

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

**REPORT TO:** Planning Committee

1 February 2012

**AUTHOR/S:** Executive Director (Operational Services) / Corporate Manager (Planning and New Communities)

### APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

1. To inform Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as at 19 January 2012. A summary of a recent decision of importance is also reported, for information.

- **Decisions Notified By The Secretary of State**

2.

| <b>Ref. no.</b> | <b>Details</b>   | <b>Decision</b> | <b>Decision Date</b> |
|-----------------|--|-----------------|----------------------|
| S/1392/10/F     | Dr S Sangray<br>37a Rampton Road<br>Willingham<br>Removal of agricultural<br>Occupancy   | Allowed         | 01/12/11             |
| S/0262/11/F     | Mrs S Izzard<br>Land off Potton Road<br>Gamlingay<br>C of U of land to<br>permanent residential<br>caravan site  | Dismissed       | 02/12/11             |
| S/0251/11/F     | Mr & Mrs Robinson<br>54 High Street<br>Over<br>Erection of a brick wall<br>and gates onto High<br>Street(retrospective)  | Dismissed       | 05/12/11             |
| S/2278/10/F     | Mrs C Bidwell<br>20 New Road<br>Over<br>Two storey extension   | Dismissed       | 05/12/11             |
| S/0725/11/LB    | Mr N Jones<br>13 Elmlea<br>Silver Street<br>Litlington<br>Alterations/Extension to<br>existing outbuilding to<br>create a new bedroom and<br>ensuite shower room | Allowed         | 06/12/11             |
| S/0724/11/F     | Mr N Jones<br>13 Elmlea<br>Silver Street<br>Litlington<br>Alterations/Extension to<br>existing outbuilding to<br>create a new bedroom and<br>ensuite shower room | Allowed         | 06/12/11             |

|              |   |                                  |          |
|--------------|---|----------------------------------|----------|
| S/1240/10/LB | Mr J Atherton<br>Upper Farmhouse<br>Alms Hill<br>Bourn<br>Demolition of Garden<br>Wall  | Allowed                          | 06/12/11 |
| S/1238/10/F  | Mr J Atherton<br>Upper Farmhouse<br>Alms Hill<br>Bourn<br>Timber post & rail fence<br>with gates in revised<br>location             | Allowed                          | 06/12/11 |
| S/0687/11/F  | Mr I McFadyen<br>2 Poplar Farm Close<br>Bassingbourn<br>16no photovoltaic solar<br>panels o garage roof                             | Dismissed                        | 08/12/11 |
| S/0688/11/LB | Mr I McFadyen<br>2 Poplar Farm Close<br>Bassingbourn<br>16no photovoltaic solar<br>panels on garage roof                            | Dismissed                        | 08/12/11 |
| S/2246/10/F  | Beechdale Ltd<br>Kingston Barns<br>Bourn Road<br>Kingston<br>Conversion of a rural<br>building to provide<br>holiday accommodation. | Allowed                          | 21/12/11 |
| S/0675/11/F  | Mr & Mrs Solanki<br>24 Gibraltar Lane<br>Swavesey<br>Front gates and<br>Boundary  | Dismissed                        | 23/12/11 |
| S/1157/11/F  | Mr & Mrs Le Strat<br>31 Sheralds Croft Lane<br>Thriplow<br>Fist floor front and side<br>and ground rear<br>extension                | Allowed                          | 30/12/11 |
| S/1778/10/F  | Barton Housing Assoc<br>Gretton Court High Street<br>Girton<br>Car-parking condition No<br>13                                       | Allowed<br>Committee<br>Approval | 05/01/12 |
| S/0733/1/F   | Mr A Greed<br>Land south of Brickhills<br>Willingham<br>No19 Dwellings accessed<br>off Brickhills                                   | Allowed<br>Committee<br>Refusal  | 16/01/12 |
| S/1271/11/A  | Marshall Jaguar<br>Newmarket Road Fen<br>Ditton   | Allowed<br>Delegated             | 16/01/12 |

Free standing illuminated Refusal  
sign

- **Appeals received**

3.

| Ref. no.    | Details  | Decision | Decision Date |
|-------------|--|----------|---------------|
| S/1522/11/F | Mrs D Edwards<br>Peartree Cottage<br>92 High Street<br>West Wrating<br>Erection of photo-voltaic<br>panels on roof of detached<br>garage                     | Refused  | 02/12/11      |
| S/1284/11/F | Goreway Holdings<br>Adj 7 Station Road<br>Foxton<br>Dwelling   | Refused  | 05/12/11      |
| S/1713/11/F | Mr & Mrs L Lattion<br>59 Ermine Way<br>Arrington<br>Dwelling and Car Park  | Refused  | 07/12/11      |
| S/1263/09/F | Tonga Marine Ltd<br>Highfields Court<br>Highfields<br>Caldecote<br>Variation of Condition  | Refused  | 09/12/11      |
| S/1263/09/F | Tonga Marine Ltd<br>Highfields Court<br>Highfields Caldecote<br>Variation of Condition 1(A)  | Refused  | 09/12/11      |
| Plaenf.4816 | Mr E Wells<br>The Scholars<br>Rectory Farm Road<br>Little Wilbraham<br>Without planning<br>permission carrying out or<br>works of operational<br>development |          | 18/12/11      |
| Plaenf.4817 | Mr E Wells<br>The Scholars<br>Rectory Farm Road<br>Without planning<br>permission carrying out or<br>works of operational<br>development<br>Little Wilbraham |          | 18/12/11      |
| S/1513/11/F | Mr M Huntingdon<br>11 West Road<br>Histon<br>Front Porch   | Refused  | 22/12/11      |
| S/0828/11/F | MPM Properties (Royston)<br>Ltd<br>The Plough<br>Shepreth  | Refused  | 22/12/11      |

|             |   |         |          |
|-------------|---|---------|----------|
|             | Cof U from restaurant to residential                                      |         |          |
| S/0931/11/O | Mr B Cooper<br>2 Hall Close<br>Foxton<br>Single Dwelling                  | Refused | 13/01/12 |
| S/2064/11/F | Mr & Mrs K A Wojtecki<br>5 Long Lane<br>Comberton<br>Dwelling and carport | Refused | 16/01/12 |

