

AGENDA ITEM NO.

DEVELOPMENT CONTROL PANEL

18 AUGUST 2008

**APPEAL DECISIONS
(Report by Development Control Manager)**

INFORMAL HEARINGS

- | | | |
|----|---|-------------------------------|
| 1. | <i>Appellant:</i> D R A Fabb
<i>Agent:</i> John Huggins | Dismissed
14.07.08 |
| | Erection of dwelling for agricultural contractor
East of Long Lott Meadow
Fenside Road
Warboys | |
| 2. | <i>Appellant:</i> Larkfleet Homes
<i>Agent:</i> None | Dismissed
22.07.08 |
| | Erection of 8 dwellings following demolition of existing
52 Chapel Street
Yaxley | |

WRITTEN REPRESENTATIONS

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|----|---|-------------------------------|
| 3. | <i>Appellant:</i> Mr & Mrs Evans
<i>Agent:</i> None | Dismissed
04.07.08 |
| | Erection of two dwellings and garages
Plot 2 opposite 4 Mill Common
Huntingdon | |
| 4. | <i>Appellant:</i> Mr & Mrs Sainty
<i>Agent:</i> Roger Pitt Designs | Dismissed
04.07.08 |
| | Extension to dwelling
2 Staughton Place
Eaton Socon | |
| 5. | <i>Appellant:</i> Mr & Mrs Death
<i>Agent:</i> J J & J Hartley | Allowed
04.07.08 |
| | Erection of garage/carport, plant room and changing room
Wychwood, Rectory Lane
Wyton | |

- | | | | |
|----|--|---|-------------------------------------|
| 6. | <i>Appellant:</i>
<i>Agent:</i> | Robwood Homes Ltd
Barker Storey Matthews | Dismissed
04.07.08 |
| | | Erection of 11 apartments in two blocks
Tile Library
266 Broadway
Yaxley | |
| 7. | <i>Appellant:</i>
<i>Agent:</i> | Mr Giles
None | Dismissed
23.07.08 |
| | | Erection of carport
2 Hall Road
Eynesbury | |

INFORMAL HEARINGS

1. **0700777OUT** **Erection of dwelling for
agricultural contractor
East of Long Lott Meadow
Fenside Road
Warboys
D R A Fabb**

Planning permission was refused by the Development Control Panel at its meeting held on 18 June 2007 in accordance with officer advice but contrary to the recommendation of the Parish Council for the following reason:

1. The development is not essential to the efficient operation of local agriculture, outdoor recreation or public utility service, the erection of the dwelling and associated domestication of the site would be visually intrusive and detrimental to the character and appearance of open countryside and rural landscape. In addition, its location would not accord to the requirements of sustainable development, the proposal would therefore, be contrary to Development Plan Policy.

The Hearing was held on 8 July 2008

The Inspector's Reasons

- The appeal site forms part of a block of arable and set aside land in open countryside on the edge of the Fens. The appellant operates an agricultural contracting business from a large workshop, Dutch barn and office in a corner of the site and undertakes agricultural work for farmers over a wide area. He currently lives some 6km from the site and is seeking to establish a new dwelling at the site. He intends to operate his business more efficiently with a view to expansion into cattle rearing and to improve security into the yard and building which have suffered instances of theft and arson in recent years.
- Despite the appellant's intention to enter the cattle rearing business this has not yet started, the Inspector recognised that there may be instances where special justification exists for a new dwelling associated with other rural-based enterprises but found it clear that the operation of this contracting straw supply business does not, in itself, generate any significant functional need for a dwelling on the site. He noted the isolated nature of the yard and buildings and that a more permanent presence on site would reduce the risk of theft and arson but cited advice in PPS7 which indicates that security concerns are not by themselves sufficient to justify a new agricultural dwelling. In addition, he was not satisfied that full consideration has been given to the possibility of improving security by other means such as extending the security fencing and providing off-site CCTV monitoring.

The appeal was dismissed.

The link to this planning application in Public Access is:

http://planning.huntsdc.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=JOWLA6IKS0000

**2. 0700638FUL Erection of 8 dwellings following
demolition of existing
52 Chapel Street, Yaxley
Larkfleet Homes**

The appeal was against the failure of the Council to issue a decision within the prescribed period. The Parish Council recommended refusal of the application. The Development Control Panel agreed with the officer recommendation of refusal at its meeting held on 17 December 2007.

