

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 November 2009 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	09/00865/FUL – 281 London Road, Black Notley
	Proposal	Erection of recreational building
	Council Decision	<p>Refused under delegated powers</p> <p>It is considered that the proposed recreational building would result in an overly large building, located beyond the defined development boundary which would not be used for agriculture or other appropriate rural use. The design and use of materials would result in a building of domestic appearance and of a size commensurate to a new dwelling. It would appear unduly conspicuous in the landscape and in terms of footprint would not be subordinate to the host dwelling.</p> <p>The proposed building by reason of its location, height and the inclusion of rooflights on both of the side elevations would result in unacceptable overlooking of the adjacent residential gardens and harmful to the amenities of the occupiers of the adjacent dwellings.</p>
	Appeal Decision and Date	Appeal dismissed – 02 November 2009
	Main Issue(s)	<p>a. whether the arguments in favour of the proposal are sufficient to justify an exception to local and national planning policies designed to protect the countryside; and</p> <p>b. the impact of the proposal on the living conditions of adjoining occupiers.</p>
	Inspector's Conclusion	<p>The Inspector did not consider that the other similar buildings which have been erected in the immediate locality (including that at 277a London Road, which the Council say has been erected without planning permission) provide any supporting justification for the appeal development.</p> <p>Rooflights are proposed in each of the roof slopes of the appeal development, which would offer views from first floor level directly over the rear gardens of adjoining properties. In the Inspectors view, this would result in an unacceptable impact on the amenity of neighbouring residential properties.</p>
2.	Application No/Location	09/00866/FUL – 283 London Road, Black Notley
	Proposal	Erection of recreational building
	Council Decision	<p>Refused under delegated powers</p> <p>It is considered that the proposed recreational building would result in an overly large building, located beyond the defined development boundary which would not be used for agriculture or other appropriate rural use. The design and use of materials</p>

		would result in a building of domestic appearance and of a size commensurate to a new dwelling. It would appear unduly conspicuous in the landscape and in terms of footprint would not be subordinate to the host dwelling. The proposed building by reason of its location, height and the inclusion of rooflights on both of the side elevations would result in unacceptable overlooking of the adjacent residential gardens and harmful to the amenities of the occupiers of the adjacent dwellings.
	Appeal Decision and Date	Appeal dismissed – 02 November 2009
	Main Issue(s)	a. whether the arguments in favour of the proposal are sufficient to justify an exception to local and national planning policies designed to protect the countryside; and b. the impact of the proposal on the living conditions of adjoining occupiers.
	Inspector's Conclusion	The Inspector did not consider that the other similar buildings which have been erected in the immediate locality (including that at 277a London Road, which the Council say has been erected without planning permission) provide any supporting justification for the appeal development. Rooflights are proposed in each of the roof slopes of the appeal development, which would offer views from first floor level directly over the rear gardens of adjoining properties. In the Inspectors view, this would result in an unacceptable impact on the amenity of neighbouring residential properties.

3.	Application No/Location	08/02122/FUL – Leahurst, High Street, Braintree
	Proposal	Replacement windows
	Council Decision	Refused under delegated powers It is considered that the proposed replacement windows by way of their design and appearance would alter the character and appearance of this area to the detriment of the setting of the Conservation Area. The proposed windows neither preserve and/or enhance the character of appearance of the Conservation Area.
	Appeal Decision and Date	Appeal dismissed – 02 November 2009
	Main Issue(s)	The effect of the proposal upon the character and appearance of Leahurst Hostel and the Braintree Town Centre Conservation Area.
	Inspector's Conclusion	In the Inspector's assessment, the multitude of window openings and the amount of individual window panes to each, combined with the use of dark stain, would, cumulatively, exaggerate an uncharacteristic heavy appearance to the windows. This would be to an extent that would unacceptably detract from the building's unique charm. Given the building's prominent location, he found that this would harm the character and appearance of the immediate locality and the wider Conservation Area. There was no evidence to persuade him that the proposed proportions to the glazing bars would be a necessary minimum requirement. He concluded that the proposal would harm the appearance of the building and would neither preserve nor enhance the character and appearance of the Conservation Area.

Application No/Location	09/00249/FUL – Hoo Hall Lodge, Oak Road, Rivenhall
Proposal	Erection of detached residential annexe and detached carport
Council Decision	Refused under delegated powers It is considered that the proposed car port and annexe, having regard to their size, bulk, form and location would result in an unacceptable scale of development, to the detriment of the rural character of this area.
Appeal Decision and Date	Appeal dismissed in respect of the annexe and allowed in respect of the detached carport subject to time condition – 04 November 2009
Main Issue(s)	The effect of the development on the character and appearance of the area.
Inspector's Conclusion	<p>The Inspector considered that an annex building of the size and spread proposed would harm the open and undeveloped character and appearance of this part of the countryside, and that the circumstances put forward in support of the proposals are not sufficient to outweigh the harm identified.</p> <p>In relation to the proposed carport, this building would be much smaller in size, height and scale than the annex and would be sited closer to the main house and its existing garaging, and an open carport has a significantly different character and appearance to a residential annex. He concluded that this part of the proposals would not harm the character and appearance of the area.</p>

Application No/Location	09/00532/ADV – Total Service Station, London Road, Feering
Proposal	Retrospective consent for the display of 2 no. internally illuminated free standing single sided display units
Council Decision	Refused under delegated powers The advertisements, by reason of their sensitive location, next to the A12 trunk road and footway/cycleway would cause a distraction to trunk road users and drivers exiting the service station onto the A12; therefore the advertisements would be detrimental to pedestrian and highway safety. In addition to this, the siting, design and luminance of the advertisements would be harmful to the visual amenity of the area.
Appeal Decision and Date	Appeal dismissed – 27 November 2009
Main Issue(s)	The affect of the illuminated display units on the character and appearance of the appeal premises and their surroundings; and whether they would cause a hazard to public safety.
Inspector's Conclusion	<p>In the Inspectors view the units are out of place extending advertising on the premises and creating advertisement clutter.</p> <p>For drivers of heavy goods vehicles using the pumps on the western side of the filling station, as well as motorists leaving from the Little Chef and Travelodge, their view of the cycleway, because of the different angle of approach, would be partially obstructed.</p> <p>In his opinion the siting of the two panels could therefore cause a hazard, harmful to the safe use of the cycleway.</p>