

Bath & North East Somerset Council		
MEETING:	Development Control Committee	AGENDA ITEM NUMBER <div style="border: 1px solid black; width: 100px; height: 60px; margin-top: 5px;"></div>
MEETING DATE:	14 December 2011	
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Control Manager, Planning and Transport Development (Telephone: 01225 477281)	
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES	
WARD:	ALL	
BACKGROUND PAPERS: None		
<b>AN OPEN PUBLIC ITEM</b>		

## APPEALS LODGED

**App. Ref:** 11/02674/EFUL  
**Location:** The Bath Press Lower Bristol Road Westmoreland Bath  
**Proposal:** Mixed-use redevelopment comprising 6,300sqm of retail (Class A1), 4,580sqm of creative work space (Class B1), 2,830sqm of offices (Class B1), 10 residential houses, car park, landscape and access (including realignment of Brook Road).  
**Decision:** Non-determination  
**Decision Date:** 14 November 2011  
**Decision Level:**  
**Appeal Lodged:** 14 November 2011

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**App. Ref:** 11/02013/FUL  
**Location:** The Pelican Inn 10 South Parade Chew Magna Bristol  
**Proposal:** Erection of new link building and alterations to existing stone barns  
**Decision:** REFUSE  
**Decision Date:** 24 October 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 15 November 2011

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**App. Ref:** 11/02891/FUL  
**Location:** 13 West Avenue Oldfield Park Bath BA2 3QB  
**Proposal:** Change of use of dwellinghouse to 4no studio flats and 1no 1-bedroom flat  
**Decision:** REFUSE

**Decision Date:** 5 September 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 21 November 2011

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**App. Ref:** 11/02277/FUL  
**Location:** 10 Warleigh Drive Batheaston Bath BA1 7PT  
**Proposal:** Erection of an attached garage.  
**Decision:** REFUSE  
**Decision Date:** 10 August 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 25 November 2011

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**App. Ref:** 11/03882/LBA  
**Location:** 20 St Mark's Road Widcombe Bath BA2 4PA  
**Proposal:** External alterations for the addition of photovoltaic to complement existing solar thermal  
**Decision:** REFUSE  
**Decision Date:** 14 November 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 28 November 2011

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## **APPEAL DECISIONS**

**App. Ref:** 11/01660/FUL  
**Location:** Woodborough Guest House 4 Marlborough Buildings  
**Proposal:** Provision of off road parking in front of dwelling, enlargement of rear dormer, rear kitchen window, kitchen door and roof lantern and erection of a single storey rear extension  
**Decision:** **Refused**  
**Decision Date:** **24/06/2011**  
**Decision Level:** **Delegated**  
**Appeal Decision:** **Dismissed**

### **Summary:**

Appeal APP/F0114/D/11/2160558 for the creation of off road parking within the front garden of the property has been dismissed.

The inspector agreed within the council that the proposed development would result in the loss of the front boundary wall and garden. The inspector commented that the provision of similar works at number 2 do not justify the loss of the garden and boundary wall at number 4.

The inspector agreed with the council that the proposed development would neither preserve nor enhance the character and appearance of the surrounding Conservation Area. The inspector agreed with the council's decision and the appeal was dismissed.

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**App. Ref:** 11/02034/FUL  
**Location:** 34 Rosslyn Road  
**Proposal:** Erection of two storey side extension following demolition of existing garage  
**Decision:** **Refused**  
**Decision Date:** **15/07/2011**  
**Decision Level:** **Delegated**  
**Appeal Decision:** **Dismissed**

**Summary:**

Appeal APP/F0144/D/11/2157148 for the erection of a two storey side extension at 34 Rosslyn Road has been dismissed.

The existing property is located within a streetscene characterised by semi- detached 1930s style properties. The approach adopted in the design of the proposed extension made little attempt to match the appearance of the host dwelling. This was deliberately so. In this case the inspector commented that the contrasting design did not work.

Whilst subservience may just have been achieved, it is outweighed by the overwhelming blandness and ordinariness of the proposed design, particularly where it presents itself to the public realm. An almost blank, virtually solid front wall, punctuated only by a single small window, would appear incongruous in its visual context, irrespective of the external materials utilised.

