



Planning Committee

25 October 2018

Planning Appeals

Report of the Executive Manager – Communities

LOCATION	53 Park Lane Sutton Bonington Nottinghamshire LE12 5NQ		
APPLICATION REFERENCE	17/01692/FUL		
APPEAL REFERENCE	APP/P3040/W/18/3197696		
PROPOSAL	Development of one detached dwelling house on land between 53 and 55 Park Lane, Sutton Bonington which is presently the garden of 53 Park Lane.		
APPEAL DECISION	Appeal Dismissed	DATE	26th September 2018

PLANNING OFFICERS OBSERVATIONS

The Inspector considered that the main issues were:

- The character and appearance of the host dwelling and its immediate surrounding; and
- The living conditions of the occupiers of 53 and 55 Park Lane, with particular regard to the sense of enclosure.

Noting the range of house types, styles and ages of properties on Park Lane nevertheless the Inspector correctly observed that the applicant's property was the largest within the immediate group of houses and that it impresses with its size, siting, spacious grounds and quality and variety of features. Similarly the adjoining bungalow at number 55 was also observed to be an attractive, decorative property that shares many of the design features of No.53 notably the chimney design and decorative ridge tiles. Whilst neither property is statutory listed or locally listed they are valued as prominent features of the character and appearance of this locality and, due to their context, are significantly different to surrounding dwellings thus making a positive contribution to the character and appearance of this part of the village.

Looking at the proposed dwelling, the Inspector observed that due to the width and siting of the new dwelling it would occupy the vast majority of the existing space between 53 and 55 Park Lane. Whilst not strictly a 'terrace', the proposal would result in a loss of this space which would erode the character and appearance of the host property and the surroundings. Noting the proposed plot is of similar proportions to that occupied by 51 Park Lane the Inspector stated that the relationships to its neighbours were different to the existing spacious and proportionate setting of 53 which would be lost. The proposal would therefore interrupt the centred location of 53 and interrupt the commonality in detailing found in both 53 and 55 to the significant harm of the character and appearance of the host dwelling.

The Inspector also noted that proposal would harm the living conditions of both 53 and 55 Park Lane, and despite the presence of the large privet hedge, would still be overbearing towards the neighbouring bungalow increasing the sense of enclosure as the hedge could not be relied upon to live forever. Overall the combination of the siting, height, depth and massing of the proposed dwelling would, on balance, harm the living conditions of the occupiers of No 53 and 55 with particular regard to a sense of enclosure.

However, the Inspector did not agree that the proposed frontage parking for three cars and the resultant traffic movements would be harmful to highway and pedestrian safety, or that the proposal would impact on the privacy of properties to the rear of the site due to the distances and angles involved. The Inspector also considered the benefit of a single dwelling on the housing supply, concluded that the limited benefits did not significantly and demonstrably outweigh the harm identified in this case and accordingly dismissed the appeal.

COSTS AWARD REFUSED:

A separate costs application was also submitted on the basis that the Local Authority had behaved unreasonably as the application had been subject to extensive pre-application discussions yet was subsequently refused which was unreasonable and erroneous as the proposal was not contrary to national or local policies. No specific examples or details of any unreasonable behaviour were presented. The Local Planning Authority confirmed that there was open dialogue with the applicant, due process was followed, the applicant was advised of the committee determination and an offer to attend and address the committee was extended, but declined.

The Inspector noted that the determination of the application involved matters of planning judgement and that the Planning Committee is not bound to accept its officer's recommendations nor the pre-application advice. Nevertheless, if officer's advice is not followed authorities will need to show reasonable planning grounds and produce relevant evidence to support the decision. The Inspector noted that the reasons for refusal were detailed, followed the minutes of the Planning Committee meeting and the relevant policies of the development plan were cited. The Inspector agreed with the Planning Committee's concerns and refusal reasons in dismissing the planning appeal and found that no unreasonable behaviours resulting in unnecessary or wasted expense had occurred and thus accordingly determined that the costs application should fail.

LOCATION	Saxon Lodge Chapel Lane Upper Broughton Nottinghamshire LE14 3BB	
ENFORCEMENT CASE REFERENCE	E/15/00285/COND	
ENFORCEMENT APPEAL REFERENCE	Appeal A: APP/P3040/C/17/3189140 Appeal B: APP/P3040/C/17/3189141	
BREACH OF PLANNING CONTROL	Without planning permission, erection of brick and breezeblock wall between the points marked A to C on Plan 2 attached.	
APPEAL DECISION	Dismissed	DATE 6 th September 2018

PLANNING OFFICERS OBSERVATIONS

An appeal was lodged against an enforcement notice issued 12 October 2017 for an unauthorised boundary wall at Saxon Lodge (formerly part of Bella Vista). The enforcement notice required the following steps:

- (a) *Demolish the section of wall between points A and B marked on Plan 2 attached and remove the resulting materials from the Land.*
- (b) *Rebuild the section of boundary wall between points A and B marked on Plan 2 attached in brickwork.*

The appellants appealed ground (e) on the basis that copies of the enforcement notice had not been properly served on all those with an interest in the land and that the notice should have been served on the builders. Whilst the Inspector had some sympathy that the appellants had purchased a newly built property without knowledge of the unauthorised wall, he nonetheless agreed that the notice had been correctly served on them as they owned the property at the time of service. The appeal was, accordingly, dismissed and the enforcement notice upheld.