

## DEVELOPMENT SERVICES

REPORT TO WEST AND NORTH  
PLANNING AND HIGHWAYS  
COMMITTEE  
4 DECEMBER 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 APPEALS DECISIONS - DISMISSED

(i) 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 change of use from an electrical retail outlet to a fish & chip shop at 157 Spital Hill (Case No 11/02110/CHU).

Officer Comment:-

The main issue was considered to be the effect of the use on the vitality and viability of the Spital Hill District Centre. It was considered that the loss of an additional retail unit would further reduce the dominance of preferred uses and this would be contrary to development plan policy. Accordingly, the appeal was dismissed.

(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 a two-storey rear and side extension and alterations to 3 dwellinghouses at 95 to 99 Darwin Lane (Case No 11/03701/FUL)

Officer Comment:-

The proposed extension would significantly reduce the already limited space at the side and rear of the terrace bringing development up to 1 metre from a retaining wall at the rear. The Inspector considered the prospect from kitchen and ground floor living areas would be unpleasantly dark and dismal, a perception that would be accentuated by the impression of incarceration behind a bleak, blank wall. The right of way at the rear would bring users closer to the rear windows of the other properties and curtail the limited amenity space available. The Inspector considered that this would be an overdevelopment of the site, detrimental to the locality and to the amenities of prospective occupants, contrary to Policy H14 of the UDP.

A claim for costs against the Council was made. In this, the Inspector concluded that the Council's decision was embedded in the relevant policies and guidance and was well founded. There was no unreasonable behaviour resulting in unnecessary expense and so the application for costs was refused.

### 3.0 RECOMMENDATIONS

That the report be noted

David Caulfield  
Head of Planning

21 November 2012