Therefore in this case the inspector agreed with the council and the appeal was dismissed.

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**App. Ref:** 11/01732/AR  
**Site address:** Prop Cosy Club, 20 Southgate Place, Bath  
**Proposal:** Display of 2no. internally illuminated projecting signs.  
**Decision:** Refused  
**Decision Date:** 7 July 2011  
**Decision Level:** Delegated Powers  
**Appeal Decision:** Allowed

**Summary:**

The main issue is the impact of the proposed signage on the character and appearance of the Bath Conservation Area. In addition to the projecting signs the Inspector decided to consider the menu boards as part of the appeal, by reason that they were shown on the submitted drawings. The Inspector opined that whilst the Council seeks to resist internally illuminated signs, there is evidence of such signage at numerous nearby premises which illustrates the commercial character of the area. The Inspector held that the moderate size, simple design and means of illumination of the signage proposed were consistent with this character and would not therefore be harmful to the character or appearance of the Conservation Area. The appeal was allowed.

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**App. Ref:** 10/00475/FUL  
**Site address:** Field Parcel 7712, Tow Path Kennett and Avon Canal, Bathampton, Bath  
**Proposal:** Stationing of mobile home on land west of Meadow Lane  
**Decision:** Refused  
**Decision Date:** 27 May 2010  
**Decision Level:** Delegated Powers  
**Appeal Decision:** Dismissed

**Summary:**

The main issues are whether the proposals represent inappropriate development in the Green Belt; the effect on the openness of the Green Belt; the effect on the character and appearance of the area; the effect on highway safety; and whether any harm would be clearly outweighed by other considerations so as to amount to very special circumstances to justify the development.

The Inspector held that the proposals represented inappropriate development and would therefore be harmful by definition. There would also be some additional harm to openness. Taking account of the siting of the dwelling and its limited visibility there would be slight harm to the character and appearance of the area. It was concluded that there would be no harm to highway safety. Factors that weighed in favour of the proposals were the need for gypsy and traveller sites within the area; the negative impact of a refusal of planning permission on the appellant's health, access to employment and education for the appellant's children; the sustainable nature of the development; and the letters in support of the proposals. The Inspector concluded, on balance, that those factors in favour of the proposals did not outweigh the identified harm and that the appeal should therefore be dismissed.

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**Application Ref:** 10/01300/OUT  
**Site Address:** 15a Sycamore Rd, Radstock  
**Proposal:** Erection of attached dwelling  
**Decision:** Refuse  
**Decision Date:** 18 November 2010  
**Decision Level:** Delegated Powers  
**Appeal Decision:** Dismissed

**Summary:**

The main issue is the effect of the proposals on the living conditions of the occupants of an adjacent dwelling; No.14 Sycamore Road. The Inspector held that the revisions made to the proposals since a previous refusal in 2006 were so modest that they would have almost no mitigating effect on the impact to the neighbouring occupiers. The proposals would dominate and overshadow both the adjacent rear curtilage and elevation and would result in a sense of oppressiveness which would represent significant harm to the amenities of the occupiers of the adjacent dwelling. Regard was given to the relationship between other dwellings in the area; however the Inspector noted that these were different to the situation at the appeal site. The appeal was dismissed.

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**App. Ref:** 10/05276/FUL  
**Site address:** Martin McColls, 33 Bathwick Street, Bathwick, Bath  
**Proposal:** Installation of ATM  
**Decision:** Refused  
**Decision Date:** 24 March 2011  
**Decision Level:** Delegated Powers  
**Appeal Decision:** Dismissed

**Summary:**

The main issue is whether the proposals would preserve the special architectural and historic interest of the listed building and preserve or enhance the character or appearance of the Bath Conservation Area.

The Inspector held that the proposed ATM would be in a visually prominent position; would introduce a modern character that would be at odds with the traditional shopfront; would prevent views into the shop; and would introduce clutter within the detailed timber framed window. The proposals would cause harm to the character and appearance of the listed shopfront, the row of shops and the Bath Conservation Area. The Inspector considered that there was little evidence to suggest that the proposal would make a significant positive contribution to the vitality and viability of the local shops to outweigh the identified harm to the listed building and Conservation Area. The appeal was dismissed.

