

APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

TOWN AND COUNTRY PLANNING ACT 1990

This item is intended to update Members on appeals against planning decisions and enforcement action. Information is provided on appeals lodged, proposed hearing and inquiry dates, appeal decisions and when appropriate, details of recent cases in interest.

1. Decisions Notified By The Secretary of State

Ref. No.	Details	Decision and Date
E 353	Mr P McCarthy Plot 2 & R/o plot 3, Setchel Drove <u>Cottenham</u> Enforcement against change of use of site to use a residential caravan site.	Allowed 16/02/2004
S/1020/03/F	Mr P McCarthy R/o 2 Setchell Drove <u>Cottenham</u> Siting of 2 gypsy caravans and shower block (Delegated Refusal)	Allowed 16/02/2004
S/1179/03/F	Mr J. Lindsay Silver Acre, 17A High Street <u>Milton</u> Extension (Delegated Refusal)	Allowed 18/02/2004
S/0407/03/O	Cambridge Building Society R/o 37 High Street <u>Sawston</u> 4 flats (Delegated Refusal)	Dismissed 19/02/2004
S/0392/03/F	Mr & Mrs P Bridle 74 North End <u>Meldreth</u> Extensions (Delegated Refusal)	Dismissed 19/02/2004
S/1746/03/F	Lancaster Plc 140-146 High Street <u>Harston</u> Part demolition of existing building and alterations and extensions to former new car showroom and vehicle workshop. (Delegated Refusal)	Dismissed 23/02/2004

S/1993/02/F	Mr & Mrs Freeman & Mr & Mrs Aylward R/o 2 & 4 West Moor Avenue <u>Sawston</u> Dwelling (Delegated Refusal)	Allowed 24/02/2004
S/0274/03/O	Mr & Mrs Starr 53 Station Road <u>Harston</u> Erection of 2 dwellings following demolition of existing (Delegated Refusal)	Dismissed 24/02/2004
S/0204/03/F	Dr L Berman 34 West Green <u>Barrington</u> Replacement dwelling (Delegated Refusal)	Allowed 03/03/2004
S/1536/03/F	Mr M Lovelidge 3 The Stables <u>Cottenham</u> Extension (Delegated Refusal)	Allowed 03/03/2004
S/0275/03/LB	Mr & Mrs Anderson 40 Church Street <u>Thriplow</u> Alterations - Extension for Front Porch (Delegated Refusal)	Dismissed 04/03/2004
S/1999/02/O	Mr A Edgar Land North of The Beeches, 21 Green Lane <u>Linton</u> 4 Bungalows (Officer Recommendation to Approve)	Allowed 16/03/2004

2. Summaries of recent decisions of interest

Mr J Lindsay – First floor extension above garage – 17a High Street, Milton - Appeal allowed

The main issue in this appeal was the effect that the extension would have on the setting of the Lion and Lamb Public House, a grade II listed building. 17a High Street shares a common boundary marked by a hedge and close-boarded fencing.

The inspector found that the public house has extensive grounds to the side and rear. These provide a good deal of separation between the two properties. The proposed extension and the increased bulk of the dwelling would be readily apparent above the hedge, especially as the elevation would be solid brickwork, unrelieved by any openings.

Recent development, including the appeal property has brought built development closer to the listed building. This has been sanctioned by the Council and has changed the relationship of the listed building with its immediate surroundings. However, the appeal property is still well separated from the public house and the two dwellings could not be said to have a close physical relationship. There would still be sufficient space between the two buildings to preserve the independent and physically separate nature of the listed building.

Accordingly, the inspector concluded there would be no harm to the setting of the listed building. The appeal was allowed subject to approval of sample materials.

Mr & Mrs Freeman and Mr & Mrs Aylward – Dwelling - Land r/o 2 and 4 West Moor Avenue, Sawston - Appeal allowed

This appeal proposed the erection of a new dwelling between the appellants' properties and 27 Martindale Way. The application was refused because of its effect on the character and appearance of the area, the impact on light and outlook for neighbours and the safety and free flow of traffic.

