

Planning Committee

Appeals Progress Report

23 February 2012

Report of Head of Public Protection and Development Management

PURPOSE OF REPORT

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

This report is public

Recommendations

The Planning Committee is recommended to:

- (1) Accept the position statement.

Details

New Appeals

- 1.1 **11/00892/F – Land North of Deejay Farm and South of Chestnut Road, Mollington** – appeal by Colin Begeman against the refusal of planning permission for the erection of 6 no. affordable housing dwellings and associated works – Written Reps
- 1.2 **11/01713/OUT- 20 Green Lane Upper Arccott** - appeal by Mr Raheem Ghorbani-Zarin against the refusal of planning permission for OUTLINE: Demolition of existing bungalow and build 2 no. new bungalows- Written Reps

Forthcoming Public Inquiries and Hearings between 23 February 2012 and 22 March 2012

- 2.1 **Inquiry commencing at 10.00am on Tuesday 28 February 2012** at the Council Chamber, Bodicote House, White Post Road, Bodicote to consider the appeal by Banner Homes Ltd against the refusal of application 11/00617/OUT - Outline application for residential development for 82 dwellings at Land South of Blackwood Place and Molyneux Drive, North West of Cotefield Farm, Oxford Road, Bodicote

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Dismissed the appeal by Mr Mudd against the refusal of application 11/00919/CLUP for the erection of annex to rear of dwelling following removal of existing outbuilding, for purposes incidental to the primary dwellinghouse at 14 Charlbury Close, Kidlington. (Delegated)** – The Inspector’s decision on the appeal turned on the interpretation of law as it applies to the development proposed. Since the application concerns the erection of a new building providing self contained primary residential accommodation and not the change of use of one that already exists, the appeal must fail. The Council’s refusal to grant a certificate of lawful use in respect of the erection of annex was therefore, well founded.
- 3.2 **Dismissed the appeal by Mr & Mrs N Wallbridge against the refusal of application 11/00029/F for the demolition of a garage and 3 no. outbuildings. Erection of detached 3 bedroom house and garage at 198 and 200 Woodstock Road, Yarnton (Delegated)** – In the Inspector’s view, the development would compromise and harm the open character of the immediate area and would thus conflict with policies C27, C28 and C30 of the adopted Cherwell Local Plan. In addition, the noise and disturbance that would arise from the development would affect the quiet enjoyment of all the surrounding neighbours’ private amenity areas and therefore harm the living conditions of the current and future occupants of all of the neighbouring dwellings.
- 3.3 **Dismissed the appeal by Mr J Blunsden against the refusal of application 11/00279/F for the demolition of the existing rear extensions and outbuildings and removal of pre-fabricated garaging. Development of three new dwelling units, incorporating the original dwelling at 31 North Street Bicester (Committee)** - The Inspector commented “Extending to within 2m of the rear boundary, the scale of the extension would be excessive for the site and compromise the character of the area. I consider the extension would be a poor addition to the area. It would be intrusive, out of proportion to the scale of nearby development and exacerbate

the inconsistency of building style. Consequently, I find it would adversely affect the character and appearance of the Bicester Conservation Area. "In addition, the Inspector was of the view that the development would adversely affect the living conditions of the occupants of 33 North Street contrary to the objective of policy C30 of the adopted Cherwell Local Plan and reinforced the Inspector's concern that the scale of development is inappropriate.

- 3.4 **Dismissed the appeal by Mrs N Smith against the refusal of application 11/01420/F for the demolition of detached garage, erection of 2 storey-extension to the side and single-storey extension to the rear at 47 Cromwell Way Kidlington (Delegated)** – The Inspector concluded that the proposed 2 storey-extension would have a materially harmful effect upon the intrinsic design of the host dwelling as it appears in the street scene in conflict with policy C28 and C30 of the Adopted Cherwell Local Plan.
- 3.5 **Dismissed the appeal by Mrs A Hussain against the refusal of application 11/01126/F for the erection of a first floor side extension, conservatory to rear and garage to side at 12 Chatsworth Drive, Banbury (Delegated)** – In the Inspector's view, the proposal would result in a complex overall roof structure of many gables. Their combined mass and complexity would be visually both confusing and excessively dominant, swamping the original main element of the design without introducing a new or substitute main element. Therefore, the proposed extension would have a materially harmful effect upon the intrinsic design of the host dwelling as it appears in the street scene.
- 3.6 **Dismissed the appeal by Mr Michael Ling against the refusal of application 11/01293/F for the installation of a first floor window at 24 Old Chapel Close Kidlington (Delegated)** – In the Inspector's opinion, the installation of a clear glazed landing window would be likely to have a materially harmful effect upon the living conditions of neighbouring residential occupiers of no. 94 High Street with reference to privacy. The proposal would conflict materially with statutory saved policy C30 of the Adopted Cherwell Local Plan, in that it would not provide acceptable standards of privacy and amenity.

Implications

Financial: The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by Karen Muir, Corporate System Accountant 01295 221559

Legal: There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by Nigel Bell, Team Leader-
Planning and Litigation 01295 221687

Risk Management: This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by Nigel Bell, Team Leader-
Planning and Litigation 01295 221687

Wards Affected

All

Document Information

Appendix No	Title
-	None
Background Papers	
All papers attached to the planning applications files referred to in this report	
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