

# Planning Committee

## Appeals Progress Report

11 October 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

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The Planning Committee is recommended:

- (1) To accept the position statement.

#### Details

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##### New Appeals

- 1.1 **11/01755/OUT – Land North of Bourne Lane and adjoining Bourne Lane, Hook Norton** – appeal by Taylor Wimpey UK Ltd against the refusal of planning permission for Outline planning permission with all matters reserved for the erection of up to 70 dwellings (Class C3), public open space including a play area/ amenity space and a balancing pond, associated earthworks to facilitate surface water drainage, landscaping, car parking, a pumping station and ancillary other works.- Inquiry
- 1.2 **12/00305/OUT – Land to the West and South of nos 7 to 26 The Green, Chesterton**- appeal by Hill Residential against the refusal of planning permission for the erection of 44 dwellings, village hall/sports pavilion and assoc car parking, enlarged playing pitches, new children's play area, access and landscaping - Hearing

## **Forthcoming Public Inquiries and Hearings between 11 October 2012 and 8 November 2012**

2.1 None

### **Results**

**Inspectors appointed by the Secretary of State have:**

- 3.1 **Dismissed the appeal by Mr & Mrs Adams against the refusal of application 12/00160/F for a two storey extension to rear of property forming extended kitchen at ground floor, master bedroom and en-suite over at first floor level at 14 The Crescent Twyford Banbury (Delegated)**- The Inspector concluded that the choice of render for the end and rear elevations of the proposed extension is contrary to saved Adopted Cherwell Local Plan policy C28 in that it would neither complement the appearance of the existing house and its contribution to the street scene nor would it be compatible with the general character of the area determined by the predominant use of red brick.
- 3.2 **Allowed the appeal subject to conditions by Mrs Adams against the refusal of application 12/00453/F for the erection of a timber pre-fabricated granny annexe at 14 The Crescent Twyford Banbury(Delegated) –** In the Inspector's view, the proposed building would be of a very modest size and single storey in height. It would not be a prominent feature when seen from the road. Although the building would be sited only 1m from the site boundaries to No.1 and from the garden to the north, the low profile would ensure that the building would not appear 'cramped' as a result of the relative proximity to No 1.
- 3.3 **Part dismissed the appeal in so far as it relates to the loft conversion with dormer window and allowed the appeal in so far as it relates to the ground floor extension at the rear of 15 Neithrop Avenue Banbury related to the refusal of application 12/00359/F -** The Inspector found that the dormer window, owing to its elongated appearance, would appear too bulky and would jar with the proportions of the host dwelling and tend to dominate it. The ground floor extension would not result in any undue loss of outlook, light or privacy for the occupants of No.13 and would not harm the character or appearance of the area.
- 3.4 **Allowed the appeal by Mr R Hoddinott against the refusal of application 11/01549/F for change of use of the land to caravan storage at The Old Forge, Wroxton Lane, Horley, Banbury (Delegated) –** The Inspector commented" subject to the imposition and enforcement of appropriate conditions, I am satisfied that the proposal would not conflict with key planning objectives of the local Plan policies C7 and C13. Accordingly, it is my conclusion that the storage of up to 20 caravans in the location proposed would cause

no material harm to the character of the countryside or the Area of High Landscape Value, and would preserve the setting of the Conservation Area.”

- 3.5 **Allowed the appeal by Ms A Rosemary May against the refusal of application 11/01749/F for a loft conversion to a 1 bed unit without complying with condition no. 2 of 09/01833/F at The Flat, West View Farm, Merton Road, Ambrosden (Delegated) –** Condition No 2 states:“That the extension hereby permitted shall be used solely as ancillary accommodation to the existing dwellinghouse and as such shall not be sold, leased or used as an independent dwelling unit but shall upon the cessation of its use become an integral part of the existing dwelling. “

The main issue in the appeal is whether the loft conversion provides a sufficiently high standard of residential accommodation for it to be suitable for occupation as a separate dwelling, taking into account its size, internal layout and design and the availability of outdoor amenity space. Part of the reason for the imposition of condition 2 was that a separate dwelling would harm the amenities of the occupants of adjoining dwellings and reference is made to SE Plan policy BE1 and Cherwell Local Plan policy C28. However, the Council have not sought to argue in this appeal that there would be any effect on neighbouring properties or any effect on the character of the area. Consequently, these policies have little bearing on the main issue in this appeal.

In the Inspector’s view, the space available and the layout and design of the flat is such as to provide all of the necessary amenities for normal living, although the limited size makes it most suitable for a single person. In the absence of a dedicated outdoor amenity area the Inspector considered that the proposal fails to satisfy the requirements of local plan policy C30 and therefore despite the conclusion on the internal arrangements, the flat is not suitable for occupation as a separate dwelling.

The Inspector went onto the state that the original condition No 2 fails to comply with the guidance in Circular 11/95 and therefore the appeal was allowed subject to a new condition which states-

“The 1 bed unit hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as West View Farm”

- 3.6 **Allowed the appeal by Miss S Jacobs against the refusal of application 11/01906/F for the demolition of existing double garage and construction of new dwelling and alterations to existing access and new access to existing dwelling- resubmission of 11/00925/F at Oxford Cottage, Oxford Road, Wendlebury-** In the Inspector’s view, visibility does not necessarily correspond to harm. The informal layout of the group of buildings

near the appeal site is such that the siting of the proposed building, and its relationship to its site boundaries can be satisfactorily accommodated. The Inspector went onto conclude that the appeal proposal would have an acceptable effect on the street scene.

## Implications

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- 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 Kate Drinkwater, Service Accountant, 01327 322188
- 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

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All

## Document Information

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