The Hearing was held on 9 July 2008

The Inspector's Reasons

- The appeal site lies within the substantial village of Yaxley and is surrounded by modern development of undistinguished character. The terrace of three and four storey houses would be very different to the bungalows and other small houses around the site in its size and general design. The Inspector considered that the scale and massing would be broken up by the clear divisions between the units, the repeated patterns of fenestration, the stepping down of the roof line between units and at the ends of the terrace. He felt these features would combine to create a harmonious and well proportioned composition. Furthermore, space would be retained around the building, and the retained trees to the front and rear would act as a foil, so that the development would sit comfortably on the site.
- However, the adjoining bungalow No. 52A Chapel Street sits on lower ground and the flank wall of the proposed terrace would be positioned directly in line with it. Given its proximity and siting, together with the difference in ground levels, the Inspector considered that unit 8 as currently proposed would be likely to dominate the outlook from 52A's window, having an overbearing and unneighbourly impact, and causing unacceptable living conditions.
- The Inspector considered whether this harm could be satisfactorily remedied by conditions, including the possibility of limiting any permission to 5 dwellings (prior to the Hearing the Appellants had proposed to amend the scheme to five dwellings) but found that whilst that option would overcome the harm to adjoining occupiers he attached weight to the Council's concern that the development would fall short of the minimum density advocated in PPS3 and would fail to comply with development plan policies which seek to ensure that land is used efficiently.

The appeal was dismissed.

The link to this planning application in Public Access is:
http://planning.huntsdc.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=J0WLA6IKS0000

WRITTEN REPRESENTATIONS

3. 0701419FUL **Erection of two dwellings and garages opposite 4 Mill Common, Huntingdon Mr & Mrs R Evans**

Planning permission was refused by the Development Control Panel at its meeting held on 16 July 2007 in accordance with officer advice but contrary to the recommendation of the Town Council for the following reason:

1. The size, scale and design of the 2 dwellings fail to respect the rural and well landscaped character of Mill Common. The development will have an overdeveloped and suburban character which will form an incongruous feature in the street. The details submitted have failed to demonstrate that important established landscape features can be suitably protected during construction and be offered a reasonable opportunity of being retained in the future. Therefore, the proposal would be contrary to Development Plan Policy and the Huntingdonshire Design Guide 2006.

The Inspector's Reasons

- Although close to Huntingdon Town Centre, the character of Mill Common is semi rural. Large dwellings are typically located within spacious plots and there is a dominant verdant character to the area achieved by the numerous mature trees and extensive shrub and hedge planting around the properties. The Inspector therefore considered that it is important that the opportunity of development of the appeal site is used to strengthen and/or replace the existing landscaping on this site. He considered that although the dwellings proposed are smaller than those proposed in the previous appeal scheme, the footprints of the dwellings are still too large and that the hard standings would dominate the plots in views from the road. Furthermore, the height and massing of these two storey dwellings have no regard to the adjacent bungalow, whilst the detailed design is not of a quality expected within a conservation area. The Inspector concluded that the appeal proposal would not preserve the character and appearance of the Huntingdon Conservation Area.

The appeal was dismissed

The link to this planning application in Public Access is:

http://planning.huntsdc.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=IU9IJ9IKS0000

**4. 0702401FUL Extension to dwelling
2 Staughton Place
Eaton Socon
Mr & Mrs Sainty**

Planning permission was refused under delegation agreement contrary to the recommendation of the Town Council for the following reason:

1. The siting and height of the proposal would result in a dominant feature in the street scene which does not respect the form, position, scale and massing of established buildings in the locality. The proposal would therefore be contrary to Development Plan Policy.

The Inspector's Reasons

- There is no obvious building line on Honeydon Avenue, development is allowed to close the vista from the entrance to the Avenue. Immediate views from the west would be largely screened by the vegetation in the appellants' rear garden. Therefore, the Inspector was not persuaded that a two storey extension need be harmful to the appearance of this group of buildings or the character and appearance of the street scene. Although the design of the gable replicates that on the existing north elevation and others in the area, the large expanse of brickwork with a small upper window would look particularly bland and uninteresting in this prominent position. Furthermore, the ridge height proposed is only 0.2m below that on the existing house and would not appear subordinate to it. He considered it essential that the scale and proportions of the extension should complement the form and character of the existing house and concluded that the proposal would be harmful to the character and appearance of the street scene.

The appeal was dismissed.

The link to this planning application in Public Access is:

http://planning.huntsdc.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=HIDEL7IKF1000

**5. 0702829FUL Erection of garage/car port, plant room
and changing room
Wychwood, Rectory Lane, Wyton
Mr & Mrs H Death**

Planning permission was refused under delegation agreement in accordance with the recommendation of the Parish Council for the following reason:

1. The size, form and bulk of the proposed garage and car port would result in an unduly prominent feature which would detract from the visual amenity and appearance of the Conservation Area contrary to Development Plan Policy.

