

<b>Report to Regulatory Committee – Development Control</b>	
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<b>Subject:</b>	<b>Appeal Decisions Quarterly Summary Report</b>
<b>Report Ref:</b>	<b>Appeals Qtr Report 01/05/15 – 31/10/15</b>
<b>Ward(s):</b>	
<b>Key Decision:</b>	<b>ALL</b>
<b>Report of:</b>	<b>Planning &amp; Development Manager</b>
<b>Contact:</b>	<b>Jason Gregory/Gillian Wheeler – Direct Line (01256) 845765</b> e-mail – <a href="mailto:appeals@basingstoke.gov.uk">appeals@basingstoke.gov.uk</a>
<b>Papers relied on to produce this report</b>	<b>Appeal Decisions published by The Planning Inspectorate.</b> <a href="http://www.planningportal.gov.uk/planning/appeals/online/search">http://www.planningportal.gov.uk/planning/appeals/online/search</a> <b>Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN</b>

## SUMMARY

### 1 This Report

- 1.1 Attached as Appendix A and B is a summary analysis of the appeal decisions received from the **01.05.2015** to **31.10.2015**. This highlights some of the issues drawn out by the Inspectors in arriving at their decision and which should be taken into account when future decisions are made, but is by no means a summary of all the issues referred to in the Inspectors' decision notices.
- 1.2 Those decisions of particular note have been more fully detailed in Appendix A. A full copy of the decision letters can be requested from the contact above.
- 1.3 Any comments or suggestions on this quarterly report are welcomed from Members. Members may want to note that the next Appeal Summary Report will be reported to the **10 February 2015** Development Control Committee meeting.
- 1.4 Any costs decisions are reported with each planning appeal. The agreed amount is finalised sometime after the appeal decision is issued. Between **01.05.2015** and **31.10.2015** there has been **2** settlements to report to Members.
- 1.5 The first related to the partial award of costs against the council in the Caesars Way, Whitchurch appeal related to planning application 13/01522/OUT proposing development of the site for 36 dwellings. The outcome of the appeal being allowed has previously been reported to Members of the Development Control Committee. The partial award of costs related only to the refusal of the planning application on grounds of prematurity ahead of the preparation of the Whitchurch Neighbourhood Plan. The final costs settlement was £20,000.

1.6 The second related to the partial award of costs against the council in the Worting Farm appeal related to planning application 13/02553/FUL proposing the development of that site for 70 dwellings. The outcome of the appeal being allowed has also previously been reported to Members of the Development Control Committee. The partial award of costs related only to the refusal of the planning application in relation to highway safety impact. The final costs settlement was for £53,750

## **2 Recommendation**

It is recommended that:

2.1 Members of the Development Control Committee note the outcomes of the appeal decisions and the reasons given for those decisions.

## **PRIORITIES, IMPACTS AND RISKS**

### **Contribution to Council Priorities**

This report accords with the council's Budget and Policy Framework and directly supports the Council Plan priority/priorities of planning policies that safeguard local distinctiveness, protecting our environment.

### **MAIN CONSIDERATIONS**

#### **3 Corporate Implications**

##### **3.1 Financial Implications**

3.1.1 There are no financial implications from this report other than the reporting of the cost settlements set out above.

##### **3.2 Risk Issues**

3.2.1 There are no risk issues from this report.

##### **3.3 HR Issues**

3.3.1 There are no HR issues from this report.

##### **3.4 Equalities**

3.4.1 There are no equalities issues from this report.

##### **3.5 Legal Implications**

3.5.1 There are no legal implications from this report.

##### **3.6 Any Other Implications**

3.6.1 There are no other implications from this report.

## **APPENDIX A**

**14/07/2015 Bullington Cross**

**13/00046/FUL**

**Withdrawn**

*Decision Level : Committee*

*Recommendation : Refuse*

The development proposed is construction of a wind farm development comprising of 4 wind turbines up to 126.5m in height to blade tip, ancillary equipment, external transformers, foundations, crane hardstandings, access tracks, cable trenches, in conjunction with planning applications to Winchester City Council (case no. 13/00800/FUL) for 7 wind turbines, ancillary equipment, site access, external transformers, foundations, crane hardstandings, access tracks, cable trenches, anemometry mast, control building and temporary construction compound, and Test Valley Borough Council (case no. 13/00753/FULLN) for 3 wind turbines, ancillary equipment, external transformers, foundations, crane hardstandings, access tracks, cable trenches, as part of a single wind farm of 14 wind turbines for an operational period of 25 years

- After reviewing the scheme in the light of recent government announcements on onshore wind, the company has told the Government's Planning Inspectorate that it will not be proceeding with the appeal inquiry which had been scheduled to sit for up to 16 days in October 2015.

