

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th July 2006
AUTHOR/S: Executive Director

APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION: SUMMARIES OF DECISIONS OF INTEREST – FOR INFORMATION

Purpose

1. To highlight recent Appeal decisions of interest forming part of the more extensive Appeals report, now only available on the Council's website and in the Weekly Bulletin dated 28th June 2006.

Summaries

Houghton Homes – Erection of two semi-detached dwellings – 152 Hinton Way, Gt Shelford – Appeal allowed

2. Members considered the proposal would unacceptably increase the density of development on this edge of village site. The Council argued that the site represents an area where the scale of dwellings is reducing and the larger plots give rise to lower densities.
3. The inspector accepted that the proposed development would take up more of the plot width, but that it would not look out of place. This is because there are two existing pairs of semi-detached houses only three doors away from the site with similar plot widths. None of the neighbouring houses other than the end house (no. 154) have wide plot widths and there is no appreciable sense of low density development.
4. The eaves and ridge heights of the proposed roofs would be compatible with nearby properties. The design reflects that of existing properties and as such the development would be sensitive to the character of the area.
5. Planning permission was therefore granted subject to conditions regarding sample materials, landscaping, boundary treatment, access, car parking and turning, visibility and a restriction on pd rights.

Mr & Mrs Thornhill – Single-storey extension to side of dwelling – 10A Potton Road, The Heath, Gamlingay - Appeal Allowed

6. This appeal involved a large extension which was considered too prominent in this location. The property is part of a cluster of dwellings in the countryside, sited on a large plot.
7. The inspector found that as there is an adjoining outbuilding, views of the extension would be limited. The existing house was also considered to be less prominent than other houses in the road. The extension was designed to be subservient to the main dwelling and would not have a marked effect on either the openness or rural character of the area. It would not exceed the permitted floorspace limitation in the local plan. It would therefore amount to appropriate development in the countryside.

8. The appeal was allowed subject to conditions regarding the use of materials and sound attenuation measures for the proposed plant room.

J Clements – Conversion of workshop into bungalow – Clements Hardware Store, High Street, Cottenham

9. The main issue in this appeal was whether the loss of an existing employment site is justified in the light of Local Plan Policy EM8. The policy resists the loss of employment sites unless the use is causing environmental problems or where it can be demonstrated there is no longer a demand for employment use.
10. The building is a single-storey engineering workshop surrounded by residential properties. A three bedroom bungalow was proposed. The former hardware store at the front of the site has been demolished to be replaced by a dwelling.
11. The inspector accepted that the existing use is not causing any problems at present. He reasoned, however, that as the permitted use is unrestricted, matters such as hours of operation or outside storage cannot be controlled. He was "... concerned that a future business occupier could potentially generate environmental or traffic problems, which could harm the living conditions of nearby residents and the operation of the adjacent day nursery. Similarly, the close proximity to existing residential property could constrain the activities of any future occupier."
12. The inspector also accepted that no formal marketing has taken place. Nonetheless, he considered that given the very modest size of the building, the constraints imposed by the access and the nature of surrounding development, its attraction as business premises would be limited. As such, a marketing exercise would be of little benefit. The drastic reduction in space associated with the building as a result of the planning permission for the frontage dwelling added weight to his concerns
13. Permission was therefore granted restricting Pd rights and the proposed parking and turning area to be provided before occupation and thereafter to be retained.
14. *Comment: Officers are concerned that the inspector has not properly considered the proposal against Policy EM8 and as a result has failed to give it sufficient weight when balancing it against other considerations. Counsel's views on the success of a legal challenge are being sought.*

Background Papers: the following background papers were used in the preparation of this report: Planning Inspectors' appeal decisions dated 15 May 2006, 15 May 2006 and 13 June 2006

Contact Officer: John Koch – Appeals Manager
Telephone: (01954) 713268