

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 March 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 24 February 2012. Summaries of recent decisions of importance are also reported, for information.
2. **Decisions Notified By The Secretary of State**

Ref.no	Details	Decision	Decision Date
S/1778/10/F	Barton Housing Assoc Gretton Court High Street Girton Car-parking condition No 13	Allowed Committee Approval	05/01/12
S/0733/1/F	Mr A Greed Land south of Brickhills Willingham No19 Dwellings accessed off Brickhills	Allowed Committee Refusal	16/01/12
S/1271/11/A	Marshall Jaguar Newmarket Road Fen Ditton Free standing illuminated sign	Allowed Delegated Refusal	16/01/12
S/0905/11/F	The Blue Lion PH 74 Main Road Hardwick Timber decking to pub garden (retrospective)	Dismissed Committee Refusal	24/01/12
Plaenf.4640	The Blue Lion PH 74 Main Road Hardwick Timber decking to pub garden (retrospective) Period of compliance of one month	Given two months to comply	24/01/12
S/0205/11/F	Mr J Calladine Land adj to	Dismissed	30/01/12

	GreenAcre Farm, Oakington Road Girton Travaling Gypsy Site(retrospective application)	Delegated Refusal	
S/1207/11/F	R & T Hogger Builders Ltd 16 Teversham Road Fulbourn Erection of 4 dwellings	Dismissed Delegated Refusal	30/01/12
S/2145/10/F	Mr G Forbes High Banks Castle Camps Dwelling	Allowed Delegated Refusal	02/02/12
S/1016/11/F	Mr & Mrs Witt 17 Pearson Close Milton Extensions & conversion of garage to form bungalow	Dismissed Committee Refusal	02/02/12
S/1269/11/F	David Wilson Homes Summers Field Ermine Street South Cambridgeshire District Council Papworth Everard Walls and gateway	Allowed Committee Refusal	03/02/12
S/1226/11/F	Exemplar Living The Nurseries The Way Fowlmere Erection of 2 ecological dwellings	Allowed Committee Refusal	20/02/12
S/1391/11/F	Mr & Mrs White 9 Trigg Way Melbourn Two bedroom bungalow	Dismissed Delegated Refusal	21/02/12

3. Appeals received

Ref. no.	Details	Decision	Decision Date
S/0931/11/O	Mr B Cooper 2 Hall Close Foxton Single Dwelling	Refused	13/01/12
S/2064/11/F	Mr & Mrs K A	Refused	16/01/12

	Wojtecki 5 Long Lane Comberton Dwelling and carport		
S/1043/11/f	Chartism Housing Land to the rear Pipers Close Fowlmere 9 dwellings	Non-determination	22/01/12
S/1848/11/F	Mr P Thwaites Kingston Pastures Farm Old Wimpole Road Arrington Erection of Orangery to the northern gable of existing house.	Delegated Refusal	25/01/12
S/1849/11/LB	Mr P Thwaites Kingston Pastures Farm Old Wimpole Road Arrington Erection of Orangery to the northern gable of existing house.	Delegated Refusal	25/01/12
S/2207/22/F	Mrs French 6 Church Way Haslingfield Extension	Delegated Refusal	23/01/12
S/2208/11/LB	Mrs French 6 Church Way Haslingfield Extension	Delegated Refusal	23/01/12
S/0801/11/F	Mr A Bartholomew 18 Haslingfield Road Harlton Replacement Dwelling	Delegated Approval	08/02/12
S/0365/11/F	Mr B Zhimbiev 86 Magdalene Close Longstanton Dwelling	Delegated Refusal	10/02/12
S/0915/11/F	Mr & Mrs Brackenboro Barons Farm 7 Angle Lane Shepreth New Access	Delegated Refusal	13/02/12
S/0010/11/F	Mr T Walls	Committee	14/02/12

	Plot No 4&5 Pine Lane Smithy Lane Cottenham 2 Static caravans,2 touring caravans,2 utility blocks one temporary portaloo and parking for 4 vehicles.	Refusal	
S/2141/11/F	Mrs S Grove Ilex House Glebe Road Barrington	Delegated Refusal	16/02/12
S/0704/11/F	Mr & Mrs Owen Land adjacent to Norman Hall Church Street Ickleton Dwelling and Garage	Refusal	20/02/12

4. **Local Inquiry and Informal Hearing dates scheduled before the next meeting on 7 March 2012.**