Policies referred :

- A6, E1, E2, E3, E6 and E7 - Basingstoke & Deane Borough Local Plan
- Design and Sustainability SPD appendices 4 (The Historic Environment: Conservation Areas) and 14 (Countryside Design Summary)
- SPG's - 'Landscape Character Assessment' and 'The Historic Environment: Listed Buildings'
- The adopted Conservation Area Appraisals of the affected areas
- CP16, CP19 and CP20 of Winchester District Council's Local Plan
- DES01 of Test Valley Borough Council's Local Plan

**09/07/2015 Riverside View**

**13/002532/FUL**

**Dismissed**

*Decision Level : Committee*

*Recommendation : Refuse*

The development proposed is demolition of existing office buildings on site and redevelopment of site with 24 no 2 bedroom apartments and associated parking and cycle storage.

- The difficulties of developing the site mean that the scheme would not be viable enough to support the provision of affordable housing and the public benefits of the proposal are consequently limited by this factor.
- There would be considerable disadvantages in terms of the impact on the character and appearance of the surroundings, the natural and historic environment and the design details.
- The weight of the adverse impacts is such that the benefits of the proposal would, in the terms of the Framework, be 'significantly and demonstrably outweighed' and it is not, therefore sustainable development that should be granted planning permission.

Policies referred :

- A2, C1, C2, C9, D5, D6, E1, E2, E3i, E6 and E7 – Basingstoke & Deane Borough Local Plan
- Design and Sustainability SPD appendices 7, 14 and 16
- Landscape and Biodiversity SPD
- The guidance contained within the council's S106 Planning Obligations and Community Infrastructure Guidance document
- The Old Basing and Lychpit Village Design Statement 2006

## **APPENDIX B**

### **01/05/2015 Rosebank, Andover Road, Highclere 14/03004/HSE Dismissed**

*Decision Level : Delegated*

*Recommendation : Refuse*

The development proposed is the erection of a two storey side extension.

- The width of the extension would make it unduly dominant and out of scale with the host building.

Policies referred :

- E1 – Basingstoke & Deane Borough Local Plan
- Adpx 13 of Design and Sustainability SPD

### **06/05/2015 Fieldfare, Skippetts Lane East, Basingstoke 14/02854/HSE Dismissed**

*Decision Level : Delegated*

*Recommendation : Refuse*

The development proposed is the erection of a detached double garage and new vehicle access.

- The proposal would be visually prominent when viewed from the road and would materially detract from the verdant and spacious character and appearance of the streetscene, and would not respect the established pattern of settlement.
- The roof form of the proposed garage would fail to respect the predominance of pitched and hipped roofs associated with the property and other dwellings.

Policies referred :

- E1 and E6 – Basingstoke & Deane Borough Local Plan
- Appendix 13 of Design and Sustainability SPD

### **02/06/2015 33 Test Road, Whitchurch 14/03466/HSE Dismissed**

*Decision Level : Delegated*

*Recommendation : Refuse*

The development proposed is proposed alterations and extensions to existing dwelling comprising 1 and 1 ½ storey rear extension (2 bedrooms above extended kitchen/breakfast room), a 1 and ½ storey side extension (en suite above utility room). Front roof alterations with bay windows and porch canopy. Associated internal alterations. Double garage to frontage with revised car parking area and access.

- Due to its large scale, its position to the front of the dwelling at the site and adjacent to Test Road the garage would be a dominant feature which would appear out of keeping with the dwelling and its surroundings. The blank elevation of the garage that would face Test Road would have a stark appearance which would have a negative impact on the appearance of the locality particularly when viewed from Test Road.

Policies referred to :

- E1 and E2 – Basingstoke & Deane Borough Local Plan
- Design and Sustainability SPD Apdx 13

**22/06/2015 32 Sheridan Crescent T/00593/14/TPO Dismissed**

*Decision Level : Delegated*

*Recommendation : Refuse*

The proposed work is the felling of 6 Scots Pine trees.