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**App. Ref:** 10/04951/FUL  
**Location:** Hawksmoor, Radstock Road, Midsomer Norton, Radstock, Somerset, BA3 2AW  
**Proposal:** The erection of a single storey dwelling, utilising the existing garage.  
**Decision:** Refused  
**Decision Date:** 21st January 2011  
**Decision Level:** Delegated  
**Appeal Decision:** Allowed

**Summary:**

The reason for refusals included the over-development of the site which would result in a lack of amenity space; inappropriate siting failing to respond to local context and rear curtilages of adjacent properties and parking provision would obstruct manoeuvring within the site. The proposal would therefore conflict with policy D2, D4 and T.24 of the Bath & North East Somerset Local Plan, including minerals and waste (adopted 2007).

The Inspector accepted a revised plan (1564/02 A), which extends the proposed turning area by 2m that resulted in the highways objection being withdrawn. This resulted in the main issues being; the effect of the proposed development on the character and appearance of the host property and surrounding area; and on the living conditions of neighbouring occupiers.

He accepted that the orientation of the proposed bungalow would be east-west across the site with a single ridge, in contrast to the host building, which has a curb roof, pitching in all four directions. This was not considered to be critical in terms of design compatibility. In other respects, the design, height, massing and external materials of the proposed bungalow would not be out of character with the host building. Furthermore the impact of the proposal on the public realm would be limited to partial views from Radstock Road to the north along the access

road and from relatively distant public viewpoints to the south, where the proposal would be seen against the backdrop of the urban area of Midsomer Norton. In this respect the proposal was considered not to be contrary to Bath and North East Somerset Local Plan, including minerals and waste policies (2007) (LP) policies D.2 and D.4 which cover design and public realm considerations.

The Inspector referred to the recent changes in Planning Policy Statement (PPS) 3 *Housing*, which means that garden areas are not prioritised for development. However, he stated that PPS3 still encourages the efficient use of land, subject to proper planning considerations, and it does not preclude applications affecting garden land from being considered on their particular merit.

He stated that whilst the gardens would be compact, they would be able to function as amenity areas with sufficient privacy afforded by their orientation. In the case of Hawksmoor (the host building), the existing garage block and fencing would screen the remaining garden from being overlooked by future occupiers of the proposed bungalow. In addition, whilst neighbouring residents are also concerned that their outlook would be harmed the proposed bungalow would be less than 0.5m higher than the existing garage block and situated further from these neighbouring dwellings. Although it would be visible from the kitchen of 61 Radstock Road to the east, any minimal impact from such a distance would be offset by the existing close boarded boundary fence and the garages. The appeal was therefore allowed subject to conditions.

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<b>Application Ref:</b>	10/01772/FUL
<b>Address:</b>	Yew Tree Cottage, Scot Lane, Chew Stoke, Bristol, BS40 8UW
<b>Proposal:</b>	Erection of two storey infill extension and single storey side extension
<b>Decision:</b>	<b>Refused</b>
<b>Decision Date:</b>	30 <sup>th</sup> June 2010
<b>Decision Level:</b>	Delegated
<b>Appeal Decision:</b>	Appeal Dismissed

**Reason for Refusal:**

The Council held that since the house was built in 1996 it had already been extended by 26%. The proposed would further increase the total development to 56%, contrary to policy and the adopted SPD.

Despite the suburban location as part of a linear development it was held that by definition of it being disproportionate to the main dwelling, the proposed extension would cumulatively harm the openness of this part of the green belt.

**Summary:**

Cumulatively the works would equate to the original house having been doubled since it was built, the extension was held as disproportionate.

Despite the infilling nature of the proposed, within the built envelope of the existing, the Inspector found that this did not outweigh the harm to openness caused by a fundamental reduction in openness of the green belt.

The Inspector agreed with the case officer's assessment and the appeal was dismissed.

