

REPORT TO PLANNING COMMITTEE – 20 OCTOBER 2016

PLANNING APPEALS

1. There were 14 appeals determined between July and September 2016. 4 appeals were against a decision of the Planning Committee and the remainder against delegated decisions.

Seven of the Appeals were allowed, 4 were decisions of the Planning Committee and 3 delegated.

2. Members have been issued with the full decisions, but in brief the reasons were

2.1 Kingsdown Road (15/639 and 15/640)

This was a planning (Appeal A) and listed building (Appeal B) appeal

The main issue for Appeal A was the effect of the proposals on the local highway network. The main issue for Appeal B was the effect on the special interest of the former Primary School, which is a listed building.

The Inspector concluded that it was important that a suitable new use is found for the listed building in the interests of its long term preservation and that any use would likely result in increased traffic.

He did not find that the impact was a material harm on the highway network and that the scheme was an appropriate and sensitive re-use of the building.

2.2 Denne Court (15/336)

This was an appeal against 3 planning conditions relating to bicycle storage, removal of permitted development rights and the need to keep a register of occupants of the holiday lets.

The Inspector agreed with the issue of the bicycle storage and reduced the requirement. The other 2 conditions were found to be acceptable.

2.3 Church Path (15/730)

The main issues with this development for one detached house was the effect of the proposed development on the character and appearance of the street scene and whether the proposal would preserve the setting of any identified nearby listed buildings.

The Inspector concluded that the development was remote from the listed buildings and at worst would have a neutral effect. The parking impact was not severe and therefore there would need to be evidence from the decision maker to take a stance and refuse on these grounds. The Inspector concluded that there was not a material harm.

2.4 Farthingloe Cottages (15/1210)

The main issue was the effect of the proposal on the character and appearance of the area, having regard to the sites location in the Kent Downs Area of Outstanding Natural Beauty.

This application was for a two storey extension. The Inspector concluded that the proposal, given its design, the fact that it was within an enclosed area with existing hardstanding did not harm the character of the AONB.

2.5 Nursery Lane (16/0009)

The main issues were the effects of the proposal on:

- the character and appearance of the area;
- the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

The applicants submitted revised plans as part of the appeal process.

The Inspector concluded that the scheme did not adversely affect the living conditions of the occupiers nor have a harmful effect on the character and appearance of the area. Interestingly, the Council's view that this was the only example locally of a backland development was not persuasive.

2.6 Outrigger (15/936)

The main issues in this case were:

- a) Whether the proposal represents sustainable development.
- b) The effect of the proposed dwelling upon the character and appearance of the surrounding area, including its effect upon protected trees.

The Inspector decided that the development of the site as proposed would not represent an isolated dwelling in the countryside given its physical characteristics and the existence of other nearby settlements such as Eythorne, Tilmanstone and East Studdal. Also he was satisfied that development as proposed would make full and effective use of an existing residential curtilage and assist in the provision of a wide choice of housing, as advocated by Chapter 6 of the Framework.

In addition the Inspector believed the design of the proposed dwelling would complement that of the neighbouring dwelling and the eclectic mix of older houses opposite, while its siting and orientation would also accord with the varied pattern of its immediate surroundings.

2.7 The Crescent (16/00069)

The main issue was the effect of the proposed development on the living conditions of the occupants of 12 The Crescent, with particular regard to light and outlook.

The Inspector considered that the '45 degree rule' which was used to support the Council's decision was not adopted policy and therefore given little weight. The Inspector concluded the impact of the development on the neighbouring property was not significant.

3. Learning Points

The number of appeals allowed is increasing and having discussed this with a member of the team who also work for the Inspectorate, we are advised that there has been no change

in guidance. We do need to consider whether our decision making has started to drift away from the NPPF or if this is merely a case of the Inspector taking an opposing view on what are often 'on balance' decisions.

We will be reviewing this Quarter's cases in depth and will advise of these conclusions in the next report.

4.1 Summary

Year to date	All appeals	Number Upheld	Number Dismissed	% Upheld
2016	21	10	11	47.62

The annual target is that a maximum of 15% of appeals are upheld. The overall performance is 47% - significantly over target.

Quarter 2

2016

Case	Address	Delegated/Committee	Allowed/Dismissed
15/01210	Farthingloe Cottage	DEL	Allowed
15/639	Kingsdown Rd	COM	Allowed
15/640	Kingsdown Rd	COM	Allowed
15/795	The Beach	DEL	Dismissed
15/981	Oast House	DEL	Dismissed
15/1152	56 Poets Walk	DEL	Dismissed
15/336	Denne Court	COM	Part Allowed
15/730	Church Path	COM	Allowed
15/936	Outrigger	DEL	Allowed
15/1196	Cannon Street	DEL	Dismissed
16/0009	Nursery Lane	DEL	Allowed
16/69	The Crescent	DEL	Allowed
16/196	Bailand	DEL	Dismissed
16/434	Sandwich Rd	DEL	Dismissed

Quarter	Committee Appeals	Number Allowed	Number Dismissed	%Allowed
1	2	0	2	0
2	4	4	0	100

Quarter	Delegated Appeals	Number Allowed	Number Dismissed	%Allowed
1	5	3	2	60
2	10	3	7	30

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