

**Meeting:** Planning and Development  
Committee

**Date:** Thursday 8 February 2024

## **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 21/01025/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.

2.4 23/00231/FP. 129C High Street. Appeal against the refusal of planning permission for the demolition of single storey element fronting onto Church Lane and its redevelopment with 4no. 1 bedroom flats, retention of 2-storey section fronting onto Letchmore Road and conversion into a 1-bedroom dwelling

### **3. DECISIONS RECEIVED**

23/00553/FPH. 171 Verity Way.

3.1 Appeal against the refusal of planning permission for a part single-storey, part two-storey rear extension, raised patio with associated balustrade, and single-storey front extension.

3.2 The Appeal was dismissed.

3.3 The inspector considered that whilst the proposed alterations to the principal elevation would be complementary and would not result in harm to the host dwelling or wider, they considered the proposed additions to the rear of the dwelling would be harmful. In their decision, the inspector sets out in paragraph 17 that the proposed additions to the rear would add significant bulk, resulting in what they considered to be an overbearing and incongruous development that would appear out of place against both the host dwelling and neighbouring properties. They also agreed with the Council in that the roof design was poor and would be highly visible from many parts of the surrounding area, adding to the impact.

- 3.4 The inspector did not agree with the Council's concerns that the proposed window in the side elevation would cause harm in terms of overlooking. The inspector considered that as the window served a hallway / landing and not a useable room, they agreed with the appellant that this window could be obscurely glazed and non-openable, which in this case would cause no harm. The inspector set out in their decision that this could be secured by condition.
- 3.5 In terms of car parking, the inspector concluded in paragraph 25 that the Council's policy is clear on the matter and sets out that even if the appellants do not require additional parking presently, there is no guarantee that future occupiers may have more cars than can be accommodated in the parking area. As such, the inspector sets out that this would result in significant harm to the living conditions of neighbouring occupiers associated with increased pressure on the availability of parking.
- 3.6 With respect to personal circumstances, part of the justification for the proposal is that the appellant wishes to provide more space for a disabled family member to live and be supported in the home. The inspector gave great weight to the personal circumstances and considered alone, the ground floor extension would not result in unacceptable harm. However, whilst they agree there is a genuine need for a single additional bedroom on the ground floor to provide adequate accommodation for the disabled adult, they failed to see how it would justify for an additional bedroom on the first floor, given the harm identified to character and appearance, as well as the requirement for parking.
- 3.7 In considering the Public Sector Equality Duty (PSED), the inspector states 'a refusal would not amount to unlawful discrimination. Allowing the appeal when the proposal would result in the harm I have identified would undermine relations between people who do not share a protected characteristic. This supports my view that the need for the proposals does not outweigh the harm to the character and appearance of the area, not the car parking requirements' (paragraph 29 of the decision). The inspector goes on to stipulate that they must determine the appeal in its entirety, and that they consider that the harm identified would not be outweighed by the benefits. For the reasons specified, the appeal was dismissed.