

# **Cherwell District Council**

## **Planning Committee**

**13 April 2017**

### **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 **15/01326/OUT - OS Parcels 6741 And 5426 West Of Cricket Field North Of Wykham Lane, Bodicote.** Appeal by Gladman Developments Ltd against the none-determination of planning permission for an outline application of up to 280 dwellings (including 30% affordable housing), introduction of structural planting and landscaping, formal and informal public open space and play areas, surface water flood mitigation and attenuation, new priority junction arrangements to White Post Road, creation of section of spine road to link Bloxham Road with White Post Road as well as creation of 34 space car park and other associated ancillary works. All matters reserved except for access.

**16/01724/F – 51 Wise Avenue, Kidlington, OX5 2AT.** Appeal by Mr Slatter against the refusal of planning permission for the demolition of existing porch and construction of replacement single storey front extension to form entrance lobby and cloakroom.

**15/01275/F – 51 Wise Avenue, Kidlington, OX5 2AT.** Appeal by Mr Wilkes against the refusal of planning permission for the demolition of existing porch and construction of replacement single storey front extension to form entrance lobby and cloakroom.

**16/02243/F – 28 Barn Close, Kidlington, OX5 1SW.** Appeal by Mr Gardner against the refusal of planning permission for a two storey rear extension and internal alterations to form additional bedroom, repositioned bathroom and extended kitchen.

**16/02510/F - 87 Banbury Road, Kidlington, OX5 1AH.** Appeal by Mr Allen, against the refusal of planning permission for the demolition of the existing house to be replaced with a new detached two storey building (with mainly pitched roofs to match neighbouring properties and not exceeding current ridge lines) providing 4 No one bedroom flats and 1 No two bedroom duplex unit.

**17/00074/F – 14 Redwing Close, Bicester, OX26 6SR.** Appeal by Mr Lodge against the refusal of planning permission for raising existing roof to create second floor extension.

2.2 Forthcoming Public Inquires and Hearings between 13<sup>th</sup> April and 18<sup>th</sup> May 2017.

None.

## 2.3 Results

Inspectors appointed by the Secretary of State have:

**1) Dismissed the appeal by Mr Meadowcroft against the refusal of planning permission the formation of 3 No. studio dwellings in the roof space – re-submission of 15/02114/F. 16 – 30 Fairfax Centre, Kidlington. 16/01394/F – (Delegated).**

The proposal was for a large box dormer on the rear roof slope of a 3 storey building in Kidlington to accommodate 3 additional flats. The Inspector agreed with the Council that the proposal would be clearly visible from public views and the proposal would draw attention to the upper levels of the building adding to the bulk and mass of the structure. It would also dominate the rear elevation of the building. The appellant pointed the inspector to other examples of flat roof dormers in the area but the inspector noted many of these were on two storey buildings and not as dominant as the proposal. Furthermore many examples were unsympathetic development and therefore did not justify the proposal. The Inspector also noted that whilst the applicant had referred the proposal being 'affordable housing' given their small size but noted this did not comply with the NPPF definition. He therefore gave this argument little weight when dismissing the appeal.

### **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:

Denise Taylor, Group Accountant, 01295 221982,  
[Denise.Taylor@cherwellandsouthnorthants.gov.uk](mailto:Denise.Taylor@cherwellandsouthnorthants.gov.uk)

#### **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, Law and Governance, 01295 221687,  
[nigel.bell@cherwellandsouthnorthants.gov.uk](mailto:nigel.bell@cherwellandsouthnorthants.gov.uk)

#### **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, Law and Governance, 01295 221687,  
[nigel.bell@cherwellandsouthnorthants.gov.uk](mailto:nigel.bell@cherwellandsouthnorthants.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	
None	
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