The inspector noted that the site is situated in a post-war estate of mainly two-storey semi-detached and terrace dwellings of uniform design, materials and layout. The site is part of existing rear gardens and it was proposed to replace the existing outbuildings on the site with a chalet style dwelling.

The inspector found that the appearance of the estate has changed little over the years and largely retains its original formal and solid, if "uninspired" character. The uniformity of the immediate locality has, however, been changed by the construction of bungalows either side of West Moor Avenue to the north. The site was not considered to positively contribute to the open character of this part of the estate or to village character in general. In addition, it was not considered that the development would appear unduly cramped within its surroundings. Although the design of the dwelling would differ from neighbouring properties, the lack of any special quality in the estate and the introduction of the bungalows to the north justified a further visual variation in the street scene. It would not appear prominent in the street scene and also provide a small unit of accommodation.

In respect of neighbours' amenities, the concern was for the appellants' own properties at nos. 2 and 4. The inspector agreed there would be some impact because of a loss of outlook and overbearing presence. However, the unusual internal layout of no. 4, meant that the loss of amenity was not felt to be serious.

It was acknowledged that the estate roads are narrow and that it would be unacceptable to add to existing difficulties through an increase in demand for on-street parking. While the proposal did not meet the Council's standards for parking provision, it would be possible to impose a condition requiring additional parking spaces to cater for the existing and proposed dwellings. On that basis, there would be no adverse implications for the safe and free flow of vehicles along the public highway.

The appeal was allowed subject to conditions regarding materials, boundary treatment and a car parking layout.

The appellant also made an application for costs against the Council. This was on the grounds that the reasons for refusal had not been justified and officers had not been helpful in negotiations for an alternative scheme.

The inspector found that as the Council's objections were ones of principle, it was not unreasonable for it to maintain a consistent objection. While other bungalows have recently been allowed, the physical characteristics of the sites are clearly different. No precedents had been set. In the main the Council presented appropriate evidence to defend its decision. While the Council had not provided technical evidence to support an objection on overshadowing, neither had the appellant. The Council had not acted unreasonably and no award of costs was justified.

Dr L Berman – Replacement dwelling – 34 West Green, Barrington – Appeal allowed

The main issues in this case were whether the proposal would harm the setting of the adjoining listed building and the character of the village conservation area. It was agreed by the parties that the existing house is of no architectural quality and that a replacement dwelling was acceptable in principle. The Council's concerns were that the size, siting and design of the new dwelling were unacceptable.

On the first issue, the inspector did not accept the Council's contention that the height and form of the new dwelling would be intrusive. While most buildings fronting the Green have simple facades, this was not exclusively the case. There is variety in design elements, architectural details and materials, all of which add to visual interest. The inspector accepted the appellant's design approach and concluded that the Council was effectively trying to impose a particular architectural taste or style arbitrarily. The dwelling would therefore sit comfortably alongside the listed building.

While the new dwelling would be more assertive than the existing building, this was of a characterless design. The new dwelling would have its own identity and would actually enhance the conservation area.

The appeal was therefore allowed subject to conditions including details of external materials, finished floor levels, landscaping, boundary treatment, restriction of windows in the side elevations and restriction of pd rights.

Mr M Lovelidge – Two-storey extension - 3 The Stables, Cottenham – Appeal allowed

This application was refused because of its effect on the village conservation area. The stables is a short cul-de-sac of houses and bungalows, which are set close to the road giving the area a very enclosed feel.

The proposed extension would cover a small garden area between the house and the adjacent garage block. Its design and materials would reflect those of the existing house.

The extension would restrict the view from the street and create a continuous line of buildings. Despite this, the inspector did not find this would be harmful. The existing view of the garden is not significant as these are already restricted, being enclosed by a fence and vegetation. The extension would be in keeping with the enclosed nature of the cul-de-sac and by introducing windows in the front wall and roof, "would improve the present rather austere appearance of the building". The site adjoins the conservation area to the north. Only a distant glimpse of the extension would be possible and it would not change – and thus preserve – the character and appearance of the conservation area.

