

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No.
MEETING DATE 28th APRIL 2009	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr W Fitzgerald	
Contact Officer(s):	Barry Fagg Dale Barker	Tel. 01733 453475 01733 454411

Appeal Performance/Outcomes Q1 2009

RECOMMENDATIONS
<i>1. Members note the appeal performance figures for the last quarter and the matters that Inspector relied on in reaching their decisions.</i>

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Members to update them on Appeal Performance/Outcomes for the last quarter.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to advise Members of the number of appeals decided and their outcomes. It then goes on to look at the material considerations identified by the Inspectors when granting permission contrary to the decision of the Council.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	
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4. Appeal Decisions

A schedule of appeal decisions is attached as annex 1. Members will note that of the 13 appeals decided this quarter, 9 were dismissed and 4 allowed. This amounts to 31%, which is within tolerance of the 30% target. The figure for the year is 16% which is a laudable achievement.

5. Allowed Appeals

The following appeals were allowed. In each case the relevant comments of the Inspector are set out to help Members and Officers to understand what material considerations led to the Inspectors decision and thus to help improve consistency of decision making.

07/01828/FUL

Change of use and alterations to double garage to form residential annexe at 41 Little Close Eye

Issues:

Impact on the character and appearance of the surrounding area
Impact on living conditions of nearby residents

Inspector's Comments:

The proposal would not increase site coverage, and the new pitched roof would improve the appearance of the building

An occupancy condition will prevent unacceptable loss of privacy for the occupants of the main house and there would be little or no loss of sunlight or privacy.

08/00101/FUL

Detached bungalow and garage at Terra Cotta First Drift Wothorpe

Issues:

Effect on the living conditions of neighbours (noise and disturbance)

Inspector's Comments:

The need to mitigate the burden imposed by the development through a S106 contribute is an important material consideration

The adjoining houses will be protected from the noise of passing traffic and loss of privacy by distance and the screening effect of a fence.

The dwelling is low and so will not be visually intrusive

08/00207/FUL

Conversion to 1 x 1 bed and 1 x 2 bed flats 35 Towler Street Peterborough

Issues:

The living conditions of occupiers of the ground floor flat.

Inspector's Comments:

A 1.8 m screen fence will provide adequate privacy and the infrequency of use of the rear garden will mean that there is little loss of privacy. The flat is already dark due to a neighbouring extension and thus the fence will not make it unacceptably worse.

08/00562/FUL Change of use of dwelling to A1 (Butchers Shop) at ground floor level with an infill extension at the rear at 53-55 Gladstone Street Peterborough

Issues:

This site is outside a local centre

Inspector's Comments:

There are other shops in the area outside the Local Centre

The proposal is to extend an existing shop which will increase vitality and viability and help the business develop.

6. Conclusions

- Occupancy conditions are considered an acceptable way to prevent dwellings being divided into multiple units
- The Council's requests for S106 contributions are supported in principle
- Lower levels of amenity are acceptable in inner city locations where housing density is high
- Extensions to shops outside Local Centres can be acceptable where they support local vitality and viability

7. Reasons for Recommendations

To ensure that Members are informed of current performance and to inform future decision making