

**Meeting:** Planning and Development  
Committee

**Agenda Item:**

**Date:** Wednesday 18 August 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.

**3. DECISIONS RECEIVED**

3.1 20/00661/FP, 40 Burymead. Appeal against refusal of permission for the erection of 1no. one bedroom end of terrace dwelling.

3.1.1 Main Issues

- Character and appearance of the area
- Living conditions of future occupiers, mainly garden area and internal floorspace
- Living conditions of adjoining occupiers, mainly privacy of No.42 Burymead

3.1.2 Reasons

The site is within an established residential area with a pleasing sense of rhythm and degree of uniformity and spaciousness which is reinforced by the similar layout and appearance of the dwellings. The Inspector agreed with the council that the proposed dwelling would erode this openness and would interrupt the uniformity of the street scene, resulting in an awkward and contrived form of development which is out of keeping with the character of the area. Thus, the development would be contrary to policy GD1 of the Local Plan and paragraph 127 of the NPPF (2019).

The council found the internal floor area to be 57sqm whilst the appellant stated it to be 58.6sqm. The national space standards require 58sqm for a two storey, one bedroom, two person dwelling. The Inspector took a precautionary approach and concluded the internal floor area did not meet the required standards, and whilst only a minor shortfall, the space standards are a minimum requirement to be met and any deficit could have a detrimental impact on living standards.

The Council's Design Guide SPD requires outdoor amenity spaces to be 50sqm and 10m in depth. The overall space standard was met but the depth, at 5.8m falls short. The Inspector agreed with the council that this would result in a constrained and

confined space that would not offer a good level of amenity for future occupiers. Overall, the inadequate internal and external spaces would be contrary to Policy GD1 of the Local Plan and the Design Guide SPD.

The rear elevation of the proposed dwelling would face the side of No.42 Burymead with a separation distance of 10m, falling short of the required 15m in the Design Guide. However, due to the presence of the garage and the obscure window on the proposed dwelling, the Inspector felt there would be limited overlooking. He concluded that despite the breach of the separation distance, the development would not harm the living conditions of the neighbour through loss of privacy and as such there would be no conflict with policies GD1 and SP8 of the Local Plan.

#### 3.1.3 Other Matters

The Inspector agreed the design of the dwelling is acceptable and suitable materials could be used and as a small windfall site, it would contribute to housing supply. However, these benefits do not outweigh the harm identified.

#### 3.1.4 Conclusion

The appeal is dismissed (decision attached).