APPEAL CASE - TWO DWELLINGS ALLOWED IN NORTH FAMBRI

Raymond Stemp Associates Ltd was instructed to design a pair of semi detached dwellings for International Company Investments Ltd and submitted the planning application to Maldon Council. Although Planning Officers recommended that planning permission be granted the elected Members of the Planning Committee refused permission.

RSA lodged an appeal to the Planning Inspectorate. The Inspector appointed by the Secretary of State was Sheila Holden. She indicated the main issues as the effect the proposed development would have on the character and appearance of the area and on highway safety.

On the first point the Inspector considered that the overall bulk and mass of the building would be less than that of the approved scheme and its articulation would create a more interesting satisfying relationship with the street on this corner site. Furthermore the design of the building would reflect the same architectural style and detailing as the other properties in Rectory Road. This would enable the new dwellings to be satisfactorily integrated into the surrounding street scene. She therefore concluded that the proposal would not be harmful to the character and appearance of the area.

Regarding the second issue, the Inspector noted that as Rectory Road is a cul-de-sac serving a residential development of about 20 houses, occasional manoeuvres in the road would be unlikely to cause unacceptable danger to other road users. In addition the Highway Authority did not raise any objection to the proposal.

The Inspector also took into account that similar concerns were raised about access and parking on a previous planning appeal at the site. In that case the Inspector concluded that highway safety would not be compromised.

The Inspector concluded that it is the Government’s intention set out in the National Planning Policy Framework, that applications for housing development should be considered in the context of the presumption in favour of sustainable development. In this case the Inspector concluded that the appeal proposals would not be harmful to the character and appearance of the area or be prejudicial to highway safety. Therefore the appeal was allowed subject to appropriate conditions.

COSTS AWARDED AGAINST COUNCILS DECISION

Following on from the above appeal in Rectory Road North Fambridge RSA submitted an application against the Council for an award of costs arising from Maldon Council’s unreasonable behaviour in the appeal. The Inspector considered that in the absence of any substantial harm, simply expressing preference for a detached house as the Council did, is not a reason for refusing planning permission.

The Inspector also noted that the Council was silent on the issue of the 5 year housing land supply and the need for smaller dwellings identified in the Strategic Housing Land Report. In addition, in view of the government’s guidance set out in the National Planning Policy Framework the Inspector considered that these matters should have been a material consideration to be taken into account in the decision. These points weighed in the Inspectors conclusion that the decision was flawed even though these matters were not the determining factors in the case.

The Inspector concluded that Maldon District Council failed to show it had reasonable grounds for taking a decision contrary to the advice of its Officers and did not produce adequate evidence to support this decision. It was also found that the unreasonable behaviour of the Council resulted in the appellant incurring unnecessary expense and that a full award of cost was therefore justified.
APPEAL CASE WON – NEW BUNGALOW ALLOWED AT TIPTREE

Raymond Stemp Associates was instructed to prepare a design for a new detached bungalow with garage and altered access at Highlands Nursery, Kelvedon Road, Tiptree. The planning application was refused by Colchester Borough Council.

RSA lodged an appeal against the Council’s decision. The Planning Inspector appointed to determine the appeal was Anne Napier-Derere. She considered that although the proposal would result in a spread of built form across the site, she concluded that it would be an appropriate form of infilling and that it would not have a detrimental, urbanising effect.

She took into account the previously approved substantial replacement dwelling which was allowed on appeal, also dealt with by RSA. This dwelling would have been set further back on the site but she considered that sufficient space existed at the front of the site for reasonable front garden to be provided.

The Planning Inspector considered that the additional property as proposed would complement the existing character and appearance of the area and would not result in an unacceptable intrusion into the open countryside. The appeal was allowed subject to appropriate conditions.

CHANGES TO OUTLINE PLANNING APPLICATIONS

The Government brought into force on the 31st January 2013 new regulations removing the existing National Requirements for information on layouts and scale to be provided with outline applications where these are reserved matters to be determined at a later date. The rules previously required applications in which the layout is a reserved matters to state the upper and lower limits for height width and depth of each building.

The order also makes it clear that the Local Planning Authorities “local lists” of information requirements for planning applications will only apply to a specific application if the list has been published within two years prior to the date of the planning application.

The change requires Councils to update their “local list” of requirements every 2 years. This effectively obliges the Council to keep the information that it is reasonable to acquire under review. However this may have very little impact in practice. Authorities are still likely to include items which may not necessarily be reasonable.

Officers and Members of local authorities are used to having some control on the parameters of development permitted at the outline stage. It is likely that Officers will probably struggle to accept that no details of the form of development to be permitted need to be given. Whilst this may not help to speed up the processing of smaller scale applications it is unlikely to really streamline the planning application process for anything larger.

NEW PLANNING APPLICATION FOR SEMI DETACHED BUNGALOWS IN RAINHAM

Raymond Stemp Associates has been appointed to redevelop a scheme in a sizable location in Rainham. The proposal is for two semi detached bungalows. The previous scheme proved to be an overdevelopment of the site, as such we have taken the opportunity to reduce the number of dwellings and ensure a suitable development in this urban location. The scheme produced is for a pair of semi-detached, two bedroom bungalows in a style and character that suits the locality.