

**PLANNING COMMITTEE 6TH JULY 2010
PLANNING APPEAL DECISIONS**

Agenda Item 6

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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 **May 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..

1.	Application No/Location	09/01471/FUL – Land Adj. 52 Colchester Road, White Colne
	Proposal	Form new access onto highway (vehicular and pedestrian)
	Council Decision	<u>Refused under delegated powers</u> The access results in the frontage of the site remaining open. It is considered that this is detrimental to the character and appearance of the street scene as the development appears prominent and in contrast with the surrounding area, also this proposal is for an additional and unnecessary access onto a radial feeder route and would therefore be unnecessarily harmful to highway safety.
	Appeal Decision and Date	Appeal Dismissed – 14th May 2010
	Main Issue(s)	The effect of the development on the character and appearance of the street scene, and on highway safety
	Inspector's Conclusion	The grant of planning permission for this scheme seems unnecessary, bearing in mind the approved scheme, which required the retention of the then existing hedge and, even with the planting of a copper beech hedge between the approved access and that now proposed, the development would in the Inspector's view harm the street scene. They accepted that the different orientation for parking spaces necessitated by the proposed access appeared, from scaling the plans, to provide somewhat less depth for reversing and turning on site than would be available with the approved access arrangements. However, the extent to which the need for this might result in vehicles reversing onto the highway is in their view uncertain as was, as a consequence, the effect on highway safety.
2.	Application No/Location	09/01271/CON & 09/01235/FUL – Kaduna, Church Street, Kelvedon
	Proposal	Demolition of 2 no. sheds and formation of new dwelling
	Council Decision	<u>Refused under delegated powers</u> In this case it is considered that the additional parking and removal of the front boundary fencing would have an unacceptable impact upon the street scene, thus failing to enhance the character and appearance of the conservation area. The removal of this important front boundary and replacing it with hardstanding would have a detrimental appearance at this pleasantly enclosed site.

		From this basis, given that there is no accepted scheme for the replacement of the existing dwelling it is thought that the visual gap caused by the demolition would be harmful to the character and appearance of the Conservation Area.
	Appeal Decision and Date	Appeal Dismissed – 18th May 2010
	Main Issue(s)	For Appeal A this is considered to be the effect the proposed development would have on the character and appearance of its surroundings, which lie within the Kelvedon Conservation Area. For Appeal B the main issue is considered to be whether the redevelopment proposals would preserve or enhance the character and appearance of the area.
	Inspector's Conclusion	<p>Appeal A The proposed parking of either one or two vehicles in the front garden of Kaduna would intrude upon the presentation of the property's façade to the street. It would be detrimental to the appearance of Kaduna on its own and to Kaduna and Ayletts as a pair. With the associated removal of at least part of the front boundary fencing it would, in the Inspector's opinion, represent an expedient approach which would neither preserve nor enhance the character or appearance of the surroundings. Together with the adjacent parking proposed for the new dwelling it would produce a cramped and discordant appearance alien to the ordered formality of the surrounding area. This part of Church Street, although densely built up, is not cramped and they considered that this aspect of the proposed development would be harmful to the streetscape and the wider Conservation Area.</p> <p>Appeal B Local Plan Policy RLP 96 states that consent for demolition of an unlisted building in a conservation area will only be permitted if the redevelopment proposals preserve or enhance the character and appearance of the area. The Inspector has found above that the redevelopment proposals do not satisfy this requirement.</p>