

Report to Development Management Committee on Recent Planning Appeal Decisions

05th September 2011

Between 30th June 2011 and 5 September 2011 there have been 4 appeal decisions made. All of these were dealt with by the Written Representation method. The appeals concern householder/residential proposals and were all made under Section 78 of the Town and Country Planning Act 1990. All 4 of the appeals were lodged against a refusal to grant planning permission by Torbay Council. Of the 4 appeal decisions, 3 were dismissed and 1 was allowed.

The allowed appeal included a successful application for costs against the Council. The application was recommended for approval by officers, but refused permission following discussion and resolution at Development Management Committee. In cases such as this, it would be prudent for a decision on the application to be deferred, such that officers can provide advice to Members on the evidence to support a potential refusal of planning permission. This is in line with good practice adopted by other Local Authorities and is explained in a little more detail as follows:

Circular 03/2009 (Paragraph B20) of the Circular explains that local planning authorities are not bound to accept the recommendations of their officers. However, if officer's professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects.

Below is a brief summary of the appeals dismissed, followed by the details of those appeals allowed. If Members require any greater detail on any specific appeal case, then please contact the case officer.

Appeals Dismissed (3)

Site:- Sea Pines, Ilsham Marine Drive, Torquay TQ1 2HT

Case Officer:- Emma Phillips

LPA ref:- P/2010/0749/PA

Ward:- Wellswood

Proposals The development proposed is the erection of 3 No houses.

Council's decision:- Officer recommended Approval; Refusal at Committee.

Inspector's reasons:- The effect of the proposed development on the character and appearance of the area.

Site:- Hawthorns, Jacks Lane, Torquay, Devon, TQ2 8QX

Case Officer:- Adam Luscombe

LPA ref:- P/2010/1367/HA

Ward:- Watcombe

Proposals:- The development proposed is a shed in the front garden

Council's decision:- Delegated Refusal.

Inspector's reasons:- The effect of the proposed development on the character and appearance of the surrounding area.

Site:- 43 Sherwell Hill, TORQUAY, TQ2 6LX

Case Officer:- Alexis Moran

LPA ref:- P/2010/1411/HA

Ward:- Cockington With Chelston

Proposals:- The development proposed is a dormer extension to form a bedroom and an en-suite bathroom.

Council's decision:- Delegated Refusal.

Inspector's reasons:- The effect of the dormer extension on the character and appearance of the existing dwelling and the surrounding area.

Appeals Allowed (1)

Decision

Site:- 22 Ilsham Road, Wellswood, Torquay, Devon, TQ1 2JQ

Case Officer:- Rob Pierce

LPA ref:- P/2010/0941/PA

Ward:- Wellswood

Proposals:- The development proposed is a new extension to create two extra residential units.

Council's decision:- Officer recommended approval, refused at Committee.

Inspector's reasons:-

- No adverse impact on existing building or on the character and appearance of the Lincombes Conservation Area;
- No adverse impact upon the living conditions of neighbouring residents and for future residents of the proposed flats.
- Acceptable provision of car parking and highway safety;
- No risks from surface water flooding within the site and the surrounding area.

Costs application (1)

Site:- 22 Ilsham Road, Wellswood, Torquay, Devon, TQ1 2JQ

Case Officer:- Rob Pierce

LPA ref:- P/2010/0941/PA

Ward:- Wellswood

Proposals:- The development proposed is a new extension to create two extra residential units.

Council's decision:- Officer recommended approval, refused at Committee.

Inspector's Reasons:- allow the application for an award of costs on the basis that the Council failed to substantiate each of its reasons for refusing planning permission. The appellant employed a planning consultancy to deal with the appeal and this led to expenses being incurred.