Mr A Edgar – Outline application for erection of four bungalows – Land at "The Beeches", 21 Green Lane, Linton – Appeal allowed

This application was refused by the Committee for three separate reasons. Members felt that the low density did not make the best use of land, that it would harm the conservation area and that the site should be developed in tandem with adjoining land to allow the possibility of affordable housing to be provided. The appeal was considered at a hearing attended by the Parish Council and adjoining residents. Residents considered that the site was in fact being overdeveloped.

An earlier scheme for three dwellings on the site and an additional piece of land has already been allowed. This additional area of land has since been sold to another developer and is already being developed as part of another scheme. In the light of this, the Council was forced to accept that the opportunity to develop a larger "site" has now been lost. The allegation that the proposal constitutes unacceptable piecemeal development was abandoned. A requirement for affordable housing could not be sustained.

The best use of land would require a minimum of 30 dph in accordance with development plan policies. This would result in 10 dwellings, rather than the four proposed. The appellant claimed that this would necessitate houses being erected rather than bungalows. Bungalows had previously been accepted and houses would lead to problems of overlooking of adjoining properties. Furthermore, the highway authority expressly objected to anything more than five dwellings being served off a private drive.

The inspector noted that the Council had no evidence to suppose the stance of the highway authority was wrong, or that as many as 10 houses could be satisfactorily accommodated on the site.

While it was argued, that a fewer number, though greater than four could be satisfactorily accommodated, the inspector concluded that this was a site where a lower density should be accepted. Any concerns for the provision of smaller units of accommodation could be dealt with in the submission of reserved matters.

Only part of the site lies within the conservation area. In the absence of any details at this stage, it was not possible to comment definitively on the impact on the character of the conservation area. Only two trees would be lost and these are both horse chestnuts which both parties accepted are in poor condition and could be removed.

Local residents expressed fears for increased traffic generation along Green Lane and Beech Way. The inspector was satisfied that the proposed increase in traffic was acceptable, particularly as the junction with Green Lane and the High Street would soon be alleviated by loading/unloading restrictions.

The appeal was therefore allowed subject to approval of reserved matters for the siting, design, external appearance of the buildings and landscaping. Additional conditions were also imposed relating to materials, boundary treatment and a limitation on when the horse chestnut trees are to be removed in order to protect any bats that may be present.

3. Appeals received

Ref. No.	Details	Date
S/2256/03/F	R Adlington Wood View, Potton End <u>Eltisley</u> Temporary Structure above garage (retrospective) (Delegated Refusal)	17/02/2004
S/1999/03/F	Mr & Mrs Hoddinott 26 Mill Lane <u>Sawston</u> Extension (Delegated Refusal)	19/02/2004
S/2042/03/F	Mr & Mrs Heron Byron Lodge, 3 Royston Road <u>Harston</u> Extension (Delegated Refusal)	20/02/2004
S/1539/03/F	Mr & Mrs Heron Byron Lodge, 3 Royston Road <u>Harston</u> Extension (Officer Recommendation to Approve)	20/02/2004
S/1879/03/O	Vision Homes Cinques Road <u>Gamlingay</u> Residential development (Delegated Refusal)	24/02/2004

S/1647/03/F	Mr R Shipsey & Ms J List Croxley House, Royston Road <u>Litlington</u> Extension to dwelling & erection of triple garage (Delegated Refusal)	25/02/2004
S/2505/03/F	D Flynn, M O'Brien, J Flynn, P Flynn, D O'Brien & D Quilligan Plots 1-6 off Water Lane <u>Cottenham</u> Private gypsy site for 6 families (Non-Determination)	25/02/2004
S/1964/03/F	D Cheesley R/o 10 Duck End <u>Girton</u> Bungalow (Delegated Refusal)	27/02/2004
S/2204/03/F	Mr J Tilley The Old Fire Engine Shed, High Street <u>Sawston</u> Conversion of former fire engine shed to offices (Delegated Refusal)	01/03/2004
S/2624/03/F	Country Homes and Gardens Royston Garden Centre, Dunsbridge Turnpike <u>Shepreth</u> Variation of conditions 1, 2, 10, & 11 of S/1333/02 in respect of revised landscaping details (Non-Determination)	02/03/2004
S/2141/03/F	Mr & Mrs Willis 2B Church Road <u>Teversham</u> Outbuilding providing swimming pool, changing rooms and ancillary facilities for private use (Officer Recommendation to Refuse)	04/03/2004
S/1559/03/F	Taylor Woodrow Developments Off Chivers Way (Access off Kay Hitch Way) Histon 57 Dwellings (Officer Recommendation to Refuse)	08/03/2004