- The appeal trees make an important contribution to the amenity of the locality, the street scene and the wider landscape and the proposed work would cause demonstrable harm.

Policies referred to :

- Policy 03 – Basingstoke & Deane Borough Tree Policy

**02/07/2015 Folly Farm 14/02425/GPDADW Dismissed**

*Decision Level : Delegated*

*Recommendation : Refuse*

The development proposed is the conversion of a lawful agricultural building to a dwelling utilising the first floor/mezzanine as the main living accommodation and part of the ground floor for garaging, secure cycle storage and general domestic storage. The remainder of the ground floor will continue in its agricultural function, providing farm storage and staff welfare facilities.

- The site was not used solely for an agricultural use and therefore the proposal does not involve a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling with Class C3 (dwellinghouses).

**21/07/2015 Highview Business Park 14/02260/FUL Dismissed**

*Decision Level : Delegated*

*Recommendation : Refuse*

The development proposed is demolition of existing buildings and erection of six dwellings (x2 four bedroom houses, x2 three bedroomed houses and x2 two bedroom houses) and associated landscaping.

- The development would result in a marked intensification of built development within the site this intensification would appear incongruous.
- The benefits would be significantly outweighed by the unacceptable harm that would be caused to the area's character and appearance. Adequate access would not be provided.

Policies referred to :

- A2, C1, C2, C3, C9, E1 and E6 – Basingstoke & Deane Borough Local Plan

- Design and Sustainability SPD Appendix 14
- Affordable Housing SPD
- Housing Mix and Lifetime Mobility Standards SPD
- Planning Obligations and Community Infrastructure Interim Guidance Document

**23/07/2015 The Old Parsonage**

**14/03079/FUL**

**Dismissed**

*Decision Level : Delegated*

*Recommendation : Refuse*

The development proposed is to demolish the existing house and replace with 4 number five bedroom houses.

- The proposal is in an isolated location and does not represent a sustainable form of development.
- The development would be one where the houses are sited very close together with little visual separation. The proposed arrangement of the access and the private drives would add to this cramped feel which would be dominated by development and little sense of space.
- The proposal would cause disruption to vehicle flows and would cause vehicle dangerous manoeuvres.
- The future of the important trees within the site could not be guaranteed, either as a direct result of the construction of the proposal or as a result of pressure from future residents wishing to reduce the shading effects of the trees.
- The provision of each unit being of 5 bedrooms would not provide any range of unit sizes which may go some way to providing for different sections of the community.

Policies referred :

- A1, A2, C1, C3, C9, D6, E1 and E6 – Basingstoke & Deane Borough Local Plan
- Housing Mix and Lifetime Mobility Standards SPD
- Planning Obligations and Community Infrastructure Interim Guidance Document
- Community Infrastructure Levy 2010

**29/07/2015 Lilac Cottage**

**14/03831/FUL**

**Dismissed**

*Decision Level : Delegated*

*Recommendation : Refuse*

The development proposed is erection of a new dwelling and parking following the demolition of existing garage. Formation of new access and parking at Lilac Cottage.

- The proposed development would harm the character and appearance of the Bramley/Bramley Green Conservation Area.
- There would be harm to the living conditions for those at Lilac Cottage with special reference to privacy.
- The environmental harm would significantly and demonstrably outweigh the lack of harm found on some of the main issues and the benefits of the proposal.

Policies referred :

- A2, E1, E2, E3 and E6 – Basingstoke & Deane Borough Local Plan.
- Basingstoke and Deane Design and Sustainability SPD, appendices 4, 14 and 16.



**26/08/2015 Hazeldene 14/01949/FUL Dismissed**

*Decision Level : Delegated*

*Recommendation : Refuse*

The development proposed is demolition of existing garage, erection of 4 bedroom dwelling, new single garage and associated works.

- As a result of the scale and design of the new dwelling, the scheme would have an urbanising effect upon Common Lane.
- The proposal would be harmful to the character and appearance of an attractive rural area.
- The contribution Hazeldene and its residential curtilage makes to the landscape character of the area would be diminished.
- The scheme's heavy reliance on the private car, its limited access to local services, its limited appeal to those without personal transport, and the harm that would be caused to the character and appearance of the area outweigh the limited economic and social benefits of the scheme.