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**Application Ref:** 10/02752/FUL  
**Address:** 43 Mount Road, Southdown  
**Proposal:** Erection of 2no semi-detached houses on land adjacent to 43 Mount Road (Resubmission)  
**Decision:** **Refused**  
**Decision Date:** 20<sup>th</sup> August 2010  
**Decision Level:** Delegated  
**Appeal Decision:** Appeal Dismissed

**Reason for Refusal:**

- Inappropriate design, siting and orientation.
- Detrimental harm to residential amenity.
- Over development of the site.
- Unsatisfactory parking arrangements and poor visibility

**Summary:**

Inspector found that the dwellings would not be cramped however would appear disproportionate in the context of the surrounding area. Inspector agreed with the Council that the proposed would be harmful to the character and appearance of the area and detrimental to the living conditions of future occupants through enclosure and over-dominance.

Inspector found that the proposed would be detrimental to highway safety by reason of the proximity to the adjacent school.

The Inspector agreed with the case officer's assessment and the appeal was dismissed.

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**Application Ref:** 10/01737/LBA  
**Address:** 13a High Street, Twerton  
**Proposal:** Erection of a porch to north elevation (regularisation)  
**Decision:** **Refused**  
**Decision Date:** 15<sup>th</sup> July 2010  
**Decision Level:** Delegated  
**Appeal Decision:** Appeal Dismissed

**Reason for Refusal:**

This application was to regularise unauthorised works to a listed building however was refused for the following reasons:

- Lack of historical assessment to fully assess the impact of the works on the Grade II Listed property.
- The structure is disproportionate to the size of the host dwelling, failing to preserve the character and historic interest of the property.

- The poor design, siting and use of unsympathetic materials was deemed detrimental to the host dwelling and the character and appearance of the Conservation Area

**Summary:**

The Inspector found that the modest size and detailing of the cottage is integral to its historic interest and that the overall scale and size of the porch harmed its significance.

The Inspector did not accept the justification for the porch that it is out of the public realm, providing a shelter space and needed to reduce noise.

The Inspector did not agree that the porch was vital to securing a tenant in the long term and there was no evidence to suggest that without it the property would remain empty.

The Inspector concluded that the materials are not appropriate and the porch harmed the setting, appearance and fabric of the listed building, contrary to PPS.5.

The Inspector agreed with the case officer's assessment and the appeal was dismissed.

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<b>Application Ref:</b>	10/04458/FUL
<b>Address:</b>	Manor Farm, Chewton Road, Chewton Keynsham
<b>Proposal:</b>	Provision of a mobile home for occupation in association with Equine Livery and Breeding Enterprise.
<b>Decision:</b>	<b>Refused</b>
<b>Decision Date:</b>	7 <sup>th</sup> January 2011
<b>Decision Level:</b>	Delegated
<b>Appeal Decision:</b>	Appeal Dismissed

**Reason for Refusal:**

It was held that the introduction of a new dwelling, outside the development boundary, in the green belt and for purposes outside the scope of agriculture represented an unsustainable and inappropriate form of development that is, by definition, harmful to the green belt. No very special circumstances were presented to support the case and, sited in a prominent location it was considered that the proposed would be harmful to openness and rural character.

**Summary:**

The Inspector supported the Council's view that a mobile home for residential purposes in the green belt is inappropriate development and thus contrary to PPG.2 and local policy. Further to this, the Inspector found that the siting of the mobile home, detached from the main stable block and requiring substantial excavation and levelling would lead to the domestication of an otherwise open area of land that would harm openness and rural character.

The Inspector found the appellant's supporting statement to be conflicting and that by reason of the personal arrangements of the appellant it was clear that the mobile home was not required to meet the needs of full-time workers employed on site. The Inspector found no functional requirement for the unit and concluded that the size of the proposed unit went beyond any needs for security and surveillance.

The Inspector found that there were no very special circumstances to outweigh the harm to the Green Belt.



The Inspector agreed with the case officer's assessment and the appeal was dismissed.

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**Application Ref:** 10/04039/FUL  
**Address:** Land rear of 4 Bloomfield Drive, Bath  
**Proposal:** Part demolition of wall to provide vehicular access (Retrospective)  
**Decision:** **Refused**  
**Date of Decision:** 1<sup>st</sup> December 2010  
**Decision Level:** Delegated  
**Appeal Decision:** Appeal Decision

**Reason for Refusal:**

The appellant carried out works to a listed wall to form a new access way into the former walled kitchen garden associated with Bloomfield Crescent without consent. Applications were made to regularise the works however both the planning (and counterpart listed building) applications were refused. During the course of the application, English Heritage re-graded the main crescent from Grade II to Grade II\* and referenced the gardens as being within the curtilage however declined to list the walled gardens in their own right, in part due to the level of unsympathetic works that had been carried out on the walls in the past. The planning application was refused for the following reasons:

