

APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

TOWN AND COUNTRY PLANNING ACT 1990

1. 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 of interest.
2. Statistics for the last quarter and the whole of last year are set out overleaf.
3. 139 appeals were received last year. This is less than the previous year (where a very high number of traveller appeals were received) but still more than any other year since 1991. The increase nationally over the previous year was about 10%
4. The total number of planning and listed building appeals dismissed was 80%. This compares with 75% and 69% for the previous two years. The latest available figures show the national average to be around 64%. Our performance is therefore well above the national average and the 64% target (BV204) set out in the Council's 2004 Performance Plan.
5. Some 48% of all appeal decisions last year were dealt with by way of written representations. 20% were dealt with by hearings, and 32% followed a public inquiry. This is a somewhat skewed result, as the public inquiry at Sandy Park, Chesterton Fen involved 29 separate appeals.

1. Decisions Notified By The Secretary of State

Ref. No.	Details	Decision and Date
S/2089/03/F	Heddon Management Ltd 12 Pieces Lane Waterbeach 8 Houses (Officer Recommendation to Refuse)	Dismissed 13/12/2004
S/2276/03/F	S Vanstone 1 Honey Hill Gamlingay Extension (Delegated Refusal)	Allowed 15/12/2004
S/0158/04/O	Mr D Wakefield Adj Willoughby House, Maynards Whittlesford Dwelling & garage (Delegated Refusal)	Dismissed 11/01/2005
S/0220/04/O	Mr J Swanson Barons Farm, 7 Angle Lane Shepreth Dwelling and Garage (Officer Recommendation to Refuse)	Dismissed 11/01/2005

S/0333/04/F	Dr & Mrs Sutcliffe 22 The Lane Hauxton Extensions (Delegated Refusal)	Allowed 11/01/2005
S/0389/04/F	Corrinne Hibbert 46 Streetly End West Wickham Extension (Delegated Refusal)	Dismissed 11/01/2005
S/0388/04/LB	Corrinne Hibbert 46 Streetly End West Wickham Internal and external alterations including replacement of front door by window, replacement of window in gable wall by door (Delegated Refusal)	Dismissed 11/01/2005
S/0492/04/F	Dr C Russo & Ms P Gillespie 34 Woodlands Park Girton Extension (Delegated Refusal)	Dismissed 12/01/2005
S/0581/04/F	Miss O MacDonald 7 Barrons Green Shepreth Extension to provide additional dwelling and extension to existing dwelling. (Officer Recommendation to Refuse)	Allowed 13/01/2005
S/0230/04/LB	Mr M Derham Hinxton Grange, Hinxton Installation of new fibrous plaster pre made dome for light fitting in kitchen ceiling (retrospective application). (Delegated Refusal)	Dismissed 14/01/2005
S/0877/04/F	Mr & Mrs Ford 3 Woodlands Close Great Shelford Extensions and outbuilding (Delegated Refusal)	Dismissed 14/01/2005

2. Summaries of recent decisions of interest

C Hibbert – Single storey extension and alterations to existing building – 46 Streetly End, West Wickham – Appeals dismissed.

1. These appeals followed the refusal of planning permission and listed building consent. The building is a two-storey semi-detached cottage and listed grade II. The appeal was determined by way of written representations.

2. There were two main issues to be considered. These were the impact on the listed building and the surrounding conservation area and the effect on the daylight and outlook for the adjoining semi (no. 44).
3. On the first issue, the inspector noted that the extension would add considerably to the amount of living accommodation. This would alter the character of the building and detract from its historical interest. The inspector noted that other cottages nearby are well cared for and that they are quite large enough to provide viable homes. There was no overriding need to extend the appeal cottage in order to ensure its survival. The proposed extension would dominate and indeed largely obscure the rear elevation of the building and this would radically alter its simple vernacular form. The extension would therefore fail to preserve the architectural or historic interest of the building.
4. The extension would be a prominent feature when viewed from the open countryside to the north. To that extent, it would detract directly from the character and appearance of the conservation area.
5. The extension would protrude 5.5 metres from the rear wall of the cottage and would be between 4.5 metres and 5 metres from the property boundary. The unusual layout of the pair of cottages is such that the rear window of no. 44 looks out directly onto the garden of no. 46. This would result in the gable wall of the extension having an overbearing and oppressive impact on the outlook from that window.
6. The inspector (like many inspectors) did not accept that approval would lead to an unwelcome precedent leading to further erosion of the character of the cottages. In his words "Planning decisions do not set precedents. Regardless of the outcome of these appeals any future proposal would have to be considered on its own merits and in the light of the planning policies and any other material considerations pertaining at the time".