Policies referred :

- A1, A2, C1, C9, D6, E1 and E6 – Basingstoke & Deane Borough Local Plan
- Appendix 14 'Countryside Design Summary' of the Design and Sustainability Supplementary Planning Document
- The Ashford Hill with Headley Village Design Statement
- The Planning Obligations and Community Infrastructure Interim Guidance Document

**29/09/2015 8 Bracken Bank 14/03731/RET Dismissed**

*Decision Level : Delegated*

*Recommendation : Refuse*

The development proposed is to erect feather edge fence 2 metres high and enclose the land shown on drawings.

- The enclosure of the appeal site with a 2 metre high timber fence would significantly diminish its open and green appearance which would be uncharacteristic of the area.
- The proposal would be materially harmful to the character and appearance of the area.

Policies referred :

- C7 and E6 – Basingstoke & Deane Borough Local Plan
- Old Basing and Lychpit Village Design Statement

**29/09/2015 9 Bracken Bank 14/03730/RET Dismissed**

*Decision Level : Delegated*

*Recommendation : Refuse*

The development proposed is to erect feather edge fence 2 metres high and enclose the land shown on drawings.

- The enclosure of the appeal site with a 2 metre high timber fence would significantly diminish its open and green appearance which would be uncharacteristic of the area.
- The proposal would be materially harmful to the character and appearance of the area.

Policies referred :

- C7 and E6 – Basingstoke & Deane Borough Local Plan
- Old Basing and Lychpit Village Design Statement

**05/10/2015 4 Webb Close 14/03910/HSE Allowed**

*Decision Level : Delegated*

*Recommendation : Refuse*

The development proposed is for a first floor side extension.

- The proposed size and height of the side extension would represent a form of development that would continue both to respond to the local context of buildings in terms of design and spacing and respect the host dwelling.
- The proposed development would not project any further into No 5's back garden and the difference in outlook between the two schemes would be hardly discernible.
- The visual impact associated with this development would not be materially different to that which was approved last year.

Policies referred :

- E1 – Basingstoke & Deane Borough Local Plan
- Appendix 13 of the Design and Sustainability SPD Extending Your Home and Replacement Dwellings.

**06/10/2015 2 Mary Lane 14/03245/FUL Dismissed**

*Decision Level : Delegated*

*Recommendation : Refuse*

The development proposed is the erection of a three bedroom dwelling within the curtilage of an existing residential property, together with new access and associated parking.

- The combination of the loss of hedgerow and the introduction of the high wall that would be clearly visible from Mary Lane would cause harm to the significance of the heritage asset.
- There would not be sufficient public benefit to outweigh that harm caused to the setting of the conservation area.

Policies referred :

- D5, E1, E3 and E6 – Basingstoke & Deane Borough Local Plan.
- Appendix 4 of the Design and Sustainability SPD 'The Historic Environment: Conservation Areas.'
- North Waltham Conservation Area Appraisal.

**30/10/2015 Land Adj. to 5 Andover Road, Oakley 14/03249/FUL Dismissed**

*Decision Level : Delegated*

*Recommendation : Refuse*

The development proposed is erection of two detached dwellings with associated car parking.

- The rearmost of the proposed dwellings would not accord with the pattern of development in the area and, notwithstanding the separation distance to the dwelling in front, would also add uncharacteristically to the intensity of development in the area. There would be a loss of the spacious quality of the area.
- The environmental harm would significantly and demonstrably outweigh the lack of harm found in some of the other matters considered and the benefits of the proposal.

Policies referred :

- A2, C1, C2, C7, C9 and E1 – Basingstoke and Deane Borough Local Plan
- Appendix 4 Design and Sustainability SPD 'The Historic Environment: Conservation Areas.'

**30/10/2015 7 Mariners Close 14/03767/FUL Allowed**

*Decision Level : Delegated*

*Recommendation : Refuse*

The development proposed is the erection of a detached garage to include a change of use of the land from open space to residential.

- The impact of the development to the significance of the heritage asset would be to preserve the character and appearance of the Conservation Area

Policies referred :

- E1 and E6 – Basingstoke and Deane Borough Local Plan
- Appendix 14 Design and Sustainability SPD 'Countryside Design Summary.'
- Landscape and Biodiversity SPD.
- Tadley Village Design Statement.