

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	13 February 2018
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Cllr E J MacTiernan, Lead Member for Built Environment
Number of Appendices:	1

Executive Summary:

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

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:

Application No	17/00566/FUL
Location	26 Sedgley Road Bishops Cleeve Cheltenham GL52 8DD
Appellant	Mr S Burton
Development	Alterations to a roof to form an attic room.
Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Dismissed
Reason	<p>The main issues in this appeal were:</p> <p>i) the effect of the proposal on the character and appearance of the appeal property and the surrounding area; and</p> <p>ii) whether the proposal would have a harmful effect on the living conditions of adjoining occupiers in relation to outlook and sunlight.</p> <p>In dismissing the appeal, the Inspector considered that as a result of its length and projection, the rear roof slope would dominate the rear elevation of the house. This effect would be accentuated by the dormer on the rear roof slope. It would therefore not respect the character and proportions of the existing property. The proposed rear roof arrangement would also be visible from Evesham Road and Finlay Way, and the awkward nature of the development would thus not respect the character and appearance of the surrounding area. The Inspector therefore agreed that that the proposal would have a harmful effect on the character and appearance of the appeal property and the surrounding area.</p> <p>In terms of residential amenity the Inspector concluded that the proposal would be unacceptably visually intrusive to the occupiers of Ash House. Moreover, the gable would be positioned generally to the south of the patio and windows, and this would also result in unacceptable sunlight loss. The Inspector therefore concluded that the proposal would have a harmful effect on the living conditions of adjoining occupiers</p>
Date	10.01.2018

Application No	17/00610/FUL
Location	Byways Gravel Walk Southam Cheltenham GL52 3NP
Appellant	Ms Claire Morris
Development	Proposed replacement of an existing garage.

Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Dismissed
Reason	<p>The main issues in this appeal were:</p> <p>i) whether the proposal would represent inappropriate development in the Green Belt, which would have a harmful effect on openness, having regard to the National Planning Policy Framework and any relevant development plan policies; and</p> <p>ii) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.</p> <p>The Inspector considered that the proposed replacement garage would be materially larger than the garage that it would replace, and it would be significantly increased in terms of its width and height. These increases over the size of the original building would be disproportionate. As a result, the proposal would not lie within any of the exceptions to inappropriate development set out in paragraphs 89 and 90 of the Framework and would conflict with Joint Core Strategy 1 (JCS) Policy SD5. The Inspector also felt that the increased size of the garage would therefore have a harmful effect on the openness of the Green Belt, notwithstanding that it would only be publically visible from Gravel Walk.</p> <p>The Inspector therefore concluded that the proposal would constitute inappropriate development in the Green Belt, which would have a harmful effect on openness for the purposes of the Framework and would conflict with JCS Policy SD5. For the reasons given above, the appeal was dismissed.</p>
Date	10.01.2018

Application No	17/00484/FUL
Location	Ashgrove Toddington Cheltenham GL54 5DT
Appellant	Thomas Deacon
Development	Construction of detached dwelling

Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Dismissed
Reason	<p>The application had been refused on the basis of conflict with Policy HOU4 of the Local Plan which was superseded by policy SD10 on adoption of the JCS. The application was also refused due to the impact of the proposed development on the character and appearance of the surrounding area, including the Cotswolds Area of Outstanding Natural Beauty (AONB) and this was the basis of the Councils case.</p> <p>The Inspector noted that the village is characterised by dwellings fronting the highway, set back to varying degrees and generally well-spaced, at least at upper floor level, giving a pleasant sense of spaciousness and openness; a distinctive attribute of this developed part of the AONB. He further noted that those houses to the east of the central village roundabout are well spaced. The Inspector noted that those two houses under construction to the east of the site are an exception, but noted that, as a pair, they are well separated from Ashgrove to the west and the nearest of the other two dwellings of that scheme under construction to the east. The Inspector acknowledged that those other two are separated by a single storey garage but maintain a significant gap at first floor level.</p> <p>The Inspector noted that the proposed dwelling would occupy a large part of the remaining side garden to Ashgrove at two storey height, and in relatively close proximity to those either side in the context of the existing street scene. The Inspector considered that this would cause the development to appear relatively cramped within the width of the plot. He further noted that it would also result in an uncharacteristic row of four dwellings in closer proximity to each other than most in the area. The Inspector considered that the relatively cramped nature of the development referred to above would therefore be accentuated by such a circumstance, and that it would therefore represent a jarring feature of the street scene, despite being broadly aligned with those dwellings either side.</p> <p>For the above reasons, the Inspector considered that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area, including the AONB. As such, the Inspector noted that it would be contrary to policies SD6 and SD7 of the JCS, as well as the Framework in respect of paragraphs 17 and 115. Those harms were not outweighed by the limited economic and social benefits of the scheme.</p>
Date	18.01.2018

