

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	27 September 2016
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Cllr D M M Davies
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 July, August and September 2016

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	15/01007/FUL
Location	Vine Tree Farm, The Wharf, Coombe Hill
Appellant	Mr John McCredie
Development	Proposed replacement dwelling with attached garage building. Hard and soft landscaping. Provision of new access and driveway. - Revised scheme following planning permission ref: 14/01224/FUL.
Officer recommendation	Minded to refuse
Decision Type	Committee
DCLG Decision	Allowed
Reason	<p>The Inspector considered the application in the light of the extant permission on the site (planning ref: 14/01224/FUL) providing a 'fallback position'. Consequently, the Inspector considered that the proposed additions over and above the previously permitted scheme would not result in discernible harm to the rural landscape of the Landscape Protection Zone. The proposed increase in height of the dwelling would also result in material harm to the character and appearance of the area.</p> <p>The Inspector did accept that the proposed dwelling would be significantly larger than the dwelling it would replace and as such, would conflict with Policy HOU7 of the Local Plan in this regard. However, the Inspector concluded that the requirement of Policy HOU7 for replacement dwellings to not be significantly larger than the dwelling it would replace is, in this instance, inconsistent with the NPPF. The conflict with Policy HOU7 would therefore, be outweighed by the overarching conformity of the proposal with the NPPF. Policy HOU7 was afforded limited weight by the Inspector.</p> <p>The proposed detached garden store/bat roost, located on the footprint of the former cider press building, was not considered as part of the allowed appeal.</p> <p>The Inspector did not consider that she had been made of any exceptional circumstances which would justify the removal of permitted development rights.</p>
Date	12.07.16

Application No	15/00707/FUL
Location	Land rear of 52a and 54 Rookery Road, Innsworth
Appellant	Mr Buckinham
Development	Proposed New Dwelling Land to Rear of 52 & 54 Rookery

	Road
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismissed
Reason	<p>The Inspector noted that planning permission had been granted for a detached garage at the site and that the proposed bungalow would be similar in size to that garage. However it was considered that a garage is commonly small in comparison to the houses surrounding it, whereas a dwelling should be more compatible in terms of its scale and appearance with its surrounding houses. Therefore, as a dwelling, the building would contrast with the appearance of its neighbouring properties. Consequently, it was concluded that the dwelling would harm the character and appearance of the area</p> <p>The Inspector also considered that the whole of the garden would be overlooked. Consequently the degree of overlooking would be such that the future occupiers of the bungalow would have no privacy in their rear garden.</p> <p>The proposal would be contrary to saved policies HOU2 and HOU5 of the Tewkesbury Borough Local Plan (the 'Local Plan') which advise that development should be sympathetic to the existing character of the area and not have an unacceptably low degree of residential amenity.</p>
Date	19.07.16

Application No	15/00939/FUL
Location	Shurdington Court Farm , Little Shurdington
Appellant	Mr Luis Principe
Development	Indoor Arena 40m x 20m
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismissed
Reason	<p>The site is located within the Green Belt and whilst the proposed development would be for equestrian use it would not be for outdoor sport and recreation. The inspector also noted that the existing business is highly successful and is headed by the appellant who is at the top of his sport on the international stage. This success however is without the indoor arena facility. He commented that the indoor arena would be an additional beneficial facility rather than one which is an essential facility. The development would represent inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and substantial weight was attached to that harm.</p> <p>The site was also located within the AONB and the inspector concluded that the bulk and mass of the building as well as its conspicuous location adjoining a public footpath would further detract from the landscape character and high scenic quality of the AONB. Great</p>

	weight to the loss of visual amenity and scenic quality was afforded by the inspector. The inspector concluded that no very special circumstances existed which clearly outweigh the harm that the proposal would cause by inappropriateness, loss of openness to the Green Belt and impact on the AONB.
Date	11.08.16

Application No	15/00972/FUL
Location	Site Adj To The North Of The Bungalow, Evesham Road, Teddington
Appellant	William Gilder
Development	Vehicle maintenance and storage building with additional vehicle parking.
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Appeal withdrawn
Reason	
Date	31.08.16

Application No	15/01312/FUL
Location	101 Queens Road, Tewkesbury
Appellant	Mr Ming Qing Chen
Development	Change of use from community centre to hot food takeaway (Use Class A5) at ground floor level only and associated external alterations to include installation of extraction flue system on rear elevation
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismissed
Reason	<p>The Inspector considered that the main issue to be the impact of the proposed use on neighbours - with particular regard to noise, odour and disturbance. Notwithstanding the proposed extraction flue, the Inspector considered that the flats immediately above and their gardens to the rear of the block would be affected by odours emanating from the hot food takeaway and some noise from the operation of the extraction system, and that other nearby residential properties would likely be similarly affected though to a lesser degree.</p> <p>The Inspector noted also that the change of use would be likely to lead to significant numbers of customers on foot and in vehicles until relatively late in the evening with some customers likely congregating on the footway outside the premises. The Inspector concluded that the proposed change of use would therefore be likely to lead to a significant increase in noise levels in the immediate vicinity and consequent disturbance to adjoining occupiers.</p> <p>The Inspector considered that the detrimental effects in terms of odour, noise and disturbance could not be</p>

	sufficiently mitigated by condition. The Inspector therefore concluded that material harm would be caused to the living conditions of adjoining occupiers by the odour, noise and disturbance which would result from the proposed development, in conflict with development plan policies and paragraph 17 of the National Planning Policy Framework. For the reasons given above, and having regard to all other matters raised, the Inspector concluded that the appeal should be dismissed.
Date	02.09.16

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

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

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
16/00397/FUL	Land Rear Of Grove View Market Lane Greet Cheltenham Gloucestershire GL54 5BL	Erection of single storey detached building for holiday let.	31/08/2016	W	PAI	05/10/2016
16/00362/PDAD	Barn At Parcel 1819 Stow Road Alderton Tewkesbury Gloucestershire	Proposed barn conversion to create a single dwelling house (Class C3)	31/08/2016	W	LJD	05/10/2016
15/01218/FUL	105 Tewkesbury Road Longford Gloucester Gloucestershire GL2 9BJ	Demolition of old workshop and erection of 3no properties	31/08/2016	W	CIP	05/10/2016

Process Type

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