

Planning Committee

Appeals Progress Report

6 January 2011

Report of Strategic Director, Planning, Housing and Economy

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 to:

- (1) Accept the position statement.

Details

New Appeals

- 1.1 **10/00947/F – Glebe House, Water Stratford Road, Finmere** – appeal by Mr Stephen Trice against the refusal of planning permission for the erection of a new oak framed double garage and creation of additional driveway- Written Reps
- 1.2 **10/01420/F- 28 West Street, Banbury** – appeal by Mr Scott Pratley against the refusal of planning permission for a two storey rear extension creating two bedsits. Re-submission of 10/00691/F – Written Reps
- 1.3 **10/00284/F – Glenside, Paddock Farm Lane, Bodicote** – appeal

by Mr R J & Mrs H P Beesley against the refusal of planning permission for 1 no. dwelling with garage– Written Reps

Forthcoming Public Inquiries and Hearings between 6 January 2011 and 27 January 2011

2.1 **None**

Results

Inspectors appointed by the Secretary of State have:

3.1 **Dismissed the appeal by Miss Amy Stevens against the refusal of application 10/00017/F for the replacement of dilapidated timber windows with new UPVC (Retrospective) at Flat 4, Number 17, Broad Street, Banbury (Delegated)** – In the Inspector's view the replacement windows appear significantly different to their historic counterparts. The attributes of the replacement windows significantly flatten and thin the texture and detail of both elevations, diminishing and so harming their architectural interest and that of the building as a whole, failing to preserve the character or appearance of the conservation area.

3.2 **Allowed the appeal by Mr T W Beckett against the imposition of condition No. 8 of 10/00013/F requiring the provision of 4 parking spaces at 19 Easington Road Banbury (Delegated)** – As the appeal site is within acceptable walking distances of junior and senior schools and local services and is well served by public transport, the Inspector concluded that there is no certainty that the occupiers of the two modest dwellings would either need or choose to have two cars per household. As two spaces would meet the Council's guidance, and that the proposed arrangement would not prevent the enlargement of the proposed parking spaces to provide additional spaces should the occupiers consider it to be desirable in the future, the proposed development would not give rise to unacceptable harm to highway safety.

3.3 **Refused the costs application in relation to the appeal by Mr T W Beckett against the imposition of condition 8 of 10/00013/F at 19 Easington Road, Banbury** – The Inspector considered that the Council had not acted unreasonably in coming to its decision, which had been supported both at application stage and at appeal by the highway authority's evidence.

3.4 **Dismissed the appeals by Mr T W Beckett against the refusal of applications 09/01074/LB for the conversion and extension to provide 4 no. one bedroom flats, rebuilding of garages and application 10/00603/LB for the extension and alteration to form four one-bedroomed flats, three within the existing h.m.o. status and one self-contained and associated works at 8 Calthorpe Road, Banbury (Delegated)** – The issue at the heart of

both appeals is whether the submitted drawings and schedules provide a sufficient degree of detail in respect of infrastructure services to establish that such provision could be accommodated without material harm to the interior finishes and underlying structure. The Inspector commented “It is appropriate to require, in these circumstances, details, in the form of section drawings and plans of service runs, showing how such provision can be made without compromise to the special interest of the building. In the absence of such details there is insufficient assurance that material harm to the special interest of the building would not result.”

- 3.5 **Refused the costs application by Mr T W Beckett against the decisions of the Council to refuse applications 09/01074/LB & 10/00603/LB at 8 Calthorpe Road Banbury** – The Inspector stated that although the Council acknowledge there has been a breakdown in communication between themselves and the appellant, they do repeatedly advise that the employment of an agent with appropriate specialist professional skills could mediate and enable the scheme to move forward. The breakdown in communication between parties is regrettable, but it has not been convincingly demonstrated that the Council has refused to engage in meaningful dialogue with the appellant in relation to this case. Therefore unreasonably behaviour resulting in unnecessary or wasted expense has not been demonstrated.
- 3.6 **Dismissed the appeal by Mr David Ewles against the refusal of application 09/01143/F for the erection of a dwelling at 56b Oxford Road Banbury (Delegated)** – In the Inspector’s view, the proximity, number and size of the lime trees in particular, and taking account of periodic crown reduction works, the combined effects of shading, debris falling from the trees, and honeydew on the proposed house would be significant. As a result, the proposal would not be compatible with the long term future of the TPO trees and the contribution they make to the character and appearance of their surroundings.
- 3.7 **Refused the costs application made by Mr Ewles against the Council’s decision to refuse application 09/01143/F and refused the costs application made by the Council against Mr Ewles for lodging the appeal** - With regard to both applications the Inspector found that unreasonably behaviour, resulting in unnecessary or wasted expense had not occurred and that an award of costs in either application was not justified.

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 Joanne Kaye, Service Accountant 01295 221545

Legal: 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, Solicitor 01295 221687

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 221566

Wards Affected

All

Document Information

Appendix No	Title
-	None
Background Papers	
All papers attached to the planning applications files referred to in this report	
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