

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

12 MARCH 2009

REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS

APPEALS – PROGRESS REPORT

1 Introduction and Purpose of Report

- 1.1 This is a standard report item, the aim of which is 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 received.
- 1.2 A verbal update on any changes since the preparation of the report will be given.

2 Wards Affected

- 2.1 All wards in the District.

3 Effect on Policy

- 3.1 Nil.

4 Contact Officer(s)

- 4.1 Bob Duxbury (extension 1821)

5 New Appeals

- 5.1 **08/02435/LB – 8 Calthorpe Road, Banbury**- Appeal by Mr T Beckett against the refusal of listed building consent for the extension/conversion of existing house to 4 no. one bedroom flats and associated works. Replacement of garages – Written Reps
- 5.2 **08/01455/F – 103 The Moors Kidlington** – Appeal by Mr C Murphy against the refusal of planning permission for the construction of 1no. attached dwelling with access road from Mead Way – Written Reps
- 5.3 **08/00368/F – 99 and 101 The Moors Kidlington** – Appeal by Mrs B Manuell and Mr C Murphy against the refusal of planning permission for the demolition of 101 The Moors and construction of 1 no. chalet bungalow and 5 houses with ancillary works (as amended by agents letter dated 7.06.08)- Written Reps
- 5.4 **08/01904/F – Fernleigh 23 Round Close Road Adderbury** – Appeal by L Wearing against the refusal of planning permission for two storey and single storey extensions to provide annex to cottage – Written Reps

6 Forthcoming Public Inquiries and Hearings between 12 March 2009 and 2 April 2009

- 6.1 **Inquiry 9.30 am Monday 16 March 2009** Council Chamber Bodicote House Bodicote to hear the closing submissions for the Heyford Park main appeal and related conservation area appeals.
- 6.2 **Inquiry 10.00 Tuesday 17 March 2009** Council Chamber Bodicote House Bodicote to consider the appeal by Mr A Van Dorp against the service of an enforcement notice alleging a breach of condition 4 of CHN 531/89 - dwelling occupied by a person who is employed by a company which is no longer engaged in agriculture at Savee Farm Horley.
- 6.3 **Hearing 10.00am Tuesday 17 March 2009** Cherwell Room (Room 163) Bodicote House Bodicote to consider the appeal by St James Leisure Clubs Ltd against the refusal of application 08/01275/F for the change of use of part first floor area from A3 (restaurant) to night club at 47 Broad Street Banbury

7 Results

- 7.1 Inspectors appointed by the Secretary of State have:
- 7.2 **Allowed the appeal by Mr G Bradbeer against the refusal of application 08/01119/TPO for the felling of 15 Leyland cypress trees subject to TPO 10/90 at land to the rear of 37 & 38 Tadmarton Park Bloxham (Delegated)** – The Inspector concluded that the removal of the trees would remove some of the hard boundary features around Tadmarton Park, but the character of the locality would not be adversely affected. As a result of close planting and no subsequent management, the appeal trees have weak structural features and pose significant hazard to adjacent dwellings, which alternative measures cannot address. Replacement planting will become a more suitable boundary feature around the Tadmarton Park residential development.
- 7.3 **Dismissed the appeal by Mr C Wilkins against the refusal of application 08/00557/TPO to fell 2 Horse Chestnut trees subject to TPO 8/2006 at Pipers Mead, Merton (Delegated)** – The Inspector considered that the two appeal trees are useful arboreal features in the open agricultural landscape around Merton village. The landscape character of the locality would be diminished by removal of either. Both trees have bark disease; however, current infection levels are low and insufficient to justify felling either tree at the present time. Both horse chestnuts have poor basal structures. This does not justify their removal at the current time because loading on basal forks are not excessive and alternative measures are available to reduce the risk of structural failure.
- 7.4 **Dismissed the appeal by Mr Steve Kimber against the refusal of 08/01389/F for a single storey rear extension at 49 Walton Avenue Twyford (Delegated)** – In the Inspector's view, the extended bungalow would dominate the outlook from habitable rooms at the neighbouring property, resulting in a somewhat oppressive and claustrophobic environment. Consequently, there would be an unacceptable impact on the living conditions of the neighbouring household in relation to outlook.
- 7.5 **Dismissed the appeals by Mr R Forster against the refusal of 08/00349/F for the retention of two storey rear extension with first floor in roof space and the service of an enforcement notice alleging a breach of planning control – without planning permission, the erection of part two storey and part single storey extension at Bradscot Cross Hill Road Adderbury (Delegated)** – The Inspector commented “ The scheme proposed was designed with sensitivity and panache but there are said to have been fundamental errors in drawing up the new extension and in the site survey. In consequence, the extension was built to an adjusted design that differed from the permitted plans and retrospective applications for planning permission and listed building consent were made for an amended scheme. It is apparent by inspection that while these

amendments have reduced several of the dimensions of the extension, the design has lost all of its flair. The extension as built also uses materials that detract from the stonework of the cottage and its neighbours. In consequence the new plan fails to preserve the listed building or its features while doing nothing to protect the adjoining occupiers who garden is dominated, unacceptably, by the extension.” The Inspector varied the requirements of the notice and extended the period for compliance from 3 months to 6 months.

- 7.6 **Dismissed the appeal by Mr Jeremy Salter against the refusal of 08/01663/OUT for the change of use of land to residential use and development of 5 two-storey units consisting of 10 two –bedroom and 10 one-bedroom low cost flats at land between the Church of St Barnabas and Duffryn House Church Lane Horton cum Studley (Committee)** – In the Inspector’s view, five blocks of residential apartments would significantly reduce the openness of the Green Belt, the proposed development therefore represents inappropriate development in the Green Belt. Development on the appeal site would extend the village into the open countryside, to the detriment of the character of the area. The proposed development would fly in the face of policies in PPSs that seek to focus development in sustainable development. Further the Inspector was in no doubt that 5 blocks of housing would be visually intrusive, compromising views of the listed building, at odds with its rural setting. The significant levels support for the development from tenants of the appellant, was not justification for a harmful development on this site.

8 Risk Assessment, Financial Effects and Contribution to Efficiency Savings

- 8.1 The following details have been approved by Eric Meadows (Ext 1552) (Financial) and Rosemary Watts (Ext 1566) (Risk)
- 8.2 Risk assessment – this is a monitoring report where no additional action is proposed. As such there are no risks from accepting the recommendation.
- 8.3 Financial effects – 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 revenue estimate.
- 8.4 Efficiency savings – there are no efficiency savings arising from this report.

9 Recommendations

- 9.1 It is **RECOMMENDED** that the Committee resolves to accept this position statement.

Background Papers:

All papers attached to the planning application files reported in this report.