- The formation of the access failed to take account of the contribution of the wall to the setting of the listed crescent, further eroding the integrity and significance of the heritage asset through the installation of an unsuitable means of access and use of unsympathetic materials.
- The works failed to respond to the public realm or local context to the detriment of the character and appearance of the area.
- Insufficient justification setting out benefits to outweigh the harm to the curtilage listed structure.
- Inadequate information to fully assess the highway safety issues or to demonstrate that a right of access existed. Intensification of vehicle use to the detriment of pedestrian and highway safety.

**Summary:**

The Inspector confirmed the association and connectivity of the gardens to the terrace and found that, although the walls have been eroded over time they still contribute to the historic environment. The Inspector concluded that the partial demolition of the wall has significantly reduced the remaining integrity and harmed the significance of this heritage asset.

The Inspector did not find any justification to outweigh the harm resulting from the works carried out.

Whilst the Inspector accepted that there had been a former access to the site he rejected the scheme in the absence of any information clarifying controls over the intensity of vehicles using the site, stating that the traffic movements likely to be generated by this site would be contrary to policy by introducing traffic of potentially excessive volumes, sizes or weights onto an unsuitable road.

The Inspector agreed with the case officer's assessment and the appeal was dismissed.

The appellant made a claim for costs against the Council on the grounds of unreasonable behaviour in refusing the application however in a separate appeal the Inspector refused the costs application.

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**Application Ref:** 10/02595/FUL  
**Address:** Grass Verge, Mount Road, Southdown  
**Proposal:** Installation of a 12.5 metre high replica telegraph pole housing 6no. Antennas within a GRP shroud, 2no. Radio equipment cabinets and ancillary development thereto at grass verge at the junction of Mount Road/The Hollow  
**Decision:** Refused  
**Decision Date:** 4<sup>th</sup> August 2010  
**Decision Level:** Delegated  
**Appeal Decision:** Appeal Dismissed

**Reason for Refusal:**

This was the fourth application for a phone mast in this area (two previous schemes were refused and one was returned to the applicant). The case officer was satisfied that the appellant had demonstrated the need for improved coverage in this area of Bath however concluded on balance that the need did not outweigh the harm. The application was refused for the following reasons:

- Exacerbation of undesirable clutter in a prominent open location, to the detriment of the visual amenities of the area.
- Size of the pole would be disproportionate to the scale of the existing street furniture and thus out of character.

**Summary:**

The Inspector agreed with the case officer in finding the excessive height of the pole to dominate the appearance of the immediate vicinity and concluding that the 10m high trees would be insufficient to obscure the view thus failing to mitigate the totality of the proposal.

The Inspector agreed that the presence of the associated cabinets would erode character and intensify the appearance of street clutter.

The Inspector agreed with the case officer's assessment of the benefits of mast sharing and the consideration given by the appellant to alternative sites however concluded that this did not outweigh the intrusion into the open space that would materially harm the street scene and public realm.

The Inspector agreed with the case officer and confirmed that the provision of the ICNIRP certificate was sufficient enough to not have to consider health concerns, in accordance with PPG.8.

This Inspector concluded that there were no material considerations strong enough to outweigh the harm to character and appearance of the surroundings.

The Inspector agreed with the case officer's assessment and the appeal was dismissed.

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**Application Ref:** 10/03924/FUL  
**Address:** Land at The Oval, Southdown, Bath  
**Proposal:** Erection of a 12.8m high monopole with ground based cabinets and ancillary development at highways land at the Oval between the junctions with Beech Grove and Hazel Grove  
**Decision:** **Approve – Committee Refused**  
**Decision Date:** 26<sup>th</sup> November 2010  
**Decision Level:** Committee Overturn  
**Appeal Decision:** Appeal Allowed

**Reason for Refusal:**

Following negotiations with the appellant over the height and siting of the proposed, and accepting the need to improve telecoms infrastructure as well as acknowledging the level of alternative sites considered and dismissed, this application was presented to Development Control Committee with a recommendation to permit. At the Committee meeting, members voted in favour of refusing the application on the following grounds:

- Undesirable clutter in a prominent open location, to the detriment of the visual amenities of the area and this part of the World Heritage Site.
- Proximity to the highway posing undue danger to the drivers of vehicles and undue obstruction to users of the footpath

**Summary:**

The Inspector noted that the case officer had not questioned the need for coverage and referred to the revised siting on a wide part of the pavement with grass verge and set against the backdrop of a mature tree belt.