Miss O MacDonald – Erection of house and extension to existing property – 7 Barrons Green, Shepreth – Appeal allowed

1. The main issue in this appeal was the impact of the proposal on the character and appearance of the area. It was considered under the written representations procedure.
2. The site is part of a garden of a semi-detached house and occupies a corner plot. The proposal was to replace an existing garage and single-storey kitchen extension with a three bedroom house attached to the side of the existing dwelling and a new kitchen extension for no. 7.
3. The Council had argued that the openness of the area was an important feature. The inspector did not agree. He considered that although the site is in a rural location, the area has an "urban" quality. He found the site to have a strong sense of enclosure and that the gap created by the appeal site is a weak visual point in the composition of various buildings around the end of the cul-de-sac. It does not therefore make a positive contribution to the character of the estate.
4. He found the garden features are not particularly attractive features of what is a prominent site. The appeal proposal would match the existing development in appearance and could not be described as being oppressive or a visually dominant feature of the street scene. Neither would it detract from the pair of existing properties.

5. It was also concluded that government objectives, as set out in PPG3, to make more efficient use of land and to provide a better mix of house sizes, types and locations would be met in this instance. The proposal would not therefore harm the character or appearance of the area.
6. While it was not part of the Council's reasons for refusal, local residents also raised matters relating to privacy, outlook and car parking. The inspector did not consider that any of these issues were sufficient to dismiss the appeal.
7. The appeal was therefore allowed subject to conditions regarding the submission of sample materials and the provision and retention of car parking spaces.

3. Appeals received

Ref. No.	Details	Date
S/1579/04/F	Orange PCS Ltd Land Northwest of Whitehouse Lane, off Huntingdon Road Girton 25m high telecommunications mast to replace existing mast and associated development. (Delegated Refusal)	17/12/2004
E489A	Mr & Mrs Brown The Arches, Schole Road Willingham Enforcement against use of the land fore residential caravans	21/12/2004
S/1385/04/F	Mr & Mrs Russell Land R/O 22 Town Street Newton Detached Bungalow & Garage (Officer Recommendation to Approve)	10/01/2005
E493	Miss Lovitt & Mr Scrafton 6 Honey Hill Gamlingay Enforcement for removal of 5-bar gate and gate posts	06/01/2005
S/1569/04/F	Mr M Hegerty Land off Victoria View, Smithy Fen Cottenham Siting of 4 gypsy caravans (Delegated Refusal)	12/01/2005
S/1589/04/F	M Quilligan Land off Water Lane, Smithy Fen Cottenham Siting of 2 gypsy caravans (Delegated Refusal)	12/01/2005

S/1767/04/F Cambridge Cottage Housing Association 12/01/2005
Adj 82 High Street
Great Abington
Dwelling
(Delegated Refusal)

4. **Local Inquiry and Informal Hearing dates scheduled before the next meeting on 2nd March 2005**

None

5. **Appeals withdrawn or postponed**

None

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

Ref. No.	Details	Date
S/0019/04/F	Mr P Mansfield 29 Worcester Avenue Hardwick Change of use of land to garden land & extension to dwelling (Informal Hearing)	08/03/2005 Confirmed
S/0358/04/F	Dr & Mrs N Coleman Adj 33 Mill Hill Weston Colville Erection of house and garage and carport for existing dwelling (Informal Hearing)	09/03/2005 Confirmed
S/0466/04/F	Mr & Mrs North Clopton Lodge, The Cinques Gamlingay Appeal against condition 2 of permission - personal occupancy condition and removal thereafter (Local Inquiry)	10/05/2005 Confirmed
S/6248/04/RM	MCA Developments Ltd. Plot GC13, Jeavons Lane Cambourne 54 Dwellings (Local Inquiry)	02/08/2005 Confirmed
S/0629/04/F	Mr and Mrs Noyes 22 North Brook End Steeple Morden Extension (Informal Hearing)	04/10/2005 Confirmed

S/0628/04/LB	Mr and Mrs Noyes 22 North Brook End Steeple Morden Internal and external alterations including conversion of bathroom to utility room and two ground floor bedrooms (Informal Hearing)	04/10/2005 Confirmed
S/1109/04/F	Beaugrove Ltd. Crail, High Street Croydon Erection of two houses following demolition of existing house (Informal Hearing)	11/10/2005 Confirmed
S/0592/04/F	R W S Arnold Bennell Farm, West Street (Comberton) Toft Erection of B1 offices (Informal Hearing)	09/11/2005 Confirmed
S/0761/04/F	B Gemmil, A Sheridan, E Sheridan & K Sheridan Plots 1-11 Victoria View, off Orchard Drive Smithy Fen Cottenham Use of land for gypsy caravan site, (11 pitches) part retrospective (Local Inquiry to sit for 8 days)	10/01/2006 Offered/