

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee
AUTHOR/S: Corporate Manager – Planning & Sustainable Communities

4th March 2009

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

Purpose

1. To highlight recent Appeal decisions of interest. These form part of the more extensive Appeals report, which is now only available on the Council's website and in the Weekly Bulletin.

Summaries

Mr C Nightingale – Erection of two dwellings following the demolition of existing dwelling – 2 Mingle Lane, Great Shelford – Appeal allowed.

2. The main issues in this appeal were the effect on the character and appearance of the area, the effect on adjacent properties as regards the outlook and disturbance and whether the density would make efficient use of the site.
3. The inspector found that the proposed frontage house would have a higher roofline than the existing dwelling and its neighbours to the south-east. However, the full height of the building would be confined to a narrow element where it would be seen with two storey houses on Hinton Way. Two visually important front garden trees would be retained. The house at the rear of the site would result in the loss of some trees, but the site would still retain its partly wooded character. Its presence would not be harmful to the character of the area. While the driveway would be noticeable, this is not an unusual feature in the area.
4. The bungalow at no 4 Mingle Lane was found to be well separated and screened from the driveway serving the rear dwelling. The proposed turning area and garage would be 40m from the rear of no. 4 and the amount of activity generated by a single dwelling was acceptable given the distance. As the dwelling would be built at a lower level than the houses behind in Leeway Avenue, it would not have a dominant presence or result in overlooking. Similarly, the frontage property would not be unduly dominant given its design and distance from its neighbours.
5. So far as an efficient use of land is concerned, the inspector considered the proposal struck an appropriate balance in order to protect the amenity of the area. He concluded it would be difficult to provide any more dwellings on the site without harming the future health of trees or compromising highway safety.
6. The Council had requested a contribution towards the provision of open space. The appellant disputed this, although had offered a unilateral undertaking to this effect. In the absence of an adopted SPD, the inspector was not satisfied that the required payment accorded with the development plan. He therefore declined to accept the payment of a contribution was justified.

7. Planning permission was granted subject to conditions. This included tree and hedge protection measures, details of boundary treatment, the inclusion of obscure glazing in certain first floor windows to prevent overlooking, removal of pd rights to prevent further windows and roof lights and provision of suitable pedestrian visibility splays.

Ms Sarah Lee – Retention of unauthorised dayroom building – Plot 6 Sunningdale, Chesterton Fen Road, Milton – Appeal against enforcement notice allowed.

8. The existing building on the site was previously subject to a retrospective planning application. The Council refused this in August 2006 and a subsequent appeal against that refusal was ultimately dismissed in February 2008. An enforcement notice was then served seeking removal of the building. The appellant appealed the enforcement notice and this was considered by way of a public inquiry.
8. The appellant accepted that the building is inappropriate development in the Green Belt and sought to negotiate the retention of a smaller building. This led to the Council accepting a proposal for a smaller building and the demolition of part of an exiting building on the site. In doing so, the Council accepted that the resultant buildings would provide essential accommodation for the appellant such that the need for them would amount to very special circumstances to clearly outweigh the Green Belt harm.
9. The Council had regard to the DCLG Good Practice Guide, Designing Gypsy and Traveller Sites published in May 2008. This confirms that an “amenity” building (which will often include living/kitchen accommodation) is an essential requirement when planning new gypsy pitches. While the guidance suggests a building of about 40 –45 sq m., which is approximately half the size of that proposed on Plot 6, the appellant’s extended family needs justified a larger building in this case.
10. In the circumstances, the Council agreed that planning permission could now be granted. This is the subject of a personal permission and strict timescales for implementation (both against the appellant’s wishes) in which the various changes need to be carried out.
11. Planning permission was therefore granted to partially demolish and rebuild both the existing dayroom building and an outbuilding behind it. The appellant has six months (i.e. before 18 August 2009) to carry out the necessary works. If these requirements are not met, the appellant is required to cease using the existing building and demolish all of it within one month (i.e. before 18 September 2009).
12. This decision does not set a precedent for other dayrooms at Chesterton Fen. Most of the sites lie within the Green Belt and each applicant would need to demonstrate that any building they propose is supported by very special circumstances particular to their specific needs.