

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	19 December 2017
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Cllr Mrs 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	16/01141/FUL
Location	Quay Cottage The Quay Ashleworth Glos GL19 4HZ
Appellant	Mr & Mrs Peckham
Development	Proposed erection of replacement dwelling, including alterations to existing parking area/driveway.
Officer recommendation	Minded to Refuse
Decision Type	Delegated
DCLG Decision	Dismissed
Reason	<p>The Inspector considered that, due to its proposed size and appearance, the replacement dwelling would be prominent in views from the adjacent Public Right of Way, River Severn and other public vantage points nearby. Moreover, because of its uncompromising contemporary design and significant scale it would appear discordant within its surroundings and would detract from the local vernacular and landscape characteristics of the wider area. For these reasons, the Inspector concluded that the proposed dwelling would harm the character and appearance of the surrounding area, which also forms part of the LPZ. As such, the proposal would conflict with Policy HOU7 of the Tewkesbury Borough Local Plan to 2011 (TBLP), which requires replacement dwellings to be of a similar size and scale to the existing dwelling, whilst also respecting the character of existing properties in the area without having an adverse impact on the surrounding landscape. The Inspector considered that the proposal would also conflict with Policy LND3 of the (TBLP), which does not support development, which has a detrimental visual effect on the character of the river banks or associated landscape setting of the Severn Vale.</p> <p>Although the Inspector noted that the above policies of the Local Plan pre-date the NPPF, he considered them to be broadly consistent with the aims of the Framework in respects of requiring developments to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, responding to local character and history and reflecting the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Consequently, the Inspector considered that the proposal also conflicts with the NPPF.</p>
Date	09.11.2017

Application No	17/00164/FUL
Location	29 Binyon Road Winchcombe Cheltenham GL54 5QQ
Appellant	Mr & Mrs Stanley
Development	Two storey front and rear extensions
Officer recommendation	Refuse
Decision Type	Delegated Decision

DCLG Decision	Dismissed
Reason	The Inspector concluded that the proposal would harm the living conditions of the occupants of neighbouring properties in terms of outlook, light and privacy. It would therefore conflict with Policy HOU8 of the Local Plan. The scheme was also considered to be harmful to the character and appearance of the area and as such would also fail to conserve and enhance the natural beauty of the Cotswold AONB. The proposal would therefore conflict with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011- March 2006 (Local Plan)
Date	13.11.2017

Application No	17/00075/FUL
Location	Bramble Cottage Spring Lane Cheltenham GL52 3PY
Appellant	Mr & Mrs Smith
Development	First Floor and Roof extension
Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Dismissed
Reason	<p>The main issue was the effect of the proposal on the character and appearance of the host dwelling and the surrounding area which is within the Cotswolds Area of Outstanding Natural Beauty (AONB).</p> <p>The Inspector stated that the proposed rear gable would project considerably above and beyond the existing rear facing roof slope/ dormers and would appear unduly dominant. Due to this, and also because of the large amount of glazing in the gable, the Inspector did not consider that these alterations would respect the character, scale or proportions of the existing house. Furthermore, the proposed extension would be visible from positions along Lye Road, albeit at a distance, and hence would detract from the dwelling's appearance when seen in the wider context.</p> <p>The Inspector considered that the development would fail to compliment the character and appearance of the host dwelling and therefore would also harm the character and appearance of the local area. Accordingly, it would conflict with Policy HOU8 of the Tewkesbury Borough Local Plan which aims to ensure extensions respect the character of the existing dwelling and the immediate locality.</p> <p>For the reasons given above, and taking account of all other considerations, the Inspector concluded that the appeal should be dismissed. The application for costs against the Local Planning Authority was also dismissed.</p>
Date	20.11.2017

3.0 ENFORCEMENT APPEAL DECISIONS

3.1 None to report

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
16/01238/FUL	Liberty Farm Stanway Road Stanton Broadway Gloucestershire WR12 7NE	Continued use of agricultural building as a temporary rural workers dwelling and siting of polytunnel (Renewal of application ref: 12/00319/FUL) and installation of a septic tank	16/11/2017	I	PAI	21/12/2017
17/00566/FUL	26 Sedgley Road Bishops Cleeve Cheltenham Gloucestershire GL52 8DD	First floor side extension - revised application	20/11/2017	H	SNB	
16/01310/FUL	Yew Tree Farm Bushcombe Lane Woodmancote Cheltenham Gloucestershire GL52 9QJ	Change of use of existing buildings to form two dwellings.	04/12/2017	W	JWH	08/01/2018
17/00610/FUL	Byways Gravel Walk Southam Cheltenham Gloucestershire GL52 3NP	Replace existing garage	20/11/2017	H	SNB	
	Land On The North Side Of Gabb Lane Apperley Gloucester Gloucestershire	Construction of 1 no dwelling	04/12/2017	W	BOR	08/01/2018

Process Type

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