

**CHERWELL DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**11 JUNE 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 **09/00239/F- Land off Saffron Close, Hanwell Fields, Banbury**, appeal by Banner Homes (Midlands) Ltd against the refusal of planning permission for the erection of 4 flats- Written Reps
- 5.2 **08 /01977/F – Land at Malthouse Lane, Shutford, Banbury**, appeal by Mr M Watts against the refusal of planning permission for 1 new dwelling and garage. Re-submission of 07/01911/F- Written Reps

**6 Forthcoming Public Inquiries and Hearings between 11 June 2009 and 2 July 2009**

- 6.1 **Hearing 10.00am Tuesday 16 June 2009**, Room 163, Bodicote House, Bodicote to consider the appeal by Mr & Mrs Davis against the service of an enforcement notice alleging a breach of planning control – the removal of Stonesfield slates from the roof and the insertion of a rooflight in the northern elevation of the building at Greystones, Middle Street, Islip
- 6.2 **Hearing 10.00am Wednesday 17 June 2009**, Room 163, Bodicote House, Bodicote to consider the appeal by Mr Tariq Khuja against the refusal of planning permission for the re-development to office development of the former Banbury Telephone Repeater Station, Oxford Road, Banbury.

- 6.3 **Inquiry 10.00am Tuesday 23 June 2009**, Council Chamber, Bodicote House, Bodicote to consider the appeal by Mr D Morgan against the service of enforcement notices alleging breaches of planning control relating to the use of the stable and the change of use of the land at Lone Barn, Stoke Lyne, Bicester

## 7 Results

- 7.1 Inspectors appointed by the Secretary of State have:

- 7.2 **Dismissed the appeals by Andrew Thorburn against the refusal of application 08/01600/F for a loft conversion with pitched dormer and the service of an enforcement notice ENF 19/08 alleging a breach of planning control- without planning permission, the erection of a dormer window on the rear elevation of the house at 22 Milton Street, Banbury (Delegated)** - The Inspector stated “ The dormer that has been constructed is a substantial, imposing structure which fills up a significant proportion of the roof area. It is insensitively designed with incongruous shallow roof pitches and a grey film finish to the face and cheeks. Overall, I find the dormer is an intrusive feature in a prominent position in the street scene which fails to respect the historic and architectural context. What is most important is to ensure that the character and appearance of the terrace is safeguarded and the development that has taken place, in my view, signally fails to do so”
- 7.3 **Dismissed the appeal by the University of Oxford against the refusal of application 08/00899/F for the widening and southern extension of the access road, including public highway junctions, alterations and associated works at Begbroke Science Park and land including part OS0004 and OS 0028 adjacent to Woodstock Road, Yarnton (Committee)** – In the Inspector’s view, the road itself and its traffic as well as the new junctions would be highly conspicuous in the landscape, particularly as seen in public views from the A44 and adjacent residential development. It would detract significantly from the character and appearance of the area and the visual amenity of the Green Belt, constituting additional significant harm.
- 7.4 **Dismissed the appeal by Trinity College against the refusal of application 08/01539/F for proposed barn conversion from farm building to dwelling at Ragnall Farm, Hornton Road, Wroxton (Delegated)** – The Inspector found that the proposed alterations would result in the loss of traditional architectural features, leading to a building with a residential appearance, significantly denuding its simple robust agricultural character. The converted and extended building would cause significant harm to the character of the countryside and the immediate setting of the building due to poor design.
- 7.5 **Dismissed the appeals by Mr Timothy Beckett against the refusal of application 08/02436/LB for the extension/conversion of existing house to four number one bedroom flats and associated works and application 08/02435/LB for the extension/conversion of existing house into four number one bedroom flats and associated works re build garages at 8 Calthorpe Road, Banbury (Delegated)** – In the Inspector’s view, the proposed layouts called for a number of alterations which he considered would have a harmful impact on the floor plan of the house, interior spaces and existing features including mouldings, skirtings and chimneybreast and finishes. These alterations alone, which are by no means exhaustive, would harm the integrity of the listed building contrary to the advice in PPG 15.

In conclusion, the Inspector commented “The appellant has suggested that architectural detail is not relevant at this stage and that construction details could be conditioned. Having regard to the extent of the works proposed, the lack of detail provided and the sensitive nature of the property, to allow the proposed development without detailed drawings or an adequate specification would, in my view, be to disregard the duties imposed by the Planning (Listed Buildings and Conservation Areas ) Act 1990 and the guidance in PPG 15.”

## **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.