protect the amenities of neighbouring properties.

The appeal application was to allow a new window in one dwelling and a rooflight in the other to allow loft spaces to be used for purposes other than a bedroom. The Council contest that the loft spaces could be used as bedrooms and would therefore impact on the off-street car parking provision. The Inspector stated that the plans do not show the spaces as bedrooms.

3.1.2 Main Issues

- Impact on highway safety and free flow of traffic.

3.1.3 Reasons

Policy IT5 requires 3 bedroom properties to have 1.5 spaces and 4 bedroom properties to have 2.5 spaces.

The new openings would allow the loft spaces to be used as habitable rooms but that the spaces fall short of the minimum standards for bedroom sizes. The Inspector acknowledged from his site visit that they could indeed accommodate a bed and other furniture although they have limited head room. Even if the loft spaces could be used as bedrooms there is no certainty that they would result in an increased number of vehicles but there is likelihood of increased demand for on-street parking as a result. The Inspector felt that a small increase in on-street parking in this area would not harm the free flow of traffic or highway safety as there is sufficient capacity on the highway. There is insufficient evidence of existing highway safety or traffic flow issues in the area and an under provision of parking is therefore justified in the circumstances of this case.

The proposal accords with Policy IT5 and the Parking Standards SPD having regard to its flexibility to permit lower parking levels where justified.

3.1.4 Other Matters

There is no evidence that the appellant always intended to create 3 storey dwellings, nor did the Inspector concur with interested parties that there would be a detrimental impact on neighbouring amenities. The Inspector found no evidence to concur there would be a fire safety issue.

3.1.5 Conclusion

The appeal is allowed (decision attached).

3.1.6 Application for Costs

The award of costs was refused as the Inspector concluded that the Council has not acted unreasonably in following previous appeal decisions for the site and refusing planning permission. The Inspectors decision in this regard is also attached.

3.2 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.

3.2.1 Main Issues

- Impact on the character and appearance of the area
- Living environment for future occupiers
- Disabled parking provision and electric vehicle charging infrastructure

3.2.2 Reasons

The green space to the rear of the site provides an important contribution to the character and appearance of the area and the encroachment of the development into this area combined with the level of hard landscaping would have a detrimental impact. This is further amplified by the lack of private amenity space provision and as the development is not in a central town centre location, the lack of provision is not off-set by the public open space adjacent to the site. The lack of any soft landscaping does not offset the loss of the public open space.

An amended floor plan was received to confirm that the development would be for 5 flats for single occupancy and as such they now meet the national space standards. However, this does not override the harm resulting from the lack of private amenity space. The proposal does not therefore provide a suitable living environment for future occupiers with regard to private amenity space.

The scheme does not provide disabled parking spaces or electric vehicle charging points. Given the constrained parking arrangement, the Inspector felt that these could not be provided, even with the use of a suitably worded condition.

The inspector noted concerns regarding outlook and privacy of neighbouring occupiers. However, despite separation distances, this matter did not alter their overall decision.

Importantly, neither the Inspector nor the appellant contested the Council's 5 year housing supply figure of 5.002 years supply. The Inspector went on to note that the proposal would provide 5 dwellings to the local housing supply and there would be some economic benefit during construction and with future occupiers using local services and facilities. However, the provision of 5 dwellings is a limited supply of housing.

The Inspector concluded that even if the Council were not able to demonstrate a 5 year housing supply, adverse impacts of the harm to the character and appearance of the area, the unsuitable living environment and unacceptable parking provision would significantly and demonstrably outweigh the benefits.

3.2.3 Conclusion

Appeal dismissed (decision attached).