

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

11 DECEMBER 2008

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 An 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 R Duxbury (extension 1821)

5 New Appeals

- 5.1 08/00825/F – appeal by Mr & Mrs Trivizas against the refusal of planning permission for the garden awning to be retained at the Rock of Gibraltar Public House, Enslow Wharf, Station Road, Enslow – Written Reps
- 5.2 08/02041/F – appeal by M K Forrester against the refusal of planning permission for 1 no. two storey dwelling with car parking at 36 Lock Crescent Kidlington – Written Reps
- 5.3 08/01039/F – appeal by Mr Ian Brooke against the refusal of planning permission for extensions and change of use of existing building from 1 no. house and 1 no. flat to 4 no. houses 1no. flat at The Court House, 42 – 50 Crown Road, Kidlington – Written Reps
- 5.4 Enf 34/08 – appeal by North Oxfordshire Consortium against the service of an enforcement notice alleging a breach of planning control – continued use of land for vehicle storage, warehouse, offices and storage in yard at part of building 221, Heyford Park, Camp Road, Upper Heyford – Inquiry

- 5.5 Enf 32/08 – appeal by North Oxfordshire Consortium against the service of an enforcement notice alleging a breach of planning control – change of use of the land to B8 storage at Building 3053 at Heyford Park, Camp Road, Upper Heyford – Inquiry
- 5.6 Enf 36/08 – appeal by Horace G Walker against the service of an enforcement notice alleging a breach of planning control – change of use of the land from agriculture to mixed use at OS parcel 2300 and 4300 North West of St Mary’s Farm, Oxford Road, Adderbury – Written Repts
- 5.7 08/00609/ECOU – appeal by Mr D Morgan against the service of an enforcement notice alleging a breach of planning control – change of use of the land to use as part of the residential curtilage including storage of items and materials associated with the owner’s business at the Lone Barn, Stoke Lyne. – Hearing
- 5.8 08/00610/EBCON – appeal by Mr D Morgan against the service of an enforcement notice alleging a breach of planning control – breach of condition 3 of 01/01749/F in that the stables and tackroom appear to be used as a separate dwelling at Lone Barn, Stoke Lyne. - Hearing

6 Forthcoming Public Inquiries and Hearings between 11 December 2008 and 8 January 2009

- 6.1 None

7 Results

- 7.1 Inspectors appointed by the Secretary of State have:
- 7.2 Dismissed the appeal by Mr R Beale against the refusal of application 07/02641/F for the demolition of existing 3 bedroom detached dwelling and single storey garage, and construction of new three storey building to accommodate eight 1 bed flats and one 2 bed flat at 121 Buckingham Road, Bicester (Delegated) – The Inspector stated that “ given it’s proximity to the highway relative to adjacent and nearby buildings, the proposed development would compromise the spacious character of the area, views along the street would be dominated by the deep, flank walls of the flats projecting in front of neighbouring buildings.” and concluded that the appeal scheme would harm the character and appearance of the area. Although the Inspector did not share the Council’s concerns about outlook, concern was expressed about the impact of extending the drive beyond the existing garage and introducing car parking into the rear garden area. The activity associated with the parking and manoeuvring of seven cars in what is at present a quiet, green space would be likely to disturb the occupiers of 123 Buckingham Road. The consequent harm to living conditions would conflict with Policy C30 (iii) and reinforced the conclusion that the appeal should fail.
- 7.3 Dismissed the appeal by Mrs H Hunt against the refusal of application 08/00901/F for a two storey side extension at Windermere, Twyford Grove, Twyford (Delegated) – The Inspector considered the main issue to be the effect on the living conditions of the adjoining bungalow Mandalay and stated that an extension of the size and form proposed would appear overbearing and would significantly affect the light received at Mandalay. The overall effect would, be so harmful as to make the appeal proposal unacceptable in its present form.

- 7.4 Allowed the appeal by Mr & Mrs A Plant against the refusal of application 07/02627/F for a detached double garage at 7 Chaucer Close Bicester (Delegated) – The Inspector found that a garage in the position proposed would, in the event of the existing section of fence being removed, have less impact on the light entering the window in the flank wall of No. 8. Chaucer Close when compared with the existing situation and agreed with the Council that the imposition of a condition requiring the gap between the rear wall of the garage and the flank wall of no. 8 to be kept clear of all obstacles and obstructions, including fencing, at all times would be appropriate. In addition, the Inspector considered the neighbours concern's with regard to the potential damage to his property in the event of a vehicle being driven through the rear wall of the garage but concluded that eventuality highly unlikely.

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.