The Inspector found the design of the pole to be unobtrusive and uncluttered and that it would be only marginally more visually intrusive within the street scene than the existing street lights. Visual impact was found to be mitigated by the backdrop of the trees.

The Inspector found that the cabinets would be modest and not have an unduly adverse effect on the character and appearance of the area as a whole.

The Inspector did not agree with the assertion that the periodic opening of the cabinet would pose an undue obstacle to pedestrians and that the siting of the cabinet would not prejudice highway safety.

The Inspector agreed with the case officer and confirmed that the provision of the ICNIRP certificate was sufficient enough to not have to consider health concerns, in accordance with PPG.8. No unacceptable detrimental harm to residential amenity was found.

The Inspector rejected the Committee's reasons for refusing this application and found in favour of the appellant by allowing the appeal.

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**Application Ref:** 10/05365/FUL  
**Address:** Street Record, Poolemead Road, Whiteway

**Proposal:** Erection of a 13.8m MK3 dual user column with ground based cabinets and ancillary development.  
**Decision:** **Approve – committee Refused**  
**Decision Date:** 18<sup>th</sup> March 2011  
**Decision Level:** Committee Overturn  
**Appeal Decision:** Appeal Allowed

**Reason for Refusal:**

Following two previous refusals on a site to the north of the appeal site the case officer entered into negotiations with the appellant over the height and siting of the proposed having accepted the need to improve telecoms infrastructure as well as acknowledging a number of alternative sites that were ultimately dismissed. The revised application was presented to the Development Control Committee with a recommendation to permit however at the Committee meeting, members voted in favour of refusing the application on the following grounds:

- Undesirable clutter in a prominent open location, to the detriment of the visual amenities of the area.
- Proximity to the junction between Poolemead Road and Wedgewood Road likely to obscure visibility and result in undue danger to the users of the public highway.

**Summary:**

The Inspector noted that the case officer had not questioned the need for coverage in the area and that no party had demonstrated that there was a more appropriate alternative site to locate the mast. The Inspector agreed with the case officer in confirming that the provision of the ICNIRP certificate was sufficient enough to not have to consider health concerns further, in accordance with PPG.8. No unacceptable detrimental harm to residential amenity was found.

The Inspector found the design of the pole to be noticeable and not incongruous and that its siting and visual impact would be mitigated by the backdrop of the trees and existing street furniture.

The Inspector found the units to be set sufficiently far back from the junction so as not to cause obstruction of danger to drivers and concluded the mast and cabinet would not prejudice highway safety.

The Inspector did not find the proposal to be visually harmful to the character of the street or the wider setting of the Bath World Heritage Site.

The Inspector rejected the Committee's reasons for refusing this application and found in favour of the appellant by allowing the appeal.

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**Application Ref:** 11/00364/FUL  
**Address:** Land Adj. Dymboro Villa, Providence Place, Midsomer Norton  
**Proposal:** Erection of a detached one bedroom coach house style live/work unit.  
**Decision:** **Refused**  
**Decision Date:** 11<sup>th</sup> April 2011  
**Decision Level:** Delegated  
**Appeal Decision:** Appeal Dismissed

**Reason for Refusal:**

This was the third such application for this site, all having been refused. This application was refused for the following reasons:

- Cramped overdevelopment of this small site, failing to respond to the local context.
- Inadequate provision of outdoor amenity space, uncharacteristic with the context of the area and to the detriment of the future occupiers.
- Overbearing sense of encroachment and unacceptable level of overlooking and loss of privacy in respect of the amenity of the adjacent residents.
- Cramped design and substandard access to the detriment of highway safety.

