

Cherwell District Council

Planning Committee

4 September 2014

Appeals Progress Report

Report of Head of Development Management

This report is public

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.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **14/00393/F – The New House, Horton cum Studley**, appeal by Mrs M Cakebread against the refusal of planning permission for a proposed annexe to the rear of the New House – Written Reps

14/00011/F – OS parcel 0313 East of M40 adjacent and south of March Road, Mollington, appeal by Murex Energy Ltd against the refusal of planning permission for the erection of a single wind turbine with max blade tip height of 77m, formation of new vehicular access track and associated infrastructure- Written Reps

14/00595/F – 50 Church Lane, Yarnton, appeal by the Brackenwood Family Trust against the refusal of planning permission for a proposed dwelling – Written Reps

Forthcoming Public Inquiries and Hearings between 4 September 2014 and 2 October 2014

- 2.2 None

Results

Inspectors appointed by the Secretary of State have:

- 2.3 **Allowed the appeal by Dr Senel Symons against the refusal of application 13/01412/F for the use of the garage conversion as a self - contained dwelling at 19 Broad Close Kidlington (Delegated)** – The Inspector was of the opinion that the Council have been unduly prescriptive in its approach without giving sufficient weight to the positive features of the flat and advantages of providing new residential accommodation in an area of housing shortage. Over – reliance on the empiricism of the ‘Planning and Design Guidance: Sub Division of Buildings for Residential Use is inconsistent with its title and purpose, which is to provide guidance rather than prescription. The area of the flat is not so small as to fall unreasonably short of the Council’s aspirations.

Allowed the appeal by Mr & Mrs Iain Porteus against the refusal of application 13/00984/F for the erection of a stone dwelling with parking area at land adjacent to Cedar House, High Street, Souldern, Bicester (Committee) – The Inspector commented” Virtually all the development in this small area north of the High Street is discrete and visually contained, and is barely discernible in the public realm. The well designed, low profile dwelling proposed on the appeal site would follow this general pattern, and because of its visually sheltered location would make very little impact on the Conservation Area as a whole. “The Inspector did not consider that the modest increase in the number vehicular movements generated by the proposed development would have a material effect on existing conditions, and was also satisfied that no unacceptable overlooking of neighbouring property would arise.

Dismissed the appeal by Mr Peter Harrison against the refusal of application 14/00043/F for new raised roof with 3 dormer extensions to front elevations and rear extension at 43 Churchill Road, Bicester (Delegated) - The Inspector was of the view that the raised height of the appeal building, would be an incongruous feature in the midst of the single storey development surrounding it. It would appear prominently in the street scene, interrupting the unobtrusive, single storey rhythm of this part of the road and compromising the characteristic sense of spaciousness to the rear of the properties. Although the proposed development would use a consistent range of materials, this would do little to assist its integration with its surrounding context.

Allowed the appeal by Mr & Mrs A Lyle against the refusal of application 14/00172/F for resubmission of application 13/01429/F – Proposed 2 storey rear extension. Loft conversion with dormer windows and rooflights at 30 Corncrake Way, Bicester (Delegated) – The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of 32 Corncrake Way with particular reference to outlook. In the Inspector’s view, given the angle of the properties and their separation, the extension would not significantly reduce that outlook to an unacceptable degree. This conclusion is further strengthened when considering the permission previously granted for a similar proposal to extend and alter the appeal property albeit with a lower ridge than now proposed. The Inspector went onto conclude that the proposed development would not result in material harm to the living conditions of the occupiers of 32 Corncrake Way with particular reference to outlook.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

5.0 Implications

Financial and Resource Implications

5.1 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:

Nicola Jackson, Corporate Finance Manager, 01295 221731
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Legal Implications

5.2 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,
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Risk Management

5.3 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,
nigel.bell@cherwell-dc.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

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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