

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager
To: Planning Committee
Author: Richard Fidler
Subject: Planning Appeals
Purpose: To provide an update on recent Appeal Decisions

Recommendation

a) That the contents of this report be noted

1.0 OVERVIEW

1.1 Since the last report 4 appeal decision(s) have been received, the results are as follows:

Appeals Dismissed:	4
Appeals Allowed:	0
Appeals Part Allowed:	0

1.2 Since the 1st April 2017 41 planning appeal decisions have been received of which 29 have been dismissed, which equates to a success rate of 70.73%

2.0 PLANNING APPEALS DISMISSED

H09-1148-16 Mr S Parnell - Mark Simmonds

12 West End Holbeach	APP/A2525/W/17/3171994
Replace 10 front windows and 1 door (retrospective)	Decision Date: 01 November 2017
The Inspector concluded that the windows are on a highly visible part of the building, the scale of which makes it a prominent element of the streetscene. As a consequence, the erosion of the appeal building's character has also diminished its contribution to the character and appearance of the Conservation Area to a material degree, and has thus caused a clearly harmful effect to its significance. Therefore, mindful of the duty arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) the development fails to preserve the character and appearance of the Conservation Area. For these reasons too the appeal development conflicts with Policy SG1 of the South Holland Local Plan (adopted July 2006) insofar as, amongst other things, it seeks to ensure that development avoids harm to South Holland's essential character.	

H05-1261-16 Mrs C Wright - Dave Gedney

Adjacent: 74 Fleet Road Fleet	APP/A2525/W/17/3178405
Residential development - erection of 5 houses and garages	Decision Date: 03 November 2017
The Inspector concluded the proposed development would provide social benefits through	

delivery of housing to help reduce the district's 5-year undersupply in a reasonably accessible location, and would deliver some economic and environmental benefits also. However, in the overall planning balance these benefits are significantly and demonstrably outweighed by the proposed development's significant adverse impact to the character and appearance of the area, which is a clear and permanent environmental harm. Consequently, the appeal scheme would not comprise sustainable development for the purposes of the Framework. Moreover, as the need for the proposed development does not outweigh its harmful effects to the character and appearance of the area it would not meet the expectations of Policies SG2 and SG4 of the Local Plan. Taken together, and amongst other things, these policies seek to ensure that development has regard to sustainable development principles, and avoids unacceptable impacts to landscape character. The benefits of the appeal scheme are not of a sufficient weight to justify a departure from these or the aforementioned development plan policies in this instance,

H21-0306-17 Mr M Mallett - Dave Gedney

Rear And Adjacent: Tysdale Farm Common Way	APP/A2525/W/17/3182077
Proposed development - 7 dwellings	Decision Date: 13 November 2017
<p>The Inspector concluded the proposal would appear cramped and at odds with the spacious and frontage pattern of development in the area. Thus harming the significance of the Conservation Area and failing to preserve its character or appearance. For the same reasons it would also harm the setting and significance of the grade II listed Tysdale Manor. Thus, the proposal would be contrary to the provisions of the respective sections of the Act and would fail to accord with paragraph 132 of the Framework, which attaches great weight to the conservation of designated heritage assets. It would also be in conflict with saved Policy SG14 of the South Holland Local Plan (2006) (LP) which among other things seeks to achieve good design and ensure that new development reflects the historic pattern of development in the locality.</p>	

H09-1171-16 Mr D Barnes - Dave Gedney

Rose & Crown Inn Low Road	APP/A2525/W/17/3179712
Proposed extension to existing caravan site	Decision Date: 30 October 2017
<p>The Inspector concluded the proposed development through the substantial increase in noise and disturbance it would cause in close proximity to the Spinney would cause harm to the living conditions of that dwelling's occupants. In the overall planning balance this harm carries significant weight that clearly outweighs the other considerations advanced in favour of the appeal scheme taken individually or together, and the lack of material harm that the proposed development would cause to the character and appearance of the area.</p>	

3.0 PLANNING APPEALS ALLOWED

None

4.0 ENFORCEMENT APPEALS DISMISSED

None

5.0 ENFORCEMENT APPEALS UPHELD

None

Background Papers - Planning Application and Enforcement Working Files

Lead Contact Officer
 Richard Fidler; Development Manager
 01775 764428

rfidler@sholland.gov.uk