

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	31 July 2018
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Development Manager
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	1

Executive Summary:

To inform Members of current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) 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 Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions that have recently been issued.

2.0 APPEAL DECISIONS

2.1 The following decisions have been issued by the MHCLG:

Application No	17/01225/FUL
Location	36 Deacons Place Bishops Cleeve Cheltenham GL52 8UQ
Appellant	
Development	Single storey rear extension and loft conversion (dormer window)
Officer recommendation	Split decision
Decision Type	Delegated Decision
DCLG Decision	Dismissed
Reason	<p>The main issues with this appeal were the effect of the proposed loft conversion on the character and appearance of the area, and upon the living conditions of nearby occupiers, particularly at 7 Chantry Gate with regards to overlooking.</p> <p>The Inspector considered that the dormer would extend across virtually the entire width of the appeal property, abutting the shared boundary with no's 34/35 Deacons Place to one side, set only marginally in from the boundary to the opposite side. The addition would dominate the rear roof space and would dramatically change the roof profile of the building. It would appear poorly related to the simple design of the existing dwelling and the surrounding dwellings which have unaltered roofs. The Inspector considered that as the rear of this terrace is openly seen from the public domain so the excessive scale and intrusive form of the dormer would therefore be clearly visible and harmful to the wider character and appearance of the area.</p> <p>In terms of residential amenity, due to its relationship with 7 Chantry Gate it would also be harmful to the living conditions of neighbouring occupiers. Overall, the inspector concluded that the proposal would conflict with Policy HOU8 of the Local Plan and the appeal was been dismissed.</p>
Date	02.07.2018

Application No	17/01280/FUL
Location	Land Near Hillview Bentham Lane Bentham Cheltenham GL51 4UT
Appellant	
Development	Erection of a double garage.
Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Dismissed
Reason	<p>The Inspector considered the proposal would not relate to any of the exemption categories listed in paragraphs 89 and 90 of the NPPF and concluded that the proposal would therefore constitute inappropriate development which is, by definition, harmful to the Green Belt and contrary to JCS Policy SD5 and the NPPF.</p> <p>In terms of the effect of the proposal on the openness of the Green Belt, the Inspector noted the presence of an existing single storey building on site but considered the remainder of the site as being free from development. The proposal would be located at the opposite end of the site from the existing building and the Inspector concluded that the proposed development would introduce noticeable built form that would cause unacceptable harm to the openness of the Green Belt.</p> <p>The Inspector afforded very little weight to the potential fall-back position claimed by the appellant for the open storage of vehicles on the site and there was not considered to be any other considerations to outweigh the harm to the Green Belt by reason of its inappropriateness and loss of openness.</p>
Date	06.07.2018

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

Background Papers: None

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Appendices: Appendix 1: List of Appeals received

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
17/00170/CONDIS	Land Rear Of Queens Head Inn A46 Aston Cross Aston Cross Tewkesbury Gloucestershire	Application for approval of details subject to conditions 10 (materials blue/black roof slate, terracotta roof slate, flame red slate, vertigo blue/black slate, wiewerberger roy stow mixed red brick), of planning application ref number 16/00665/FUL	09/07/2018	W	CAS	13/08/2018

Process Type

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