

Cherwell District Council

Planning Committee

28 September 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 **17/00718/OUT - Land South West Of Ridgeway House Adj. to The Ridgeway, Bloxham.** Appeal by Mr Andrew and Joseph Smith against the refusal of outline planning permission the development of two houses including associated parking and amenity space.
- 2.2 Forthcoming Public Inquires and Hearings between 28 September 2017 and 26 October 2017.

15/01326/OUT - OS Parcels 6741 And 5426 West Of Cricket Field North Of Wykham Lane, Bodicote. Planning Hearing commencing Tuesday 10 October 2017 at 10am, Banbury Cricket Club, White Post Road, Bodicote, OX15 4AA. Appeal by Gladman Developments Ltd against the non-determination of outline planning permission for a development 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.

16/02378/O56 - Thames Valley Police, 30 Crouch Street, Banbury, OX16 9PR. Planning Hearing commencing Tuesday 10 October 2017 at 10am, Cherwell District Council HR Training Room, Old Bodicote House, White Post Road, Bodicote, OX15 4AA. Appeal by Daejan Enterprises Limited against the refusal of prior approval for the change of use from B1 (office) to C3 (dwelling) to provide 9 residential units.

17/00356/F & 17/00357/LB - Shipton Manor, Shipton On Cherwell, Kidlington, OX5 1JL. Planning Hearing commencing Tuesday 17 October 2017 at 10am, Cherwell District Council River Ray Meeting Room, Bodicote House, White Post Road, Bodicote, OX15 4AA, Appeal by Mr Ng against the refusal of planning and listed building consent for extensions to Shipton Manor and associated outbuildings, conversion of outbuildings to wine store and pedestrian link, creation of new driveway from existing access and alteration to existing access, removal of existing internal tarmac roads.

2.3 Results

Inspectors appointed by the Secretary of State have:

- 1) Allowed the costs application by JE and AJ Wilcox against the refusal of planning permission for the erection of 6 No. agricultural buildings for poultry production, together with associated infrastructure of broiler building, ancillary buildings, feed bins, hardstandings, access and drainage attenuation pond. Land North of OS 0006 and South East of College Farm, Pinchgate Lane, Bletchington. 16/01706/F (Committee).**

Further to the statement set out in the 31st August Planning Committee Report, the Inspector's decision has been received regarding the costs application submitted by the appellant.

The Inspector has found against the Council and has allowed the application for an award of costs.

In his decision the Inspector advises that the technical evidence submitted by the appellant, which was also supported by technical experts at the Environment Agency and the Council's Environmental Protection Team, was compelling. He states that no technical evidence was produced to the contrary and the Planning Committee's decision was made in the light of a subjective assessment of perceived impact of interested parties.

The Inspector considered that the reason for refusal was a vague and generalised assertion about the impact of the proposal that was unsupported by any objective analysis and this demonstrated substantive unreasonable behaviour giving rise to the appellant incurring unnecessary expense in pursuing the appeal.

- 2) Dismissed the appeal by Castlepride Management Limited against the refusal of planning permission for alternations to create 2 No. 2 bed flats in roof space and 2 No 2 bed flats and 1 No. 1 bed flat at first floor level (amendments to 14/02062/F). Formally The Star Public House, Bucknell Road, Bicester, OX26 2DQ. 16/02465/F (Delegated).**

The proposed development sought permission for a box dormer to the roof of the property which would connect the front and rear roof elements and also a steel staircase to the side of the property. These alterations would allow the roof of the building to be used for 2 flats. The Inspector concluded whilst the box dormer would be lower than the ridge height of the building and constructed of matching materials, it would create a top heavy appearance which would not fit with the overall scale or form of the building. The Inspector also concluded that whilst an earlier application had approved a brick clad staircase on the side elevation to first floor level, the proposal which included a steel staircase to the second floor of the building would result in a complex zig zag structure which would have an industrial appearance. The appeal was therefore dismissed.

- 3) Dismissed the appeal by Mr Allen for 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. 87 Banbury Road, Kidlington, OX5 1AH. 16/02510/F (Delegated).**

The Inspector considered the main issue to be the effect that the proposal would have on the character and appearance of the area.

The new development would have covered almost the full width of the plot. The Inspector recognised that although there was visual separation between the appeal development and neighbouring properties – and that this separation was greater than exists between other dwellings on the road – the plot is wider and so the frontage would have been significantly broader than surrounding properties.

The development was designed to appear as two separate dwellings which were linked by a recessed flat roof element. The Inspector stated that this would look contrived and would not moderate the impact of the development. The depth of the building would have protruded further forward than the front wall of 91 Banbury Road and deeper than the rear wall. The Inspector stated that whilst the height of the property would be similar to the neighbouring properties, the overall scale and massing would be greater than anything in the immediate vicinity and therefore would be out of character with the area. Although the full scale of the proposal would be obscured from certain angles, this would not detract from the harm when viewed directly from the front.

The Inspector observed that the development attempted to draw together different design features from within the street scene which has created a complicated and cluttered appearance, which is in contrast to the simple design of the surrounding properties. There would be a lack of cohesion between different features, with a first-floor bay window above a porch on the front of the

dwelling and on the rear elevation the numerous roof elements would appear anomalous and would not relate well to each other. The front of the property would be dominated by car parking and bin storage and there would be little scope to incorporate soft landscaping.

Thus, the Inspector concluded that the proposal would have an adverse effect on the character and appearance of the area and would be contrary to the development plan. The appeal was therefore dismissed.

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

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, Interim Legal Services Manager, 01295 221687,
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, Interim Legal Services Manager, 01295 221687,

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

Councillor Colin Clark

Document Information

Appendix No	Title
None	
Background Papers	
None	
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