

## 1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

## 2.0 APPEALS RECEIVED

An appeal has been received against the decision of the City Council to refuse planning permission at its meeting held on 22<sup>nd</sup> May 2012 for a 15 metre high telecommunications streetworks monopole with 3 antennae, 2 transmission dishes, 2 equipment cabinets and ancillary development on land at Oak Lodge Farm, Thompson Hill (Case No 12/00963/TEL).

## 3.0 APPEALS DECISIONS - ALLOWED

An appeal has been allowed against the non-determination by the City Council of an application for planning permission, under Section 192, to establish the lawful use of a unit for the unrestricted sale of goods including food (Use Class A1) at 9 Kilner Way (Unit E) (Case No 11/02635/LD2)

### Officer Comment:-

Planning permission was granted for the redevelopment of the Kilner Way retail park with a restriction on the amount of ordinary retailing as opposed to the amount of "large bulky goods" on the rest of the site. The permission given in 2002 was implemented. An application for alterations to the shop front plus some internal changes was subsequently granted. The developers then applied for a Certificate of Lawfulness of a proposed use as they wished to use Unit E for additional unrestricted retailing and argued that the planning permission given to amend the elevation also gave permission for the whole unit and did not have any restrictions on the use.

The Inspector came to the conclusion that, despite the application form only referring to the shop front and minor internal alterations, the fact that the application contained elevation drawings of the whole building and the significant difference between the original elevation and the now proposed elevation were sufficient to comprise "a new chapter in the history of the building" and as no restrictions were placed on the type of retailing, the use for unrestricted A1 retailing was lawful.

#### 4.0 APPEALS DECISIONS - DISMISSED

i) an appeal has been dismissed against the non-determination by the City Council of an application for planning permission, under Section 192, to establish the lawful use of units 1 to 4 for the unrestricted sale of goods including food (Use Class A1) at 2 to 8 Kilner Way (Units 1-4) (Case No 11/02639/LD2)

Officer Comment:-

This appeal relates to four further units within the Kilner Way Retail Park. These were built under a planning permission granted in 2007 and contained a restriction on the amount of unrestricted A1 retailing that could be provided. The appeal was submitted on the same basis as that for Unit E described above, relying on changes to the elevations granted permission on 2009 to allow unrestricted A1 retailing in these four units.

In this case, the Inspector considered that the elevation changes proposed in the 2009 scheme were not significantly different to the elevation granted in 2007. Although all elevations were shown in this application, the fact that the changes were not significant meant that this could not be taken as forming “a new chapter in the history of the building” and so the proposed use for unrestricted A1 retail would not be lawful and so dismissed the appeal.

ii) An appeal has been dismissed against the decision of the City Council to refuse planning permission, under delegated powers on 12<sup>th</sup> July 2012, for the demolition of a conservatory and erection of a two-storey side extension to a dwellinghouse at 95 Longley Lane (Case No 12/01427/FUL)

Officer Comment:-

The house is an end terrace of three facing over a triangle of land at the junction of Longley Lane and Herries Drive. The main issues with the proposed side extension were the effect on the character of the area due to the proximity of the extension to Longley Lane and the size and design of the extension.

The Inspector was of the opinion that, although the houses on Longley Lane are set back from the highway between 5 and 7 metres and the extension would have a width of over 60% of the original building and come to 2.7 metres from the highway, it would not be significantly out of line with other development on the frontage. It would not materially affect the open character of the approach to Longley Hall and Longley Park.

However, the window design differs from that of the original building and would appear incongruous and draw attention to the extension making it more conspicuous. The proposal to fully pebbledash the extension would contrast with the original house and prevent it blending in and so harm the character of the property and the surrounding area and make the extension more conspicuous and out of character.

For these reasons, the Inspector dismissed the appeal.

## 5.0 RECOMMENDATIONS

That the report be noted

David Caulfield  
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