

DEVELOPMENT SERVICES

REPORT TO CITY CENTRE, SOUTH & EAST PLANNING & HIGHWAYS COMMITTEE 2013

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 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the decision of the City Council to refuse advertising consent, under delegated powers, for the resignage of a retail unit at Harveys Unit, 7 Drakehouse Retail Park (Case No. 12/03070/ADV).

(ii) An appeal has been submitted to the Secretary of State against the decision of the City Council to refuse planning permission, under delegated powers, for the installation of a new entrance door to a flat, new rear staircase and elevated decking with carport under, and formation of a door to front the balcony in place of existing window opening, Flat 2, The Elms, 11A Collegiate Crescent (Case No. 12/02437/FUL).

3.0 APPEALS DECISIONS - DISMISSED

(i) To report that an appeal against the decision of the City Council to refuse planning consent, under delegated powers, for a single-storey rear extension to a dwellinghouse and erection of a car port to the side at 69 Lightwood Lane (Case No 12/02979/FUL) has been dismissed

Officer Comment:-

This site is in the Green Belt, and concerns a dwelling that is a replacement for a building demolished in 2010, and has been rebuilt with previously permitted extensions. The application was for further extensions.

The Inspector considered the main issues to be a) whether the proposal involved inappropriate development in the Green Belt, and b) if inappropriate, whether this harm was outweighed by very special circumstances.

On a) he considered, in the light of Green Belt policy that the extensions were disproportionate to the size of the original dwelling (prior to its rebuilding with extensions) and agreed with the Council that they were therefore 'inappropriate' Green Belt development. Inappropriate development is harmful

by definition and attracts significant weight.

On b) he considered the extensions would reduce openness, and whilst they were unobjectionable in terms of design and impact on neighbouring properties, no very special circumstances had been demonstrated to outweigh the substantial harm caused by inappropriateness. He dismissed the appellant's argument that it is normal and reasonable for a detached house to provide covered parking and a conservatory, as this did not remove the need to comply with Green Belt Policy.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the decision of the City Council to refuse planning permission, at its meeting of 15th October 2012, for alterations to a basement to form additional living accommodation, provision of an escape window at basement level with metal railings and gate above the lightwell at 32 Crescent Road (Case No 12/01976/FUL) has been allowed

Officer Comment:-

The Inspector considered the main issue to be the effect of the development on the character and appearance of the existing dwelling and the Nether Edge Conservation Area.

He noted the Conservation Area status of the site and that the Conservation Area had additional Article 4 status. He also noted the key element of the proposals that were at issue were the railings surrounding the lightwell.

He disagreed with the Council's judgement that the railings would be harmful to the appearance of the dwelling or the character of the Conservation Area, principally due to their position significantly set back from the highway, and lack of prominence in the street scene.

The Inspector makes clear in his summary that his decision is based on these particular circumstances and cannot be used as a precedent for other such cases, as the circumstances are likely to differ. This is a welcome acknowledgement as it is highly unusual for the Council's stance on developments within the Article 4 area not to be supported.

5.0 RECOMMENDATIONS

That the report be noted

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Head of Planning

18 March 2013