

PLANNING APPEAL DECISIONS

The Council has received the following appeal decisions in the last month. All decisions can be viewed in full at <https://www.fenland.gov.uk/publicaccess/> using the relevant reference number quoted.

Planning Application Reference: F/YR17/1180/O					
Site/Proposal: Erection of a dwelling (outline application with matters committed in respect of access), Land East Of 2 Overstone Road, Coldham					
Officer Recommendation:	Refuse	Decision Level:	Delegated	Appeal Decision:	Dismissed
Main Issues:					
<ul style="list-style-type: none"> • Effect of the development on the safe operation of the highway network 					
Summary of Decision:					
<ul style="list-style-type: none"> - Inspector noted speed limit was 40 mph and that the required visibility could not be achieved within land within the applicants control thereby increasing the likelihood of collisions. - Speed survey and stopping distances do not alter conclusions and whilst existing occupiers may well reverse onto the highway this is not a justification to allow a development that the Inspector has found to be harmful. - Concluded development would be contrary to policy LP15 					

Planning Application Reference: F/YR18/1073/PNC07

Site/Proposal: Prior Approval for change of use from light industrial (B1(c) to 4-bed dwelling (C3) Workshop, Stackwell Forge, Cloughs Cross Bridge, The Bank, Parson Drove

Officer Recommendation:	Refuse Prior Approval	Decision Level:	Delegated	Appeal Decision:	Dismissed
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Main Issues:

- Whether the proposed change of use benefits from permitted development rights.

Summary of Decision:

- Prior approval was refused on grounds that the activities carried out within the building amounted to B2 general industrial use and that the building was within the curtilage of a listed building; should either of these scenarios be correct the dwelling would require planning permission as it would not benefit from PD rights
- Planning Inspector considered that the nature of the business, one that involves industrial processes which could give rise to adverse effects and therefore not suitable to be carried out in any residential area (i.e. a B2 use)
- With regard to whether the building is within the curtilage of a listed building the Planning Inspector also found the building to fall within the curtilage of the Listed Building
- In light of the above the Planning Inspector concluded that the proposals were not Permitted development and the appeal was dismissed.

Planning Application Reference: F/YR19/0101/O

Site/Proposal: Erection of 1no dwelling (outline application with all matters reserved)
Land East Of 24 Pound Road, Chatteris

Officer Recommendation:	Refused	Decision Level:	Delegated	Appeal Decision:	Allowed
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Main Issues:

- Effect of the proposal on the character and appearance of the area, and
- Effect of the proposal on the living conditions of the occupiers of the adjacent property

Summary of Decision:

- Having considered the existing character of the area and the site dimensions concluded that the site was capable of accommodating a single dwelling without adversely affecting the street scene
- Inspector considered impact of development on a flank window at the adjacent dwelling and also noise and disturbance. Concluded that
 - (i) Window already covered by a boundary fence and was not located in a principal elevation; the main elevations of the property were unaffected.
 - (ii) neighbouring dwelling was already affected by traffic movements and the addition of a parking space next to its eastern elevation would not unacceptably harm living conditions
- Inspector considered that the site was capable of accommodating a dwelling which would make a positive contribution to the character of the area and not adversely affect the street scene; also concluded that a dwelling could be accommodated on the site within detriment to the living conditions of existing occupants.

Planning Application Reference: F/YR19/0331/F

Site/Proposal: Erection of 1 x 2-storey 3-bed dwelling, Land South Of Seafeld Farm, Gorefield Road, Leverington

Officer Recommendation:	Refuse	Decision Level:	Delegated	Appeal Decision:	Dismissed
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Main Issues:

- **Character**
- **Flood risk**

Summary of Decision:

- Appeal proposal would interrupt views of the barn conversions, when viewed from Gorefield Road however noted barns were not listed nor in a conservation area so attached limited weight to this
- Inspector considered dwelling would integrate well with its location
- Inspector considered Environment Agency mapping is the most up to date assessment of flood risk and that the sequential test applicable and there is no justification for setting aside national and local planning policy in respect of demonstrating that the scheme passes the sequential test

Planning Application Reference: F/YR19/0272/F

Site/Proposal: Erection of a single storey 2-bed dwelling. Land North East Of 159 Wisbech Road, March

Officer Recommendation:	Refused	Decision Level:	Delegated	Appeal Decision:	Dismissed
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Main Issues:

- **Character**
- **Private amenity space**
- **Highway safety**

Summary of Decision:

Character: The appeal proposal is in conflict with Policy LP 16 of the FLP as it would not make a positive contribution to the local distinctiveness and character of the area by introducing a dwelling which would appear as an incongruous and discordant feature located in the rear garden of No 159, behind the built frontage,, when approaching the town from the A141. This would not respect the existing settlement pattern of the area.

Residential Amenity: The amount of private amenity space provided with the appeal proposal to be adequate for this type of dwelling, as it would allow reasonable use to be made of this space by the occupiers. In this respect, as the third of a plot size is described 'as a guide' in the Policy, the appeal proposal is not in conflict with Policy LP16 (h) of the FLP, with regard to the size, location and orientation of the private amenity space proposed.

Highway Safety: Policy LP2 and LP15 of the FLP seek to ensure safe access to new developments. The appeal proposal would result in the material increase in use of Meadowlands which is not wide enough for two cars to pass. This would lead to the increased possibility of cars having to wait on the public highway to turn right into Meadowlands, increasing the risk of accidents at this junction. This would be in conflict with Policies LP2 and LP15 of the FLP as the appeal proposal does not demonstrate that it is capable of providing safe access to the site.

Planning Application Reference: F/YR18/1120/O

Site/Proposal: Erection of 34no sheltered retirement apartments with retail unit (outline application with matters committed in respect of access and layout). Site Of Former Colvile County Primary School, Church Lane, Newton-In-The-Isle

Officer Recommendation:	Refused	Decision Level:	Delegated	Appeal Decision:	Dismissed
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Main Issues:

- **Effect on character and appearance of the area**
- **Impact on the Listed church**
- **Overall Sustainability**
- **Parking standards**
- **Flood risk**
- **Contamination**

Summary of Decision:

Character and appearance, listed building and trees: Inspector concluded that the dense massing of the development would erode the spacious, rural open character of the area. It would also block views of the grade II listed church. Furthermore, the development would likely have a direct effect on mature trees along the boundary – contrary to LP12 and LP16.

Location: Inspector noted limited services in Newton in the Isle and therefore a reliance on private motor car use to meet day to day needs. Whilst the proposal includes the provision of a small shop and post office service there was minimal information on the viability of the proposal. Inspector concluded the appeal site would not provide a suitable location for the proposed development, having regard to the accessibility of services and facilities; conflicts with Policy LP3 of the FLP, which steers development to places that offer the best access to services and facilities.

Flood Risk: Site lies in FZ3. No sequential test undertaken. Inspector concluded that suitable alternative sites in lower FZ would likely be available. Notwithstanding, insufficient drainage details provided to demonstrate the development would be suitable and not result in flooding issues. Contrary to LP12 and LP14

Car Parking: Parking spaces of 2.4m wide x 4.2m long. No larger spaces to cater for mobility issues proposed. Inadequate the proposal consequently fails to make adequate provision for car parking. Conflicts with LP 15 (c) and LP16 of which requires development to enable flexible use and adaptation to reflect changing lifestyles.

Contamination: Refused on grounds that insufficient information provided to understand risks from contaminants given brownfield site. Inspector concluded that contamination was unlikely to be made the site unsuitable for the proposed development.