**Summary:**

The Inspector found that the dense form of development would not follow the general pattern of the area, contrary to policy. In respect of amenity, the Inspector did not agree that there would be a lack of light to the living area of the new dwelling however found the limited outdoor amenity space with the dwelling to be of little benefit and in comparison with the large gardens surrounding would not help the visual integration of the site within the surrounding area.

In respect of parking and access the Inspector raised little issue however concluded that this was not sufficient to overcome the material harm to the character and appearance of the surrounding area.

On balance the Inspector agreed with the case officer's decision and the appeal was dismissed.

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<b>Application no:</b>	10/02241/FUL
<b>Address:</b>	Silver Birches, Greyfield Road, High Littleton
<b>Proposal:</b>	Erection of new detached bungalow (Resubmission)
<b>Decision:</b>	<b>Approve – committee Refused</b>
<b>Date of Refusal:</b>	7 <sup>th</sup> September 2010
<b>Decision Level:</b>	Committee Overturn
<b>Appeal Decision:</b>	Appeal Dismissed

**Reason for Refusal:**

This application was a resubmission following an earlier refusal under delegated powers and was refused by the Development Control Committee for the following reasons:

- Overbearing impact on neighbours by reason of its siting and location resulting in an increased loss of privacy to the detriment of residential amenity.
- Size, siting and design that does not respond to the context and would be visually harmful to the appearance of the area.
- Overdevelopment of the site by reason of the local topography and setting between the two adjacent properties.

**Summary:**

The Inspector found that, by reason of the topography and the size of the surrounding dwellings and plots the proposed dwelling would appear in seclusion leading to a detached relationship with the wider area and the proposed would not relate positively to the public realm.

In respect of residential amenity and living conditions, the Inspector found that whilst there was benefit in removing an existing large summerhouse/storage building this did not outweigh the harm to the adjacent dwelling in terms of the outlook and loss of privacy.

The Inspector did not take issue with the impact on the trees or identify a highway safety issue however concluded the scheme was unacceptable principally on the grounds of its dominant impact.

The Inspector agreed with the Committee decision and the appeal was dismissed.

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**Application Ref:** 10/04816/FUL  
**Address:** Church Farm Barn, Church Road, Whitchurch  
**Proposal:** Repair of existing dilapidated agricultural outbuilding.  
**Decision:** **Refused**  
**Decision Date:** 31<sup>st</sup> January 2011  
**Decision Level:** Delegated  
**Appeal Decision:** Appeal Dismissed

**Reason for Refusal:**

This application related to the shell of a building in the green belt that had not existed on site in any meaningful form since the mid 1990's and there was concern that the applicant had not specified the access arrangement. The application was refused on the following grounds:

- Substantial reconstruction required to a building that had remained unused for so long, to the detriment of the visual character of the street scene and the openness of the green belt.
- Over-intensification of the site yet no very special circumstances or agricultural justification put forward to outweigh the harm to the green belt.
- Inadequate information provided to demonstrate that a satisfactory means of access could be achieved or to assess the highway implications of the proposal.

**Summary:**

Although the Council had raised concern over whether the site was to be used for agricultural or equestrian purposes, the Inspector was satisfied that the use was to be for agriculture and concluded this was an appropriate use in the green belt and thus very special circumstances were not required. The focus of the Inspector's report related to the impact on character, appearance and openness.

The Inspector agreed with the Council in concluding that due to the length of time the land had been absent of a building the proposed development would amount to the construction of a new building rather than the repair of an existing.

The Inspector considered the new structure and its projection above the boundary wall would detract from the established character and appearance of the area and the visual amenities of the Green Belt. Furthermore the Inspector stated that openness in terms of the Green Belt means freedom from development and that the introduction a substantially larger structure on the site would result in a significant depletion of the openness of the Green Belt.

In terms of the highway safety concerns the Inspector noted an entrance in the corner of the field and concluded that the development would not give rise to a significantly increased risk to highway users.

In conclusion the Inspector saw no evidence for the need for the structure and found that despite the appropriateness of the development in the green belt, it did not outweigh the overall harm to the character and appearance of the area and the openness of the green belt. In part, the Inspector upheld the case officer's decision and the appeal was dismissed.

The appellant made a claim for costs against the Council on the grounds of unreasonable behaviour in refusing the application however in a separate appeal the Inspector refused the costs application.

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