

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 4

APPEALS UPDATE REPORT

APPEAL DECIDED

APPLICATION REF NO: APP/X1355/A/10/2136368/NWF

LPA REF NO: DC/3/2009/0063

1.0 APPEAL AGAINST THE REFUSAL OF DISCHARGE OF CONDITIONS APPLICATION IN RELATION TO CONDITION 2 (MEANS OF ENCLOSURE DETAILS) OF PLANNING PERMISSION 3/2009/0178

- 1.1 An appeal was lodged against a discharge of conditions application relating to planning permission 3/2009/0178. Planning permission 3/2009/0178 was granted for the change of use of open land to garden land at land to the rear of McMillan Drive, Crook, subject to the submission of details relating to means of enclosure (condition 2). The means of enclosure details submitted showed the retention of a one metre high fence along the south boundary which was considered unacceptable. Officers therefore refused the means of enclosure details relating to condition 2 for the following reason:

The retention of the 1 metre high fence to the south of the site would be visually unattractive and would be detrimental to the character of the residential estate, which would be contrary to policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

- 1.2 The Inspector has dismissed the appeal.
- 1.3 The Inspector stated in his appeal decision that the means of enclosure scheme was found to be unacceptable and the Council refused to discharge condition 2 because they considered that the retention of a 1m high fence along the southern edge of what was envisaged as a landscaped buffer to the south of the garden fencing would spoil the character of the adjacent estate. The Inspector continues, *it seems to me that substantial landscaping would be essential to soften the impact of that garden fencing on the outlook that residents of Sewell Court might reasonably expect to enjoy... in those circumstances, I am afraid that I find the continued retention of the 1m high fence beside the footpath wholly unacceptable.*
- 1.4 The appellant had argued that the retention of the 1m high fence would be a deterrent against littering and trespassing, however the Inspector disagrees by stating that he doubts the 1m high fence would be a particularly effective barrier against littering or trespass.

- 1.5 The Planning Inspector concludes by stating, *I agree with the Council that the retention of this 1m high fence beside the footpath would spoil the character of this estate, contrary to policies GD1 and H24.*

RECOMMENDED

That the inspector's decision in relation to the appeal be noted for future reference.

Report prepared by Chris Baxter, Senior Planning Officer.

APPEAL DECISION

APPLICATION REF NO: APP/X1355/D/10/214050903

LPA REF NO: 3/2010/0341

1.0 APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR CONSERVATORY TO FRONT OF PROPERTY AT 5 HIGH ROAD, MIDDLESTONE VILLAGE, BISHOP AUCKLAND, DL14 8AE FOR MR HALL

- 1.1. Planning permission was sought for the erection of a conservatory to the front of 5 High Road, Middlestone Village, Bishop Auckland. The appeal property is an end of terrace, two bedroom, modest, bungalow. Planning permission was refused for the following reasons:

The proposal is contrary to policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and PPS1 as:

1. The conservatory would appear incongruous, overdominant and unsympathetic to the host dwelling and surrounding area.
2. By virtue of its mass, scale, design and materials the conservatory would be detrimental to the character and appearance of the host property.

- 1.2 An appeal was made against the decision. The inspector has allowed the appeal for the following reasons:

- The proposed conservatory would enclose the central entrance door and one of the main front windows. Given its size and position, there is no doubt that it would be a prominent addition to the existing dwelling. Nonetheless, it seems to me that its transparent quality would allow the modest character of the original bungalow to continue to be readily apparent. Whilst the conservatory would sit forward of the existing dwelling, it would be seen in the context of the quite generous front gardens and the somewhat varied building line of the terrace. Moreover, additions to the front of properties are a feature of this particular village, probably as a result of the landform and the views available.
 - Taking these matters into account, I consider that the conservatory would not appear unduly intrusive or incongruous and I conclude that it would not harm the character and appearance of the original house or the surrounding area. I find no conflict, therefore, with policies GD1 and H25 of the Wear Valley District Local Plan, which expect a high standard of design. Bearing in mind
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the variation in the built form of High Road, I am also satisfied that the proposal would not be in direct conflict with that part of FPG5 which seeks to discourage extensions in front of the building line.

- For the reasons given above, I conclude that the appeal should succeed.
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2.0 RECOMMENDED

- 2.1 That the inspector's decision in relation to the appeal be noted for future reference.
- 2.2. Report prepared by Sinead Turnbull, Planning Officer.