

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	16 August 2022
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Development Manager
Head of Service/Director:	Head of Development Services
Lead Member:	Lead Member for Built Environment
Number of Appendices:	1

Executive Summary:

To inform Members of current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions issued.

Recommendation:

To **CONSIDER** the report.

Financial Implications:

None

Legal Implications:

None

Environmental and Sustainability Implications:

None

Resource Implications (including impact on equalities):

None

Safeguarding Implications:

None

Impact on the Customer:

None

1.0 INTRODUCTION

1.1 At each Planning Committee meeting, Members are informed of current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions that have recently been issued.

2.0 APPEAL DECISIONS

2.1 The following decisions have been issued by the Department for Levelling Up, Housing and Communities:

Application No	22/00258/FUL
Location	11 James Way Hucclecote
Proposal	Erection of a first floor rear extension.
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/U1620/D/22/3298153
PINS decision	Appeal Allowed planning permitted
Reason	<p>This was a householder planning application which sought permission for the erection of a first-floor rear extension.</p> <p>The proposal was refused by Tewkesbury Borough Council as it was considered the proposed development, by reason of its design & bulk would have a harmful impact upon the host dwelling, appearing as an unsympathetic addition. The refusal was issued on 27.04.2022.</p> <p>On 12.05.2022 an appeal was submitted to The Planning Inspectorate by the applicant against the Council's refusal to grant planning permission for the erection of a first-floor rear extension. On 07.07.2022 The Planning Inspectorate issued their decision to allow the appeal and grant planning permission for a first floor extension to rear of 11 James Way, Hucclecote.</p> <p>The Planning Inspectorate took the view that by virtue of the first floor plan, the extension would look slightly unusual although there would be no public views of this. Further, by virtue of the linking element and the fact that its overall width would be less than that of the main range, it would maintain a degree of subserviency, therefore on balance the Inspector considered that the proposal would not appear as an unsympathetic or dominant addition.</p> <p>In addition, the inspector accepted that no windows are proposed on the rear and southwest facing flank elevation of the extension, but in reality, these would be the subject of limited immediate private views from within the rear garden scene.</p>
Date of appeal decision	07.07.2022

Application No	22/00247/FUL
Location	12 Parkside Drive Churchdown
Proposal	Erection of a two storey side and two storey rear extension. Single storey rear extension. Loft conversion and dormer extension (resubmission of application 21/01041/FUL).
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/D/22/3297724
PINS decision	Appeal Dismissed
Reason	<p>This application sought erection of a two storey side and two storey rear extension. Single storey rear extension. Loft conversion and dormer extension (resubmission of application 21/01041/FUL).</p> <p>The application was refused by this Council on the following grounds:</p> <ol style="list-style-type: none"> 1. The proposed development, by reason of its design, scale, bulk and massing would have a harmful impact on the host dwelling and street scene, resulting in a cramped appearance representative of overdevelopment. 2. The proposed development, due to the location and scale of the proposed side and rear extensions and proximity to the boundaries with neighbouring dwellings, would have an undue impact on the residential amenity enjoyed by the occupants of both the adjoining and adjacent dwellings in terms of being overbearing and result in overshadowing. <p>The applicant appealed the Council's decision to refuse the application to the Planning Inspectorate on 05.05.2022. The Inspector's decision was issued on 13.07.2022 with the appeal being dismissed.</p> <p>The inspector concluded that the proposed development would cause significant harm to the character and appearance of the host dwelling and the surrounding area and would cause unacceptable harm to the living conditions of the occupants of 10 and 14 Parkside Drive, with regard to outlook and light.</p>
Date of appeal decision	13.07.2022

Application No	22/00131/FUL
Location	2 Guise Avenue Brockworth
Proposal	Erection of a two storey side extension.
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/D/22/3298285
PINS decision	Appeal Dismissed
Reason	<p>The application sought planning permission for erection of a two storey side extension. The proposal was refused by this Council by virtue of its size and location in close proximity to the pavement and as the proposed development would form a visually intrusive and dominant feature in this residential area.</p> <p>The applicant appealed the Council's decision to refuse the application to the Planning Inspectorate with the appeal starting on 12.05.2022.</p> <p>The Planning Inspectorate concluded that the development would unacceptably harm the character and appearance of the area and the host dwelling. The appeal was dismissed.</p>
Date of appeal decision	21.07.2022

3.0 ENFORCEMENT APPEAL DECISIONS

3.1 None

4.0 CONSULTATION

4.1 None

5.0 ASSOCIATED RISKS

5.1 None

6.0 MONITORING

6.1 None

7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

7.1 None

Background Papers: None

Contact Officer: Appeals Admin
01684 272151 appealsadmin@teWKesbury.gov.uk

Appendices: Appendix 1: List of Appeals received

List of Appeals Received						
Reference	Address	Description	Start Date	Appeal Procedure	Appeal Officer	Statement Due
20/00287/FUL	Overton Farm Maisemore	Retention of agricultural building to house machinery	26.07.2022	W	SNB	
21/00225/ENFC	111 Moorfield Road Brockworth	Notice Appeal	26.07.2022	W	DBALL	
22/00118/FUL	Carrant House Aston-On-Carrant	Demolition of flat roofed double garage and construction of two storey outbuilding to provide garage and garden store with ancillary annex accommodation over.	28.07.2022	FAS	JSS	

Process Type

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