

Meeting: Planning and Development
Committee

Date: Tuesday 1 November 2022

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

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1. APPEALS RECEIVED

1.1 None.

2. DECISIONS AWAITED

2.1 21/01152/ENF. 68 Basils Road. Appeal against the serving of an enforcement notice to remove the first floor of the two storey rear extension which was refused under planning permission reference number 21/01256/FPH.

2.2 21/01256/FPH. 68 Basils Road. Appeal against the refusal of planning permission for the retention of a part two storey, part single storey rear extension.

2.3 21/01101/FP, 303 Ripon Road. Appeal against refusal of planning permission for the conversion of 1 no. 4 bedroom dwelling to 3 no. studios, single storey front and rear extensions and conversion of garage including the change of use from public amenity land to residential use and associated parking.

2.4 21/00717/ENFAPL, 134 Marymead Drive. Appeal against the serving of an Enforcement Notice relating to the unauthorised erection of an outbuilding and front extension.

2.5 21/01025/ENFAPL, 7 Boxfield Green. Appeal against the serving of an Enforcement Notice relating to the development not in accordance with approved plans under planning permission reference number 17/00734/FPH.

2.6 21/00057/FP, Land Between Watercress Close, Coopers Close and Walnut Tree Close. Appeal against refusal of planning permission for the erection of two detached dwelling houses including new site access from Watercress Close and 560sqm of publicly accessible open space to the south of the site.

3. DECISIONS RECEIVED

3.1 21/00809/FP. 168 Fairview Road. Appeal against refusal of planning permission for the erection on 1no. two bedroom detached dwellings with parking and access.

3.1.1 Appeal Dismissed.

3.1.2 The Inspector agreed that the site failed to meet criterion (a) of Policy HO5 as it is neither previously developed land nor an underused urban site.

- 3.1.3 The proposal would introduce a dwelling which does not reflect the established pattern and grain of development as it is single storey whilst the surrounding properties are two storeys within large plots. It would therefore be an incongruous addition to the surrounding area that would be out of keeping with the character and appearance of the area.
- 3.1.4 The Inspector stated that whilst views of the development from Fairview Road would be limited, it would be highly visible from the rear of nearby properties which would reduce the occupiers' appreciation of the quality of the environment within which they live.
- 3.1.5 The Inspector agreed with the Council that nearby developments (Gunnels and rear of 206-206 Fairview Road) are materially different to the appeal site and therefore have no direct comparison which weighs in favour of the proposed development.
- 3.1.6 The Inspector stated that the requirement of a 10m deep garden is reasonable for developments of this nature and as such the proposed development, through failing to meet this requirement, would appear to be a constrained and confined space, and therefore would not offer a good level of amenity for future occupiers.
- 3.1.7 Due to the limited depth of the garden, the established trees at the rear, which are not in the appellant's control, would appear overbearing and imposing which would further exacerbate the unsatisfactory outlook for future occupiers. Accordingly, the development fails to provide satisfactory living conditions for future occupiers with particular regard to outlook and access to private amenity space.
- 3.1.8 The Inspector noted that the provision of one dwelling would make only a small contribution to housing supply and would not overcome significant harms identified above.
- 3.1.9 The appellant argued that the Lawful Development Certificate (LDC) for an outbuilding of the same size and in the same location would represent a fall-back position for the proposed dwelling. The Inspector agreed with the Council that this is not the case as the two types of development are materially different and result in differing levels of usage. He stated that an outbuilding would not result in the same general comings and goings and domestic activities associated with a new dwelling, which would be separate to No 168. Furthermore, He did not agree that it would be a conversion as a new dwelling requires planning consent as it would no longer be ancillary or incidental to No 168. Therefore, He gave the LDC limited weight for the purposes of the appeal.
- 3.1.10 Whilst the Council did not use the unsatisfactory garden size as a reason for refusal on the first application that was refused, the Inspector stated that this does not alter His findings that the garden is unsatisfactory.
- 3.1.11 He concluded that the development would be contrary to Policies GD1, SP8 and HO5 of the Local Plan.
- 3.1.12 Appeal Decision attached.