S/1528/03/F	Mr I Harvey 36 Dubbs Knoll Road <u>Guilden Morden</u> Appeal against condition 2 of approval requiring approval of sample materials (Officer Recommendation to Approve)	09/03/2004
S/2194/03/F	Mr C Taylor 45 Spring Lane <u>Bassingbourn-cum-Kneesworth</u> Construction of raised decked area, path and sunken patio/lawn (part retrospective) (Delegated Refusal)	10/03/2004
S/2358/03/O	Mr C Wilson 12 Leaden Hill <u>Orwell</u> 2 bungalows (Delegated Refusal)	15/03/2004
S/2184/03/F	S Markley Walnut Tree Cottage, Camps End <u>Castle Camps</u> Extensions (Delegated Refusal)	16/03/2004
S/2542/03/F	Mr K Bradley 2 Joinery Yard, off Glebe Road <u>Barrington</u> Extension (Delegated Refusal)	17/03/2004

4. Local Inquiry and Informal Hearing dates scheduled before the next meeting on 12 May 2004

Ref. No.	Details	Date/Time/Venue
S/1935/02/F	Mr & Mrs M A G Francis Adj The Old Police Station <u>Fowlmere</u> House (Informal Hearing)	20/04/2004 Committee Room 2 10.00am

S/0424/03/F	Mr W Willett Appletree Mobile Home Park, Histon Road <u>Cottenham</u> Reorganization & extension to mobile home park and land adjoining Histon Road, Cottenham. (Informal Hearing)	11/05/2004 Committee Room 2 10.00am
S/1472/02/F	Trustees of the Henry Settlement Mines Farm, Weston Green <u>Weston Colville</u> Erection of a country house, staff cottage & stables together with parkland, landscaping and excavation of lakes (Informal Hearing)	12/05/2004 Committee Room 1 10.00am

5. Appeals withdrawn or postponed

Ref. No.	Details	Reason and Date
S/6200/03/RM	MCA Developments Ltd Land East of Monk Drive, <u>Cambourne</u> Construction of a multi use games area (Local Inquiry)	Held In Abeyance

6. Advance notification of future Local Inquiry and Informal Hearing dates (subject to postponement or cancellation)

Ref. No.	Details	Date
S/1127/03/F	J Jefford The Bungalow, Long Drove <u>Waterbeach</u> Retention of building and use as store and security office together with boundary screening to existing scrap yard. (Informal Hearing)	25/05/2004 Confirmed
S/0599/03/F	Mrs E Mitcham Barn Farm, East Hatley <u>Hatley</u> Conversion of barn into dwelling and erection of garaging (Informal Hearing)	02/06/04 Confirmed
S/1819/02/F	Mr G North The Bogs, The Cinques <u>Gamlingay</u> Removal of mobile home personal occupancy condition. (Local Inquiry)	08/06/2004 Confirmed