Application No	17/00077/FUL
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Location	Regency Court Park Bamfurlong Lane Bamfurlong GL51 6SL
Appellant	Mr John Gorman
Development	Change of Use of land to accommodate 30 static caravans and associated works
Officer recommendation	Refuse
Decision Type	Committee
DCLG Decision	Dismissed
Reason	The application was refused as it was considered that the proposed change of use represented inappropriate development in the Green Belt, which compromised its open character and no Very Special Circumstances had been put forward to outweigh this harm. The Inspector considered that, whilst the static caravans are likely to be moveable, it is unlikely that they would be moved. The static caravans would also be larger and be present for longer periods of time than touring caravans. The Inspector therefore concluded that the proposed change of use have a harmful impact on the openness of the Green Belt and the proposed use would not fall within the exceptions to inappropriate development within the NPPF.
Date	19.01.2018

Application No	17/00612/FUL
Location	The Old Mill House 40291 Lane to Crane Hill Oxenton GL52 9SE
Appellant	Mr R Thomson
Development	Demolition of existing structure to erect new building for ancillary use of The Old Mill House
Officer recommendation	Non Determination
Decision Type	Delegated
DCLG Decision	Dismissed
Reason	The Inspector noted the previous dismissed appeal on the site and whilst that decision had been taken into consideration, the current appeal had been determined on its own merits. The main issues in the case were considered by the Inspector to be the effect of the proposed development on the character and appearance of the AONB and whether the proposed development would preserve the setting of the Grade II listed building (the LB) known as The Old Mill House. Due to the increased height and overall massing, the Inspector concluded that the proposed new building would be significantly more prominent than that existing outbuilding. This would be to an extent that would uncharacteristically dominate its location, particularly given the context of its siting within a fairly small field where a building of such size would be an unexpected feature. Furthermore, the Inspector found no substantive justification with regard to the need for a materially larger building than that existing, including the provision of some first floor space, particularly given its clear separation from the residential curtilage. Consequently, the Inspector concluded that the proposed development would cause

	<p>unacceptable harm to the character and appearance of the AONB. However, the Inspector found that the proposal would preserve the setting of the Listed Building of The Old Mill House.</p> <p>Furthermore, the Inspector dismissed the application for costs and concluded that the Council had not behaved unreasonably in this case and its concerns with the proposal were clearly set out in its appeal statement.</p>
Date	24.01.2018

3.0 ENFORCEMENT APPEAL DECISIONS

3.1 None Received

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

Background Papers: None

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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
17/00785/FUL	82 Gretton Road Winchcombe Cheltenham Gloucestershire GL54 5EL	Variation of Condition 2 (Approved plans) and Condition 13 (Levels) and removal of Condition 1 (Commencement period), Condition 3 (Materials), Condition 8 (Site operatives parking), Condition 9 (Drainage), Condition 10 (Landscaping), Condition 12 (Boundary treatments) of planning permission no. 15/00295/FUL in order to regularise the development as implemented on site.	08/01/2018	W	BOR	12/02/2018
16/01414/FUL	Marlborough House Birdlip Hill Witcombe Gloucester Gloucestershire GL3 4SN	Provision of a new access track from Green Lane, with associated works, to serve Marlborough House (part retrospective).	18/01/2018	W	SDA	22/02/2018
16/01425/OUT	Land To The East Of Evesham Road Greet Cheltenham Gloucestershire	Outline application for the erection of up to 4 dwellings and associated development. All matters reserved for future consideration except for access.	18/01/2018	W	LJD	22/02/2018
16/01426/OUT	Land To The East Of Evesham Road Greet Cheltenham Gloucestershire	Outline application for the erection of up to 10 dwellings and associated development. All matters reserved for future consideration except for access.	18/01/2018	W	LJD	22/02/2018
17/00397/PDAD	Bluebell Farm Cold Pool Lane Badgeworth Cheltenham Gloucestershire GL51 4UP	Prior approval for the conversion of agricultural barn into two dwellings including associated building works as permitted under the order	08/01/2018	W	PAI	12/02/2018
17/00303/FUL	Sunset Sunset Lane Southam Cheltenham Gloucestershire	Demolition of existing house and erection of a 2 storey, 5 bedroom contemporary dwelling	08/01/2018	W	SDA	12/02/2018

	GL52 3NL					
17/00013/FUL	Chargrove Paddock Main Road Shurdington Cheltenham Gloucestershire GL51 4XA	Erection of 3no. dwellings with associated landscaping and new vehicular/pedestrian access following closure of existing vehicular/pedestrian access and demolition of existing derelict buildings	18/01/2018	W	PAI	22/02/2018

Process Type

- **FAS** indicates FastTrack Household Appeal Service
- **HH** indicates Householder Appeal
- **W** indicates Written Reps
- **H** indicates Informal Hearing
- **I** indicates Public Inquiry