

**PLANNING APPEAL DECISIONS**

**Agenda Item 7**

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**Background Papers:-** None  
**Financial Implications:-** None (Unless Costs Award made)  
**Equalities Implications:-** None  
**Legal Implications:-** None  
**Options:** N/A  
**Risks:** None

**EXECUTIVE SUMMARY**

This is a regular report on appeal decisions received with specific analysis of each appeal decision.

**DECISION**

The report is for noting purposes only

## PLANNING APPEAL DECISIONS

This is the monthly report on appeals which contains a précis of the outcome of each appeal received during the month of **February 2010** and comment in respect of further action if applicable.

The full text of decisions is available on the planning website under each respective planning application..

<b>1.</b>	<b>Application No/Location</b>	09/01262/FUL – 305 Rayne Road, Braintree
	<b>Proposal</b>	Provision of front dormer windows
	<b>Council Decision</b>	<b>Refused under delegated powers</b> The proposed two no. front dormer windows by reason of their siting, bulk and design would result in an unacceptable form of development, giving rise to an unduly cramped appearance within the roof slope, detracting from the appearance and character of the host dwelling as a whole and the wider street scene.
	<b>Appeal Decision and Date</b>	<b>Appeal Dismissed – 2<sup>nd</sup> February 2010</b>
	<b>Main Issue(s)</b>	The effect of the proposed front dormer windows on the character and appearance of the area.
	<b>Inspector's Conclusion</b>	However, due to the size, scale and the position within the roof slope of the proposed front dormers they would, to the Inspector's mind, appear cramped and result in a poor juxtaposition with the roofs of the two existing bay windows. Furthermore, the large flank elevations of the dormers would be prominent within the street scene with clear views particularly from the west through the gap between Nos. 305 and 307, but also from the east. In the Inspector's view, the dormers would dominate the front roof slope and introduce discordant elements on this prominent dwelling.
<b>2.</b>	<b>Application No/Location</b>	09/00730/FUL – Forge Cottage, Gestingthorpe Road, Belchamp Walter
	<b>Proposal</b>	Demolition of existing single garage, severance of part of side garden and erection of new two storey dwelling and associated outbuilding with improvements to existing access.
	<b>Council Decision</b>	<b>Granted subject to conditions</b>
	<b>Appeal Decision and Date</b>	<b>Appeal Allowed &amp; condition no.2 varied – 4<sup>th</sup> February 2010</b>
	<b>Main Issue(s)</b>	Whether or not the creation of a pedestrian gate through the existing frontage wall would preserve or enhance the character or appearance of the Belchamp Walter Conservation Area.
	<b>Inspector's Conclusion</b>	The current appeal is in relation to condition 2 of that planning permission which prevents the creation of a pedestrian entrance to serve the new dwelling. The plans indicate that the majority of the existing brick and flint wall would be retained and the

		<p>pedestrian access through the wall would lead via a path to the front door of the permitted dwelling. This would echo the traditional relationship of boundary walls to the dwellings behind them, which, to the Inspector's mind, is an integral part of the character of this settlement.</p> <p>In the Inspector's view, subject to the imposition of a condition requiring the submission of details of the pedestrian gate, the creation of a pedestrian access through the existing brick and flint wall would reflect the character and appearance of the existing properties within the village and would preserve the character and appearance of the CA.</p>
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<b>3.</b>	<b>Application No/Location</b>	09/00365/FUL – Tortoise House, Wethersfield Road, Sible Hedingham
	<b>Proposal</b>	Erection of new dwelling on land rear of Tortoise House
	<b>Council Decision</b>	<p><b>Refused under delegated powers</b></p> <p>It is considered that the site is located beyond the settlement boundaries of Sible Hedingham and the proposed development is therefore contrary to the local policy framework. In this context it is considered that the unjustified erection of built form within a rural area would be harmful to the countryside through the erosion of the intrinsic values and setting of the countryside.</p> <p>In this instance it is considered that the proposed location of the development would not be served by public transport of sufficient quality to encourage regular or convenient use. It is therefore the case that the residents of the dwelling proposed would be unduly dependent on the private motor vehicle, which is considered to be contrary to the sustainability objectives of the local policy framework.</p>
	<b>Appeal Decision and Date</b>	<b>Appeal Dismissed</b> – 18 <sup>th</sup> February 2010
	<b>Main Issue(s)</b>	The effect of the proposed dwelling on the surrounding countryside and sustainable development objectives.
	<b>Inspector's Conclusion</b>	<p>The appellant considers that its location would fall within the definition of a small group of dwellings for the purposes of Local Plan Policies. The Inspector disagreed since they did not consider that the collection of residential properties in the vicinity has a defined nucleus of at least ten dwellings. Even if they considered there to be a cohesive cluster it would comprise no more than seven or eight dwellings.</p> <p>A new dwelling, however well concealed, would increase the level of domestic activity and have an urbanising effect on the character of the rural area which would add to the erosion of the intrinsic values of the countryside. In addition the proposal would represent an unsustainable form of development, poorly located with respect to local community facilities infrastructure and services, including public transport. Occupiers would therefore be heavily reliant on travel by private car. This would conflict with national planning objectives to deliver sustainable development. The Inspector therefore concluded that the proposal falls to be considered against general countryside policies.</p>