Ref. no.	Name	Address	Hearing
S/1561/11/F	Mr Bibby	The Stables Schole Road Willingham	Confirmed 15/02/12
S/1298/11/F	Taylor Wimpey	Greengage Rise Melbourn	Confirmed 28/02/12
S/0828/11/F	MPM Properties Ltd	The Plough High Street Shepreth	Confirmed 11/04/12

5. **Summaries of recent decisions**

David Wilson Homes – Erection of Walls as gateway feature – Summersfield, Ermine Street South, Papworth Everard – Appeal allowed

1. The appeal related to a pair of walls positioned on each side of the entrance to the housing development that is currently under construction. The Planning Committee refused the application because the walls are an incongruous feature in this part of the village.
2. In contrast, the inspector found that the structure stands astride the entrance to a large housing estate and cannot fairly be compared with the boundary treatments of individual properties further up the road. Moreover, development along Ermine Street is of varying ages, styles, heights and uses. Frontages are marked by a variety of boundary treatments, including walls and hedges. There are examples of brick boundary walls elsewhere in the village including the wall – albeit lower than those on the appeal site – along the frontage of the

adjacent police station. In that general context there is nothing particularly incongruous about the appellants' walls.

3. Furthermore, the housing estate of which the appeal structure forms part represents the start of development at the southernmost edge of the village. Because of its extent and location this estate, together with the business park on the other side of the road, determines the character of this part of the village. The gateway has been built in brickwork that matches that used in the new houses on the estate and its design is in keeping with the rest of that development.
4. For these reasons the inspector concluded that the gateway does not have an adverse impact on the street scene and does not conflict with Policies in the development plan.

Exemplar Living – Erection of two dwellings – The Nurseries, The Way, Fowlmere – Appeal allowed

1. The Planning Committee refused this application due to the effect of the proposal on the living conditions of future residential occupiers arising from the use of the adjoining industrial site and through loss of privacy and overlooking of existing occupiers in The Poplars.
2. The appeal site presently contains a bungalow. The access road known as The Way serves the Welding Alloys and Ion Science sites and a parking area for a small number of properties fronting the High Street. A large car park for Welding Alloys lies immediately to the north of the site, adjoining its boundary, with various industrial buildings some distance beyond.
3. The inspector noted that a fence would screen the northern boundary to the car park. The houses would be set back from that boundary by a reasonable distance, separated by the internal access driveway and the proposed double garages. The windows would be triple glazed, and most of the living and bedrooms would be on the opposite, southern, side of the two houses, as would be the proposed rear gardens. The houses would be mechanically ventilated as part of their integral ecological design features.
4. The appellant's noise survey was found to give an accurate assessment of daytime noise levels, particularly as it had not been contested in this regard by the Council's Environmental Health Officer. Whilst the morning peak hour traffic noise to the works was not covered, it was in the evening, and any deliveries would also have been included. Whilst windows in the houses might be opened, that would be a choice made by the inhabitants and not a necessity to provide ventilation. On night-time noise, there was no quantified evidence from any party that this would actually cause significant harm, even should it happen more frequently than at present. The nearest building with powered machinery is a good distance away from the proposed houses, and there are conditions aimed at restricting the amount of noise that can be generated in order to protect residential living conditions. Thus, on the evidence before him, the inspector concluded that noise from the existing works would not preclude the proposed two dwellings. Light spillage from the adjacent works buildings' external lighting is unlikely to cause any harm due to their distance from the site. Car park lights could be a problem, but all of the main living rooms and most of the bedrooms in the proposed houses would be on the southern side of the houses, away from these light sources.

5. Thus it was concluded that there would be no significant harm to the living conditions of the future occupiers of these two proposed houses caused by either noise or light disturbance.
6. The Council was solely concerned with possible overlooking at first floor level of The Poplars from the site A house. The three floor to ceiling first floor windows in the site A house would overlook at an angle the side car parking area and driveway of The Poplars. The inspector found that such overlooking of drives and parking areas in residential areas is commonplace, and the existing fence and planting on The Poplars side would obscure much of the view. The Council's main cause for concern was the overlooking of the side and rear windows of The Poplars. These side windows are nearly at right angles from the site A house windows, and that between them and the closest two proposed windows are two tall conifer trees, which are proposed to be retained and which will partially or totally obscure views. Thus, the inspector was not convinced that any overlooking would be so harmful that an unacceptable loss of privacy would result to the living conditions of The Poplars' occupiers.
7. Planning permission was therefore granted subject to the legal agreement requiring infrastructure contributions and the other conditions as set out in the original Committee report.

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

Contact Officer: Nigel Blazeby – Development Control Manager
Telephone: (01954) 713165