

List of Appeal Decisions from 22/10/2014 to 11/12/2014

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/00781/FULL	Variation of condition (2) of planning permission 12/01204/FULL to permit use of hardstanding for parking of a caravan and boat (APPEAL DISMISSED 12.11.14)	The Coach House 8 Silver Street Willand Cullompton Devon EX15 2RG	Refuse permission	Delegated	Refuse permission	Householder Appeal	Appeal Dismissed

Summary of Inspector's Comments

Appeal against refusal to grant planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. Application sought retention of single garage and hardstanding for one vehicle without complying with a condition imposed on the grant of planning permission that required the garage and hardstanding to be kept available for parking in order to safeguard the amenity of nearby residential properties. Main issue is effect that varying the condition would have on parking arrangements and highway safety in Silver Street. History of the condition requiring provision of parking for this property being amended. Current variation proposed to enable parking of a boat or caravan on hardstanding. On street parking in Silver Street would prevent two way flow of traffic. Policy DM8 requires two parking spaces per dwelling and removal of the hardstanding would result in one space, with the area in front of the garage not being able to be used due to the shared access with neighbouring property. Garage does not meet the 6m x 3m requirements of SPD on provision of parking in new development. Bus route nearby unlikely to reduce parking requirement. Variation of condition would result in deficiency of off street parking, leading to overspill onto a road not suitable to accommodate more parked vehicles, to detriment of free flow of traffic and highway safety. Variation would be contrary to the development plan and the NPPF. Appeal dismissed.

14/00423/FULL	Erection of single storey and two storey extensions, conversion of garage to study, erection of a double garage and alteration to existing access (APPEAL ALLOWED WITH CONDITIONS 12.11.14 - PLANNING PERMISSION GRANTED)	35 Tidcombe Lane Tiverton Devon EX16 4DZ	Refuse permission	Delegated	Refuse permission	Householder Appeal	Allow with Conditions
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Summary of Inspector's Comments

The main issue was the effect of the proposal on the character and appearance of the building and the area. The Inspector considered the materials would be at odds with the existing dwelling but these could be conditioned. The garage would be large and its design unusual in the area, but it would not be prominent. Again, the materials would be incongruous with the house but could be conditioned. The Inspector considered that the harmful effects of the proposal would be outweighed by the benefits of improving the accommodation. While there would be some minor conflict with development plan policy, the marginal departure would not undermine the aims of the development plan or set an undesirable precedent given the specific circumstances of the proposal.

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/00609/PNCO	Prior notification of change of use of agricultural building to a dwelling house and associated operational development (24.8sq mtrs) - APPEAL DISMISSED 01/12/2014	Agricultural Buildings at NGR 308087 112770 (Ratsash Lane) Uffculme Devon	Not Permitted Development	Delegated	Not Permitted Development	Written Representations	Appeal Dismissed

Summary of Inspector's Comments

The Inspector found that the proposed change of use, and associated building operations to convert the building to a C3 dwellinghouse, would be undesirable, due to the building's proximity to two oak trees (subject to a TPO). The proposal was therefore found to be contrary to MB.2 (1) (e) of the 2014 amendment to the CPDO. In addition the building works reasonably necessary to enable the change of use were found to go beyond the works set out under MB.1 (i), including installation or replacement of the foundations and overall structure. The appeal was dismissed on this basis.