	<b>Application No/Location</b>	08/01963/FUL – Land Rear of 1-3 Castle Lane, Castle Hedingham
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	<b>Proposal</b>	Erection of a single dwelling below ground level together with a garage and bin store at ground level
	<b>Council Decision</b>	<b>Refused by Committee against Officer recommendation</b>
	<b>Appeal Decision and Date</b>	<b>Appeal Allowed subject to conditions</b> – 18 <sup>th</sup> February 2010
	<b>Main Issue(s)</b>	The effect of the proposed development on the character or appearance of the Castle Hedingham Conservation Area.
	<b>Inspector's Conclusion</b>	<p>The proposed dwelling would be underground and would have no material effect on the longer views across the site. Owing to boundary screening, which is mostly to be retained, views from adjoining properties would also be limited.</p> <p>The proposed above ground garage and bin store would be sympathetically designed and carefully located, close to rising land and an existing building and near the site of the proposed garages on the former commercial garage site.</p> <p>The plot is former garden land and although it is currently disused the Inspector was not persuaded that the presence of items such as a washing line or garden furniture or the comings and goings of domestic life would be incongruous in what is essentially a predominantly residential area.</p> <p>Backland development need not be inappropriate where satisfactory access and layout can be achieved and although the design is unlike other buildings in the area it is made clear in local policy that what is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context. I consider that the proposed dwelling achieves this objective and note that this view is supported by the comments of the Essex County Council Historic Buildings Adviser.</p>

	<b>Application No/Location</b>	09/00665/FUL – Ashwell Hall, Walthams Cross, Finchingfield
	<b>Proposal</b>	Proposed demolition of existing 20th century residential unit and associated barns and erection of new dwelling
	<b>Council Decision</b>	<b>Refused by Committee against Officer recommendation</b>
	<b>Appeal Decision and Date</b>	<b>Appeal Dismissed</b> – 18 <sup>th</sup> February 2010
	<b>Main Issue(s)</b>	The effect of the proposed dwelling on the character and appearance of the surrounding countryside which lies within the Pant Valley Special Landscape Area.
	<b>Inspector's Conclusion</b>	The proposed dwelling would be clearly visible from a number of public footpaths and other viewpoints, including from the Pant Valley and higher land to the north. In the Inspector's opinion its location within the site, substantial scale and striking design would make it conspicuous in the landscape where its very presence would be visually incongruous and harmful to the rural setting.

	<b>Application No/Location</b>	08/02306/OUT - Land Adj. 65 Halstead Road, Gosfield
	<b>Proposal</b>	New 3 bed chalet bungalow at rear of 65 Halstead Road
	<b>Council Decision</b>	<b>Refused under delegated powers</b> The mixed designation, together with the shape of the site and the location of neighbouring premises places severe constraints on

		the siting of any proposed new dwelling within the application site. As a consequence, the proposed dwelling would sit in a location behind adjacent properties, resulting in an awkward and cramped appearance for the development, at odds with the established pattern of existing development in the locality, to the detriment of its character.
	<b>Appeal Decision and Date</b>	<b>Appeal Allowed subject to conditions – 19<sup>th</sup> February 2010</b>
	<b>Main Issue(s)</b>	The effect of the proposed dwelling on the character and appearance of the surrounding area.
	<b>Inspector's Conclusion</b>	The set back location of the proposed dwelling would not result in an inappropriate layout or cause any material harm to the character or appearance of the street scene in the Inspector's opinion. The indicative layout shows the dwelling inside the village envelope and with an adequate separation between it and No 65 to ensure that the inter-relationship would not appear cramped. The plot would be of ample size to accommodate one dwelling and the Inspector was therefore satisfied that the proposal would not amount to an overdevelopment of the site or be incompatible with the pattern of development in the vicinity.