

Title: Appeal Decisions

Item 9

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APPELLANT	LOCATION	APPLICATION NO	DESCRIPTION	APPEAL DATE & DECISION	SUMMARY OF DECISION
Mr & Mrs Dennis Penessa	2 Colville Cottages, White Roding	UTT/0122/11/FUL	Appeal against refusal to grant planning permission for extensions and alterations to the existing semi-detached dwelling.	4 July 2011 ALLOWED	This scheme followed a previous dismissed appeal and in this case the inspector judged that the scaled down extension was now appropriate development in the greenbelt. (JH)
Mr Rowell & Mr Palmer	17 Museum Street, Saffron Walden	UTT/1751/10/LB	Appeal against refusal to grant planning permission for demolition of a modern rear extension and the erection of a single storey extension. Internal alterations.	27 Jun 2011 ALLOWED	The appeal was against a condition which required timber windows and their retention unless their removal was agreed by the planning authority. The Inspector agreed that windows should be timber but thought it unnecessary for the condition to say they will be retained because their removal would require Listed Building Consent anyway. However the Inspector noted that the windows that had been installed were not timber but aluminium. Under the revised condition these remain unlawful. (RM)
McCarthy & Stone Retirement Lifestyles Ltd	Former Bell Language School South Road, Saffron Walden	UTT/1981/10/FUL	Appeal against refusal to grant planning permission for erection of 27 retirement apartments, communal facilities and car parking.	24 JUNE 201 ALLOWED	The Inspector found there to be a lack of evidence demonstrating a need for affordable retirement housing. He agreed that for management reasons the principle of a commuted payment for provision of affordable housing was preferable to provision within the block however the Council's basis for calculating a sum was confused and the effect on viability was not addressed. He referred to a recent ministerial statement advising against delaying developments unnecessarily. The fallback position was to build the permitted block which would provide no affordable accommodation. The Council's objection on the issue of car parking had been overcome by the subsequent permitted scheme but still concerned residents. The appellant had evidence from its other

					<p>sites of low demand for parking; the inspector was unsure why Essex requires larger spaces than nationally accepted dimensions particularly as older people tend to have smaller cars – the average resident is female and over 78 years old. The Inspector thought that a condition referring to lifetime homes was unnecessary given the type of development it was; that mud on the road can be addressed under other legislation; a condition requiring no work to the trees would only come into force after the development had commenced; and crime prevention measures were already built in so that a condition was unnecessary.</p> <p>An application for costs was made on the grounds of inadequate justification for refusing the application. Lack of evidence of the need for affordable accommodation of this type; the Council's rejection of the appellant's viability information in absence of alternative information and the later retraction of evidence on this matter. He criticised the decision to refuse the provision of 12 spaces but later accept 14; said it was not reasonable when Highways had not objected and PPG13 says developers should not be asked to provide more spaces than they offer. The requested partial award was awarded. (DS)</p>
Mr & Mrs Loader	13 Chickney Road, Henham	UTT/0244/11/FUL	Appeal against refusal to grant planning permission for replacement of existing skylight window with large dormer window to match existing window in width.	22 June 2011 DISMISSED	The Inspector agreed that the dormer would be large, bulky and unbalance the front elevation; be an unduly dominant feature out of keeping with the street scene where dormers are much smaller. The appellant's comparison to the size of the rear dormers was irrelevant because the rear dormers do not form part of the street scene. The proposal failed to comply with policy or Supplementary Planning Documents. (PJ)