

**REPORT TO WEST AND NORTH
PLANNING AND HIGHWAYS
COMMITTEE**

DATE 31 July 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

SUMMARY

LIST OF ALL NEWLY SUBMITTED PLANNING APPEALS AND DECISIONS RECEIVED, TOGETHER WITH BRIEF SUMMARY OF INSPECTOR'S REASONS FOR DECISION

RECOMMENDATIONS

TO NOTE

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

N/A

BACKGROUND PAPERS

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AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

DEVELOPMENT SERVICES

REPORT TO WEST AND NORTH
PLANNING AND HIGHWAYS
COMMITTEE
31 July 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 planning permission, under delegated powers, for:

i) amendments to the house type (Plot 1) previously approved by Case Nos. 06/04303/FUL and 10/01196/FUL at 17 Redmires Road (Case No 12/00322/FUL)

ii) the erection of a dwellinghouse with parking provision within the curtilage of Tudor Lodge, Long Lane (Case No 12/00465/FUL)

3.0 APPEALS DECISIONS - ALLOWED

(i) An appeal has been allowed against decision of the City Council to refuse planning permission, under delegated powers, for the erection of a first floor extension over an existing front porch at 15 Leawood Place (Case No 12/00394/FUL)

Officer Comment:-

The main issue in this appeal was the effect of the first floor front extension on the character and appearance of the locality.

The Inspector considered that the design of the extension was subordinate to the original house and reflected the modest scale and style of the house. The use of matching materials would reinforce this. The extension was considered to be in accordance with our Supplementary Planning Guidance – Designing House Extensions.

The proposal was considered to disrupt the general uniformity of the houses in this row but it would also be seen in context with a variety of house types in the locality, some of which had two storey front extensions. In these circumstances, the proposal was not felt to be an uncharacteristic addition and add to the variety in built form and would not be incompatible with the character of the area

The Inspector concluded that the proposal would be in keeping with the character and appearance of the area and would comply with UDP policies and Supplementary Planning Guidance and so allowed the appeal.

ii) An appeal has been allowed against the decision of the City Council to refuse planning permission for the use as a fast food takeaway (Use Class A5) at 62 Barncliffe Road without complying with an hours restriction condition (Case No 11/00893/FUL).

Officer comment:-

The condition prevented the premises from opening on Sundays and Public Holidays and was imposed to protect the living conditions of nearby residents.

The Inspector was of the view that the distinction between the working week and the weekend is not so sharp as it once was and that there was no firm evidence that the principle of opening on Sundays and Public Holidays would give rise to undue noise or disturbance. However, as it is part of a local shopping parade in a residential area, some restrictions are necessary to prevent undue disturbance. This being the case, the appeal was allowed but the hours of use were restricted to between 1700 hours and 2200 hours on Sundays and Public Holidays and retaining the established hours on all other days.

4.0 APPEALS DECISIONS - DISMISSED

i) An appeal has been dismissed against the decision of the City Council to refuse permission, under delegated powers, for the removal of a tree at 70 Woodstock Road (Case No 12/00277/TPO).

Officer Comment:-

The Inspector was of the view that the tree was visually prominent and decided that overall there would be a material adverse effect on the appearance of the local area if the tree were felled.

The Inspector considered the reasons given for the removal of the tree and concluded that the tree was healthy with a significant life expectancy.

The Inspector agreed that the tree has caused damage to the retaining wall and drive but was of the view that repairs can be implemented that allow the tree and built structures to co-exist.

ii) An appeal has been dismissed against the decision of the City Council to refuse planning permission, under delegated powers, for the erection of a single-storey extension to a dwellinghouse at 871 Unsliven Road (Case No 12/00070/FUL).

Officer Comment:-

The proposal was for an extension to the front of the house. The Inspector considered that the main issue was the effect of the proposal on the character

and appearance of the area.

The houses are set back from the highway with long front gardens and have something of a clean front building line. Although the proposed extension would project over 1.5 metres from the front elevation, she did not consider that it would be a prominent feature to the extent that it would undermine the relevant supplementary planning guidance.

However, exception was taken to the design of the extension in that it would have a hipped roof, departing from the gable design of the main house and have a squat appearance, at odds with the vertical proportions of the house. Although it would not be a prominent feature, it was considered to be clearly visible and so would be in conflict with UDP Policy H14 which requires extensions to be well designed and in character with neighbouring buildings. Accordingly, the appeal was dismissed.

iii) An appeal has been dismissed against an Enforcement Notice served by the City Council in respect of an unauthorised Change of Use of offices as shared residential accommodation at 365 Southey Green Road (Case No 09/02833/FUL).

Officer comment:-

The Inspector considered that the main issue was the effect of the proposed use on the living conditions of neighbouring residents having regard to noise and disturbance.

No indication was given as to how the building was to be divided and no information provided to indicate how noise may be satisfactorily controlled. Given that noise and disturbance had been a feature of its use as shared accommodation, the Inspector concluded that harm was likely to arise to neighbouring properties contrary to UDP policy H14 (k) and accordingly, the Inspector upheld the enforcement notice

The Inspector also considered the ground of appeal that the measures required to cease the use were excessive. He was of the view that there were no other lesser steps that could be taken so the appeal on this ground fell.

4.0 RECOMMENDATIONS

That the report be noted

David Caulfield
Head of Planning

19 June 2012