- **Local Inquiry and Informal Hearing dates scheduled before the next meeting on 1 February 2012.**

4.

| Ref. no.    | Name          | Address                                  | Hearing               |
|-------------|---------------|--|-----------------------|
| Plaenf.4484 | Mr J Green    | Overbrook Farm<br>Green End<br>Landbeach | Confirmed<br>24/01/12 |
| S/2275/10/F | Mr Banks      | Manor Farm<br>Washpit Lane<br>Harlton    | Confirmed<br>31/01/12 |
| S/1561/11/F | Mr Bibby      | The Stables<br>Schole Road<br>Willingham | Confirmed<br>15/02/12 |
| S/1298/11/F | Taylor Wimpey | Greengage<br>Rise<br>Melbourn            | Confirmed<br>28/02/12 |

- **Summaries of recent decisions**

**Mr Andy Greed – Erection of 19 dwellings – Land south of Brickhills, Willingham – Appeal allowed and costs awarded against the Council**

5. The Planning Committee refused the application on two grounds. These were the impact on the character and appearance of the surrounding area and on the residents living opposite in Brickhills. The appeal was determined by way of a hearing.
6. The area surrounding the site contains buildings of varied size, scale, design and materials. In response to this diverse character, a contemporary design with distinctive building profiles was proposed. This approach would accord with guidance in the Council's District Design Guide which, among other things, states that infill sites are expected to complement the street pattern by continuity of form and design or by appropriate contemporary contrast.
7. The first refusal reason related to the design and appearance of plots 12-15 and in particular to their flat roofs. The inspector found the proposed flat roofs would reflect design details indicated in the wider development that was proposed, including the proposed flat roofed porches. The front bays, projecting gables and render panels of plots 12-15 would reflect those on the adjacent plots 11 and 16 and the palette of materials and door and window details would be repeated throughout the scheme. This would create a consistent overall design and a visually cohesive development with a sense of place. The contrast between the flat and mono-pitched roofs and the differing bulk and scale of the dwellings would provide a degree of design variety and interest reflective of the varied character of buildings in the

surrounding area. Public viewpoints from where the flat roofs could be seen are limited, but as the flat roofs of plots 12-15 would be seen as an integral part of the comprehensive scheme design, the fact that they could be visible in some views would not in itself be objectionable.

8. Against this background, the inspector concluded that the Council had been unduly prescriptive in terms of its design requirements and its response to a small flat roofed element of a scheme which demonstrates a clear and coherent design approach. Whilst planning permission should be refused for development of obviously poor design, the appeal proposal could not reasonably be described in this way.
9. The previous Inspector found that the front elevations of plots 12-15 would overwhelm the neighbouring Brickhills properties as a result of their height, scale and proximity, eroding the enjoyment of their rear rooms and gardens, thereby harming their living conditions. In response to these concerns, the height of plots 12-15 had been reduced by about 1.4m by removing the previously shown mono-pitch roof and its replacement with a flat roof. The current appeal inspector noted that no technical justification or other convincing evidence was provided, either at the time of refusal or at the hearing to justify the Council's decision that this harm would remain. It was also noted that officers considered that the relationship between the existing and proposed developments would be acceptable. The inspector concluded that the proposed development would have no unacceptable adverse impacts on the residential amenities of the occupiers of properties in Brickhills and a satisfactory living environment would be created for future occupiers.
10. The appeal was therefore allowed subject to the provision of six affordable dwellings and appropriate contributions towards education and open space provision within the village. These measures have been secured through a completed section 106 agreement.
11. Costs were also awarded against the Council. The inspector found that whilst there was no objection to a contemporary scheme in principle, it appears that the Council's design objections arose principally from opposition to one design element of the scheme, being the flat roofs. This objection was not fully justified and the approach is contrary to guidance set out in PPS1. Whether or not the Committee followed the lead of one Member (as the appellant had claimed), the Council's decision did not follow the recommendation of officers. Whilst it involved matters of judgement concerning the effects of the proposed development on the character and appearance of the area and on neighbours, the evidence provided by the Council was not sufficiently specific to explain its contrary decision. In particular, the analysis as to the effects of the scale, massing and bulk of the appeal proposal on these factors was vague, despite being narrowly focused.
12. It was incumbent on the Council to set out the factors on which its own assessment has been based. In this instance, the Council could not provide a respectable basis for its stance, contrary to the advice set out in the Costs Circular. The Council failed to show reasonable planning grounds for its decision and the appellant has faced unnecessary and wasted expense, because the entire appeal could have been avoided. The inspector therefore found that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has been demonstrated and that a full award of costs was justified.
13. There is no indication at present as to what those costs are likely to be and members will be updated as necessary at the meeting.

**Background Papers:** the following background papers were used in the preparation of this report  
None

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