

DEVELOPMENT SERVICES

REPORT TO WEST AND NORTH
PLANNING AND HIGHWAYS
COMMITTEE
19 JUNE 2012

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

2.0 NEW APPEALS RECEIVED

Appeals have been submitted to the Secretary of State against the decision of the City Council to refuse, under delegated powers, planning permission for:

- a) the erection of detached living accommodation in the back garden for use as a granny flat at 166 Oldfield Road (Case No 12/00080/FUL); and;
- b) the erection of a detached double garage to the front of a dwellinghouse at 12 Burnt Stones Close (Case No 12/00593/FUL).

3.0 APPEALS DECISIONS - DISMISSED

i) An appeal has been dismissed by the Secretary of State against the decision of the City Council, at its meeting held on 6th December 2011, to refuse planning permission for the erection of a dwellinghouse and garage within the curtilage of 17 Moorland Place (Case No 11/03126/FUL).

Officer Comment:-

The Inspector considered that the main issues were the effect of the proposal on the character and appearance of the streetscene in Uppergate Road and the surrounding area, and on the living conditions of the occupiers of the host dwelling and neighbouring dwellings with regards to privacy and outlook.

The appeal site is part of the rear garden of No. 17 and has a frontage onto Uppergate Road. It would occupy a substantial proportion of the garden area and would appear cramped in relation to other properties in the area, detracting from the open character and appearance of this part of Uppergate Road.

The proposed dwelling would be close to the street frontage and be set forward of and be significantly higher than the neighbouring dwellings and would relate awkwardly to its surroundings and be dominant and an incongruous element in the streetscene. It would also detract from the character and appearance of the adjoining Area of Special character.

The proposed dwelling would allow direct overlooking between the existing and proposed dwellings at a distance significantly under the distance set out in the Supplementary Planning Guidance. This distance was considered to be beyond any margin for flexibility.

The Inspector considered that there was nothing in the National Planning Policy Framework that would support the proposal or be sufficient to offset the strong policy objections.

For these reasons, the Inspector dismissed the appeal.

ii) An appeal has been dismissed by the Secretary of State against the decision of the City Council to refuse planning permission, under delegated powers, for the erection of a dwellinghouse and garage at 45 to 47 Rodney Hill (Case No 11/01115/FUL).

Officer Comment:-

The main issues were whether the site was Greenfield or Brownfield and the consequences of that in terms of policy, and the character of the area, the effect on living conditions of adjoining properties, and the effect on trees.

The Inspector considered that the site was Greenfield and the Council's reliance on Brownfield land to accommodate development did not appear to be misplaced. This along with the open ambiance of the existing open gardens weighted against its suitability to accommodate additional development. The gardens are visually quite sensitive and the development would be potentially intrusive as a consequence of its topography.

The proposed house would be an overbearing presence and would severely harm their living conditions and those of No.47. The house would be overshadowed by the trees on site and, if permission were to be granted, it would be unreasonable to retain them at any significant height. To remove them however, would expose the neighbouring houses to unacceptable overlooking. The development was considered to lead to the harmful loss of protected trees.

In conclusion, the proposed development would lead to serious harm to the living conditions of neighbouring properties and loss of trees and so the appeal was dismissed.

iii) An appeal has been dismissed by the Secretary of State against the decision of the City Council to refuse planning permission, under delegated powers, for the erection of a 15m high telecommunications monopole and associated equipment at Redmires Road near the junction with The Ridge (Case No. 11/03661/TEL)

Officer Comment:-

The one main issue in this case related to the effect of the proposed mast on the character and appearance of the surrounding area.

The surrounding area is predominantly residential and has an open, spacious character. The proposed mast would be partly screened by existing mature trees but it would be substantially taller than trees on the northern side of the road and the two and three storey houses and flats. Consequently, it would be a prominent and stark feature, clearly visible in views from open countryside and from open space.

There are existing masts in the vicinity but it was felt that the proposed mast, in conjunction with the existing, would detract from the character and appearance of the area.

A ICNIRP Certificate had been provided as part of the planning application and as such, the Inspector considered that the health matters raised had been covered.

For these reasons, the Inspector dismissed the appeal.

iv) An appeal has been allowed by the Secretary of State against the Decision of the City Council to refuse advertising consent, under delegated powers, for a gantry (Totem) sign adjacent to Spital Hill and a banner sign adjacent to Savile Street at land at the junction with Spital Hill/Savile Street (Case No 11/01523/ADV)

Officer comment:-

The main issue in this appeal was the visual impact of the totem and banner signs.

The banner sign would be close to the vehicular access and was considered to be in scale and in keeping with the store and its commercial setting and would not be unduly intrusive or out of character.

The totem sign is also close to the access and is a relatively large sign, seen in context with the streetscene and also, the listed (Grade II) Wicker Arches. The sign would relate essentially to the new store and would be in scale with it without adding to visual clutter. The sign was not felt to be intrusive or out of character.

Accordingly, the Inspector allowed the appeal.

4.0 RECOMMENDATIONS

That the report be noted

David Caulfield
Head of Planning

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