

Planning Committee

Appeals Progress Report

28 January 2010

Report of Head of Development Control and Major Developments

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.

This report is public

Recommendations

The Planning Committee is recommended:

- (1) To accept the position statement.

Details

New Appeals

1.1 **None**

Forthcoming Public Inquiries and Hearings between 28 January 2010 and 18 February 2010

2.1 None

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Dismissed the appeal by Mr Andrew Thorburn against the refusal of 09/00764/F for the removal of existing dormer and replacement with a smaller one at 22 Milton Street Banbury (Delegated)** – The Inspector commented “since the existing dormer does not have the benefit of planning permission, I attach little weight to it as a fall-back position and hence little significance to the comparison between the two. In any event, I consider that the proposed dormer would still appear as an incongruous and alien addition to the simple form of the house. I conclude that the proposed dormer would be harmful to the character and appearance of the terrace and, as such, would neither preserve nor enhance the character or appearance of the Conservation area.”
- 3.2 **Allowed the appeals by Mr Robert West against the refusal of 09/00572/LB and 09/00571/F for the removal of the rear lean –to, and the replacement with a new room, and restoration of the rear external wall of the building and the boundary walls at 2 The Green Swalcliffe (Delegated)** – In the Inspector’s view, the scale and appearance of the proposal would not challenge the primacy of the original house or confuse its original layout. Rather, it would be a subservient and sensitive addition and so in this sense would be seen as minor. Accordingly, the proposed scheme would preserve the special architectural or historic interest of this Grade II listed building and would preserve the character or appearance of the Swalcliffe Conservation Area.
- 3.3 **Dismissed the appeal by Kevin White against the refusal of 09/00378/F “to lower kerb at the rear of my property on the Banbury Road so we can take our vehicles off the road “at 3 Buckingham Road Bicester (Delegated)** - The Inspector stated that “As there is not the requisite inter-visibility between drivers emerging from the site and the drivers of vehicles on Banbury Road I am of the view that collisions between vehicles could occur. I share the Council’s view that the manoeuvring of vehicles off the site onto Banbury Road creates a situation whereby a pedestrian, especially a small child running along the footway, could be placed in danger due to the lack of inter-visibility between pedestrians and drivers.”.

Implications

Financial: 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 Eric Meadows, Service Accountant 01295 221556

Legal: There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by Pam Wilkinson, Principal Solicitor 01295 221688

Risk Management: 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 Rosemary Watts, Risk and Insurance Manager 01295 221560

Wards Affected

All

Document Information

Appendix No	Title
-	None
Background Papers	
All papers attached to the planning applications files referred to in this report	
Report Author	Bob Duxbury, Development Control Team Leader
Contact Information	01295 221821 bob.duxbury@Cherwell-dc.gov.uk