

PLANNING COMMITTEE – 9 MARCH 2023

PART 5

Report of the Head of Planning

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Decisions by County Council and Secretary of State, reported for information

- **Item 5.1 – 77 Playstool Road Newington**

APPEAL ALLOWED

DELEGATED REFUSAL

Observations

Although the extension was of a depth greater than that recommended in the Council's SPG for house extensions, the Inspector considered that the low eaves and height of the extension were such that it would not harm the living conditions of the attached neighbouring dwelling, and that such lack of harm justified a more flexible approach to the SPG.

- **Item 5.2 – 2 Seaview Villas First Avenue Queenborough**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

The Inspector agreed with the Council that the large box flat roof dormer was excessively bulky, dominated the roof space in a harmful manner and was unsympathetic and poorly related to the main dwelling, as well as being visually obtrusive in the wider area. The Inspector gave minimal weight to the appellants argument of a permitted development fallback option, as the Council had demonstrated that the allowance for roof extensions on the property had already been exceeded.

As this is retrospective, enforcement action will now be pursued.

- **Item 5.3 – Land At 164 Bull Lane Newington**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

This appeal was against an application for "permission in principle" to erect a dwelling to the north of the above site within the countryside to the south of Newington.

The Inspector agreed with the Council that in the absence of footways and street lighting, the site was not well connected to the village and was unsustainable. Despite the council's concern regarding the impact of new residential development in the

countryside, the Inspector considered that this was not a matter for consideration under the principle of development, but a matter to be considered under a technical details consent if the proposal were otherwise acceptable.

- **Item 5.4 – Cripps Farm Plough Road Minster-on-sea**

APPEAL DISMISSED

COMMITTEE REFUSAL

Observations

The Inspector agreed with the Council that the front boundary wall as constructed had an unacceptable impact upon the rural character and appearance of the area, and that landscaping offered by the appellant would not mitigate this impact.

For information, this was an application reported to committee with a recommendation for refusal.

Enforcement action will now follow against the wall as constructed.

- **Item 5.5 – 12 Keycol Hill Bobbing ME9 8ND**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

A good decision where the Inspector agreed with the Council that creation of a new access on Keycol Hill would be harmful to highways safety, and that clearance of an attractive bank of landscaping to accommodate an access would be harmful to the setting of neighbouring listed buildings as well as the wider streetscene.

- **Item 5.6 – Gilron Bell Farm Lane Minster-on-sea**

APPEAL ALLOWED

DELEGATED REFUSAL

Observations

The Inspector concluded that although Gilron had been significantly extended in the past (and well beyond the 60% floorspace increase specified in the Council's SPG for house extensions in rural areas), the proposed dormer windows were subordinate to the roof and the proposed rear extensions would not extend beyond an existing rear addition to the property and would not add significant bulk, mass or scale and would not be detrimental to the rural area.

- **Item 5.7 – 37 Holly Blue Drive Iwade**

APPEAL ALLOWED**DELEGATED REFUSAL****Observations**

The Council's main concern was that the two storey side extension proposed would be less than 10 metres from a neighbouring property that was sited at a 90 degree angle to the appeal site, and that the extension would be overbearing to the occupants of this property. The Council normally applies a minimum 11 metre distance between a flank-to-rear elevation relationship.

The Inspector disagreed and considered the change in outlook to be limited and that the development would not appear oppressive or obtrusive to the neighbouring property.

- **Item 5.8 – 76-78 West Street Sittingbourne**

APPEAL DISMISSED**DELEGATED REFUSAL****Observations**

This appeal related to the imposition of a planning condition restricting the opening hours of a new takeaway unit on the edge of the town centre. The appellant sought to increase opening hours from 11pm to 12am on Fridays and Saturdays. However the Inspector agreed with the Council that this would be likely to be harmful to the living conditions of occupiers of neighbouring properties and dismissed the appeal.

- **Item 5.9 – Car Park Storage R/o Unit 2-4 Stickfast Farm Bobbing**

APPEAL ALLOWED**DELEGATED REFUSAL****Observations**

This appeal was made against an application to vary two conditions at a vehicle storage, sales and MOT facility, both of which had first been imposed by an Inspector on a previous appeal decision. One related to the height of vehicles stored on the site and the other related to opening hours.

The Council refused the application to allow larger vehicles to be stored on the basis that the site circumstances had not changed since the previous appeal had been determined, and that the appellant had not undertaken the landscaping as required under this previous decision. Disappointingly, the Inspector considered otherwise and has allowed a variation of this condition despite the site characteristics being essentially the same as when the previous Inspector first imposed the condition.

The Inspector agreed with the Council that the additional traffic and activity on a Sunday would have a harmful impact on the living conditions of neighbours.

Although the appeal is recorded as being allowed, in practice the Inspector agreed with the Council in part by refusing to vary the opening hours condition.

- **Item 5.10 – Land at Brielle Way, West End House, Sheerness**

APPEAL ALLOWED

DELEGATED REFUSAL

Observations

This related specifically to a condition imposed on an application for advertisement consent. The advert in question is digital sign. Following consultation during the application process, National Highways sought a condition restricting the consent to a temporary five year period, in order that impacts on highways safety and the strategic road network could be re-assessed at this point. The Inspector took the view that as no evidence had been produced to demonstrate why the sign would be likely to cause harmful impacts, such a condition was not necessary and the appeal to remove the condition was allowed.

- **Item 5.11 – 20 London Road Faversham**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

A good decision where the Inspector agreed with the Council that the creation of a vehicular access on to London Road, involving the demolition of the boundary wall, with the front garden area being converted to hard paving to accommodate a vehicle turntable would give rise to harm to the character and appearance of the conservation area. This decision was consistent with that taken by both the Council and the Inspector in respect of a very similar proposal at the adjoining property.

- **Item 5.12 – Elmhurst Caravan Park Second Avenue Eastchurch**

COSTS AWARDED TO THE COUNCIL

APPEAL AGAINST NON-DETERMINATION

APPEAL WITHDRAWN

Observations

The Inspector agreed with the Council that the appellant had acted unreasonably in withdrawing the appeal at a late stage in the process, just before the date of the Hearing, and that the Council has incurred wasted expenses in defending the appeal to date. There was a change in ownership of the appeal site and the Inspector considered that the new owner's wish to appoint their own planning agent was a matter of choice and not a sound reason for withdrawing the appeal.

A full award of costs was made in favour of the Council.