

**Title:** Appeal Decisions

## Item 5

**Author:** Andrew Taylor –

| <b>LOCATION</b>                              | <b>APPLICATION NO</b>             | <b>DESCRIPTION</b>  | <b>APPEAL DATE &amp; DECISION</b> | <b>SUMMARY OF DECISION</b>  |
|--|-----------------------------------|---|-----------------------------------|---|
| Aseret<br>Bannister<br>Green<br>Felsted      | UTT/1478/11/OP                    | Appeal against refusal to grant planning permission for erection of a one and a half storey detached dwelling | 14 March 2012<br>DISMISSED        | Inspector concluded that the proposed development out of character with the general pattern of existing development   |
| Brook Farm<br>Barn<br>Stebbing Rd<br>Felsted | UTT/1617/11/FUL<br>UTT/1618/11/LB | Appeal against refusal to grant planning permission for kitchen extension                                     | 12 March 2012<br>DISMISSED        | Inspector concluded that the proposed extension with harm the historical character of the listed building, and would not meet the objectives of local and national heritage policy to preserve or enhance the character of listed buildings. In terms of detail he stated "that the extension in the form and location proposed would denude in a small, but nevertheless significant , way the established linear form of the listed barn" |

|   |                 |   |                            |  |
|---|-----------------|---|----------------------------|--|
| Land r/o Woodbriar The Street Takeley               | UTT/1251/11/FUL | Appeal against refusal to grant planning permission for demolish the garage to Woodbriar and the erection of a dwelling and a garage and an access  | 15 March 2012<br>DISMISSED | <p>The Inspector in dismissing the appeal concluded that although the design of the dwelling was in accordance with the Essex Design Guide, the style of dwelling would be a substantial structure out of keeping with the setting of the neighbouring rear gardens. He stated that "the dwelling would be...a discordant feature in its setting, and the drive would have a stark appearance, which would add to the harm.</p> <p>He also concluded that by reason of the dwelling and its access drive the harm through noise and disturbance would be caused to adjoining dwellings to the site</p> <p>He concluded that there were no issues related to harm to the setting of the Flich Way</p> |
| The Rise Brick End Broxted                          | UTT/1120/11/FUL | Appeal against refusal to grant planning permission for retention of storage building as detailed on Plan P2911   | 22 Feb 2012<br>DISMISSED   | <p>The Inspector concluded that the building was a large and utilitarian structure which as a harmful adverse effect on the rural character and appearance of the surrounding area.</p> <p>She stated that although airport related there was not an over-riding justification for it to be located in the Countryside Protection Zone.</p> <p>Finally, she stated that the harm caused to the countryside was not outweighed by the economic benefits of the development.</p>   |
| Above Bakers Deli, The Rumbles Braintree Rd Felsted | UTT/0602/11/FUL | Appeal against refusal to grant planning permission for change of use from Class C3 (residential) to Class A1 (hair salon) without complying with conditions attached to planning permission Ref (UTT/0877/10/FUL) dated 30 July 2010 | 21 Feb 2012<br>ALLOWED     | <p>In terms of the operating hours, the Inspector concluded that there was no planning reason to prevent opening of the premises on a Monday. He also concluded that 8pm on a Thursday was not unduly late.</p> <p>The Inspector also concluded that there was a justification for certain first floor windows to be obscure glazed and fixed shut.</p>  |

|  |                 |  |                            |   |
|--|-----------------|--|----------------------------|---|
| Tandans<br>Canfield Drive<br>Canfield Road<br>Great Canfield | UTT/0999/08/FUL | Appeal against refusal to grant planning permission for continuous use of long stay caravan pitch for one gypsy family, but not subject to condition C.13.4 imposed on planning permission UTT/0998/08/FUL | 22 Feb 2012<br>ALLOWED     | <p>The Inspector concluded that the site by way of its location, the site is appropriate as a gypsy site, and that there was no justification to restrict this site through a personal condition.</p> <p>The provision of this site needed to be considered in the context of the shortfall of the provision of sites for travelling gypsies within the District.</p> |
| Bailey Hills<br>Wickham Hall<br>Bishops<br>Stortford         | UTT/1736/11/FUL | Appeal against refusal to grant planning permission for demolition of the existing extension and erection of a new extension   | 19 March 2011<br>DISMISSED | The Inspector concluded that “in view of the mass and bulk of the proposed extension, it will not be in proportion with the original building.” The proposal also intrudes into the Green Belt and reduces its openness.  |