The Inspector's Reasons

- The appeal site is at a point of transition from close knit buildings to more spacious development with views between buildings. The car port would occupy part of the view from Rectory Lane. The Inspector considered that the important part of that view is the mature trees, but their crowns are high and would be seen above the development. By changing the more distant views of modern development with the car port's roof, the proposal would change the aspect from the Lane, effectively it would extend the characteristic hard edge along the western side of Rectory Lane to the appeal dwelling, whilst maintaining the leafy backdrop, which on balance he considered would not be harmful or contrary to saved Policy En9 of the Local Plan. The Inspector concluded that the car port would be built of high quality, traditional materials and to a design that reflects the scale and form of the adjacent garage. He was not persuaded that the proposal would appear incongruous or intrusive in the view from the gateway and considered that it would respect the distinctive qualities of its surroundings.

The appeal was allowed subject to conditions including a requirement for all tree work and protection measures to be carried out in accordance with the Report submitted as part of the application.

The link to this planning application in Public Access is:

http://planning.huntsdc.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=HIDEL7IKF1000

**6. 0703267FUL Erection of 11 apartments in two blocks
Tile Library, 266 Broadway, Yaxley
Robwood Homes Ltd**

Planning permission was refused under delegation agreement in accordance with the recommendation of the Parish Council for the following reasons:

1. The scale, height, design, mass and prominence of Block A would detract from the street scene. The location of Block B combined with the scale, height, design, mass and prominence would appear cramped and out of keeping with the street scene and character of the area. In view of this together with the lack of amenity space and the undue refuse-carry distances for the future residents, the proposal is considered to be below the high standards sought by PPS3 and contrary to Development Plan Policy and guidance contained within Huntingdonshire Design Guide.
2. The first floor windows of the development would detract from the amenities of the occupiers of the neighbouring dwellings. The development would detract from the amenities of 4a London Road, 266 and 268 Broadway (and future frontage development) due to overlooking, loss of privacy and overshadowing.
3. The development makes inadequate provision for car parking and is therefore likely to result in off-site parking to the detriment of highway safety and the inconvenience of the residents and other road users.

The Inspector's Reasons

- This part of Broadway is characterised by two storey dwellings built to a variety of designs and with different roofscapes. Block A, having three full storeys, would be significantly taller than either of its neighbours and in the Inspector's opinion would appear incongruous in the street scene.
- Block A would tower above the conservatory of No. 262 and have an adverse impact of the living conditions and the receipt of evening sun in the conservatory. The windows in Block B would face and overlook the gardens of No. 4a London Road and No. 268 Broadway at distances that the Inspector considered to be unacceptable to avoid privacy infringements from a three storey building. He concluded that appropriate privacy would not be maintained and the proposal would have an unacceptable impact upon the living conditions.
- The provision of amenity space within the site is limited; the majority of the site that is not built on would be used for car parking and access. The Inspector considered it appropriate to provide some amenity space for the use of residents and concluded that the proposal would have an adverse effect on the living conditions for prospective occupiers of the proposed development.
- Although the Council is concerned about the level of car parking proposed, in the absence of a formal objection from the Highway Authority and the parking restrictions on the road outside of the site, the Inspector was not persuaded that there is sufficient evidence to justify refusing permission on these grounds.

The appeal was dismissed

The link to this planning application in Public Access is:

http://planning.huntsdc.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=HIDEL7IKF1000

7. 0703128FUL Erection of car port 2 Hall Road, Eyensbury Mr D Giles

Planning permission was refused under delegation agreement in accordance with the recommendation of the Town Council for the following reason:

1. The proposed car port by reason of its location within the site would become a dominant feature in the street scene and would adversely impact on the visual amenity of the area to the detriment of character and appearance of the area and the street scene. The proposal would therefore be contrary to Development Plan Policy.

The Inspector's Reasons

- No. 2 Hall Road is one of a pair of semi-detached houses in a row of 5 pairs in a staggered formation fronting Hardwick Road and Hall Road. The gardens and drives to the front of these houses

are generally open and there are no extensions or other structures in front of the building lines of the houses. The proposed car port would be positioned in front of the door of the house on the existing drive. Although it would be a simple and fairly open structure, the Inspector considered it would appear dominant and out of place in relation to the regular form of existing development. He concluded that the car port would be harmful to the character and appearance of the area.

The appeal was dismissed

The link to this planning application in Public Access is:

http://planning.huntsdc.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=IU9IJ9IKS0000

Background Papers:

Relevant Appeal Files

CONTACT OFFICER - enquiries about this Report to Mrs J Holland, Administrative Officer, ☎ 01480 388418.

FORTHCOMING APPEALS

Public Inquiry

23.09.08 (for four days) Gates Hydraulics, 4-6 Station Road, St Neots

Informal Hearing

20.08.08 15 Great North Road, Alconbury

11.09.08 Ray's Garage, Fen Road, Pidley