

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	Tuesday 30 August 2016
<b>Subject:</b>	Current Appeals and Appeal Decisions Update
<b>Report of:</b>	Paul Skelton, Development Manager
<b>Corporate Lead:</b>	Rachel North, Deputy Chief Executive
<b>Lead Member:</b>	Cllr D M M Davies
<b>Number of Appendices:</b>	1

## **Executive Summary:**

To inform Members of current Planning and Enforcement Appeals and of Communities and Local Government (CLG) Appeal Decisions issued in July and August.

## **Recommendation:**

To **CONSIDER** the report

## **Reasons for Recommendation:**

To inform Members of recent appeal decisions

## **Resource Implications:**

None

## **Legal Implications:**

None

## **Risk Management Implications:**

None

## **Performance Management Follow-up:**

None

## **Environmental Implications:**

None

## **1.0 INTRODUCTION/BACKGROUND**

**1.1** At each Planning Committee meeting, Members are informed of current Planning and Enforcement Appeals and of Communities and Local Government (CLG) Appeal

Decisions that have recently been issued.

## 2.0 APPEAL DECISIONS

2.1 The following decisions have been issued by the First Secretary of State of CLG:

<b>Application No</b>	15/00935/FUL
<b>Location</b>	7, Holtham Avenue, Churchdown
<b>Appellant</b>	Ms Laura Sadler
<b>Development</b>	Two storey extension side and rear extensions, new porch and conservatory extensions to the rear.
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated
<b>DCLG Decision</b>	<b>Dismissed</b>
<b>Reason</b>	<p>The main issues in this appeal were design/visual amenity and the living conditions of the occupiers of 5 and 9 Holtham Avenue.</p> <p>The Inspector considered that the appeal scheme would extend the building considerably and concluded that, through undermining the modest and regular proportions that characterise the dwelling's original form, the extension would stand out as a visually discordant and dominating element and would diminish the character of the host building.</p> <p>With regards to the impact on the street scene, the inspector considered that the extension would be read as an uncharacteristic form of development and would undermine the consistency of semi-detached dwellings that characterises the predominant built form in the local area. The appeal proposal was therefore found to be harmful to the locality.</p> <p>With regards to residential amenity, the Inspector considered that the proposed extension would result in unacceptable harm to the living conditions of neighbouring residents at 5 and 9 Holtham Avenue with regard to outlook and light. The proposal would therefore conflict with the objectives of Policy HOU8 of the Local Plan insofar as it relates to ensuring that residential amenity is protected.</p> <p>The appeal was therefore dismissed for the above reasons.</p>
<b>Date</b>	20.07.16

<b>Application No</b>	16/00188/FUL
<b>Location</b>	1 Tobacco Close, Winchcombe
<b>Appellant</b>	Mr and Mrs Roscow
<b>Development</b>	Demolish existing garage, link and front entrance porch to construct a one and a half storey side and rear extension

	with new porch.
<b>Officer recommendation</b>	Permit
<b>Decision Type</b>	Committee
<b>DCLG Decision</b>	<b>Allowed</b>
<b>Reason</b>	<p>The application had been refused on the grounds of unacceptable loss of light to habitable rooms at no. 3 Tobacco Close.</p> <p>The Inspector concluded that, the proposed extensions to would not result in any undue loss of daylight or sunlight to either of the side-facing windows at 3 Tobacco Close which would warrant refusal of planning permission. Similarly he concluded that the proposals would not result in any undue loss of outlook from no. 3 Tobacco Close.</p> <p>Overall the Inspector considered that the proposed scheme would not be so significant as to unacceptably harm living conditions at the neighbouring property and there would be no material conflict with saved LP Policy HOU8 or with the NPPF.</p>
<b>Date</b>	27.07.16

<b>Application No</b>	16/00119/FUL
<b>Location</b>	Church Cottage, Main Street, Dumbleton
<b>Appellant</b>	Mrs K Blackbird
<b>Development</b>	Proposed two storey rear extension
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated
<b>DCLG Decision</b>	<b>Allowed</b>
<b>Reason</b>	<p>The main issues were the effect of the proposed development on the character and appearance of the host property, and whether the development would preserve or enhance the character or appearance of the Dumbleton Conservation Area (CA).</p> <p>The Inspector noted that there was no convincing explanation of why the building was considered as being of a historic character or the significance of the building within the CA, and why the building is of such architectural or historic significance that it warrants preservation.</p> <p>Whilst noting that the proposal would add bulk and result in a change in the form of the roof, the Inspector felt that the four existing gabled dormers on the south-eastern elevation would be replicated in a similar rhythm to that which currently exists. The Inspector also considered that the proposed design took full account of the form and appearance of the host property.</p> <p>Overall, the Inspector therefore concluded that the proposals would not harm the character and appearance of the host property and that the character and appearance of the CA would be preserved.</p>

<b>Date</b>	04.08.16
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<b>Application No</b>	15/00017/FUL
<b>Location</b>	Former Lorry Park & Domestic Appliance Distributors, Northway Lane, Ashchurch
<b>Appellant</b>	Coombes Developments Ltd
<b>Development</b>	Change of use to A1, new car park layout.
<b>Officer recommendation</b>	Non-determination
<b>Decision Type</b>	
<b>DCLG Decision</b>	<b>Appeal withdrawn</b>
<b>Reason</b>	
<b>Date</b>	05.08.16

**3.0 ENFORCEMENT APPEAL DECISIONS**

3.1 None

**4.0 OTHER OPTIONS CONSIDERED**

4.1 None

**5.0 CONSULTATION**

5.1 None

**6.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

6.1 None

**7.0 RELEVANT GOVERNMENT POLICIES**

7.1 None

**8.0 RESOURCE IMPLICATIONS (Human/Property)**

8.1 None

**9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

9.1 None

**10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

10.1 None

**11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

11.1 None

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**Background Papers:** None

**Contact Officer:** Marie Yates, Appeals Administrator  
01684 272221 [Marie.Yates@tewkesbury.gov.uk](mailto:Marie.Yates@tewkesbury.gov.uk)

**Appendices:** Appendix 1: List of Appeals received

**Appendix 1**

**List of Appeals Received**

Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
15/00123/FUL	The Wharf Tolsey Lane Tewkesbury.	Retention of decking, fencing and bunded storage tank and change of use to residential curtilage. Retention and re-positioning of floating pontoon mooring and installation of additional floating pontoon.	20/07/2016	W	LJD	24/08/16
16/00250/FUL	Rear Of Ashley Villa Badgeworth Lane Badgeworth Cheltenham Gloucestershire GL51 4UW	Proposed new dwelling and a garage. Amended access.	03/08/2016	W	JWH	07/09/2016
15/01149/OUT	Land At Tewkesbury Road Twigworth	A mixed use development comprising demolition of existing buildings; up to 725 dwellings and a local centre of 0.33ha (A1,A2,A3,A4,A5,D1,D2 uses); primary school, open space, landscaping, parking and supporting infrastructure and utilities; and the creation of a new vehicular access from the A38 Tewkesbury Road.	05/08/2016	I	PDS	16/09/2016

#### Process Type

- “HH” Indicates Householder Appeal
- “W” Indicates Written Reps
- “H” Indicates Informal Hearing
- “ I ” Indicates Public Inquiry