S/0455/03/F	<p>Excelcare Etheldred House, Clay Street <u>Histon</u> Erection of nursing home (95 bed), District nurses centre, and alterations to access following demolition of existing (Informal Hearing)</p>	<p>15/06/2004 Confirmed</p>
S/6182/03/O	<p>MCA Developments Ltd <u>Cambourne</u> Development comprising 1,744 new dwellings, primary schools, public open space and associated infrastructure. (Local Inquiry)</p>	<p>22/06/2004 Confirmed to sit for 8 days</p>
S/0208/03/RM	<p>Persimmon Homes (East Midlands) Ltd Land West Of <u>Longstanton</u> Erection of 97 dwellings and ancillary works (Local Inquiry)</p>	<p>22/06/2004 Confirmed</p>
S/1594/03/F	<p>Keith Collier Engineering Ltd Unit 6, Riverview Farm, Overcote Road, <u>Over</u> Extension to workshop (Informal Hearing)</p>	<p>29/06/2004 Confirmed</p>
S/1202/03/LB	<p>Mr & Mrs Bryce-Smith Home Farm, 10 High Street <u>Shepreth</u> Extension (Informal Hearing)</p>	<p>30/06/2004 Confirmed</p>
S/1203/03/F	<p>Mr & Mrs Bryce-Smith Home Farm, 10 High Street <u>Shepreth</u> Extension (Informal Hearing)</p>	<p>30/06/2004 Confirmed</p>
E 501	<p>Mr H Price Primrose Meadow, Cow Lane <u>Rampton</u> Enforcement against use of land as residential caravan site (Local Inquiry)</p>	<p>06/07/2004 Confirmed</p>
S/0780/03/F	<p>A Duke & Sons Off New Road <u>Melbourn</u> 2 houses (Informal Hearing)</p>	<p>13/07/2004 Confirmed</p>

S/0181/03/LDC	Shelford Lodge Ltd 144 Cambridge Road <u>Great Shelford</u> Certificate of lawfulness for siting & use of mobile home for residential accommodation (Local Inquiry)	14/07/2004 Offered/
EP246A	Shelford Lodge Ltd 144 Cambridge Road <u>Great Shelford</u> Enforcement of removal of mobile home (Local Inquiry)	14/07/2004 Offered/
9 Appeals	Plots 7-16 Pineview Smithy Fen <u>Cottenham</u> Siting of a travellers' mobile homes (Local Inquiry)	20/07/2004 Offered/Accepted
E461C	Mr P O'Brien Land off Water Lane <u>Cottenham</u> Enforcement against change of use to residential caravan site (Local Inquiry)	20/07/2004 Offered/Accepted
S/2447/02/F	Mr J Flynn 6A Orchard Drive, Smithy Fen <u>Cottenham</u> 1 Mobile Home, 1 touring caravan and day room (Local Inquiry)	20/07/2004 Offered/Accepted
S/2370/02/F	J Culligan 7 Orchard Drive, Smithy Fen <u>Cottenham</u> Caravan & day room (Local Inquiry)	20/07/2004 Offered/Accepted
S/0177/03/F	Mr J Biddall Kneesworth Road <u>Meldreth</u> Change of use of land to travelling show peoples quarter (Local Inquiry)	27/07/2004 Confirmed

S/1058/03/F	<p>Mr & Mrs Sherwood R/o 117 High Street <u>Melbourn</u> Erection of a dwelling & double garage (Informal Hearing)</p>	<p>03/08/2004 Confirmed</p>
E 502	<p>Mr H Price Adj Moor Drove, Cottenham Road <u>Histon</u> Operational Development (Local Inquiry)</p>	<p>10/08/2004 Confirmed</p>
E 502A	<p>Mr H Price Adj Moor Drove, Cottenham Road <u>Histon</u> Enforcement against material change of use to storage and residential use of caravans. (Local Inquiry)</p>	<p>10/08/2004 Confirmed</p>
S/1934/03/F	<p>Mr J Crickmore The Barn, Chesterton Fen Road <u>Milton</u> Change of use to tropical plant nursery comprising erection of 3 glasshouses, general purpose shed, alteration and extensions to existing barn/stable for display and sales, retention of mobile home and provision of car parking. (Local Inquiry)</p>	<p>07/09/2004 Confirmed</p>
S/1559/03/F	<p>Taylor Woodrow Developments Off Chivers Way (Access off Kay Hitch Way) <u>Histon</u> 57 Dwellings (Informal Hearing)</p>	<p>03/11/2004 Offered</p>