

**West Wiltshire District Council
 Planning Committee
 7th December 2006
 PLANNING APPEALS UPDATE REPORT
 2 November 2006 – 22 November 2006**

Agenda item no. 7

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom.	Appeal type
06/01711/OUT	Former Wincanton Site, Bythesea Road	Trowbridge	Outline application for the mixed use redevelopment of the site for retail, B1(Office) residential development with associated servicing and landscaping	DEL	REF	INQ

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom.	Appeal Type	Appeal Decisn
E05/00240/MW	Merlin Way, Bowerhill	Melksham	Takeaway cabin and decking	Enf.		WR	Upheld*
05/02001/FUL	120 First Lane	Whitley	Change loft window size and position to adhere to escape and access building regulations	COM	PER	WR	Dismissed*
05/02002/LBC	120 First Lane	Whitley	Change loft window size and position to adhere with building regulations escape access	COM	PER	WR	Allowed*
06/00486/FUL	5 The Ball	Bratton	First floor extension	DEL	REF	WR	Allowed
05/02788/FUL	Rear of 2 Adcroft Street	Trowbridge	Repair and renovate coach house as a dwelling	DEL	REF	WR	Allowed
05/02584/FUL	12 Philip Close	Melksham	Erection of dwelling 2/3 bedroom and amenity space to domestic	DEL	REF	WR	Dismissed
06/00631/FUL	Land adj 5 Bream Close	Melksham	Bungalow	DEL	REF	WR	Dismissed

* additional notes on decision below

• I = Inquiry H = Hearing

• Del = Delegated decision

WR = Written Representations

Comm = Committee decision

Enf = Enforcement Notice

❖ Points of interest arising from decisions

E05/00240/MW, Merlin Way, Bowerhill, Melksham – This was an appeal against an enforcement notice served on the owners who were operating a takeaway cabin without the benefit of planning permission. The site had previously been refused planning permission and that decision was upheld at a separate appeal decision reported to Committee earlier this year. This decision is specifically relevant to the serving of the subsequent enforcement notice in which the appellants claimed they had been given insufficient time to remove the cabin and decking from the site. The Inspector concluded that the catering van and decking could be readily removed within a short period of time and a further period of 1 month was entirely reasonable. He did however vary the period for reinstating and reseeding the ground to allow for the extended grass seeding season into 2007 because of the time taken for the appeal to be determined.

05/02001/FUL & 05/02002/LBC 120 First Lane, Whitley – This appeal decision allowed the listed building appeal but dismissed the planning appeal. It demonstrates the different criteria by which listed building and planning applications should be considered. Both appeals considered the same alterations to change the loft window size and position in order to comply with building regulations. Planning permission and listed building consent had previously been granted for 2 no. conservation type rooflights with a condition requiring the cill heights be raised to a minimum of 1.5 metres above second floor level. This was necessary to safeguard the privacy of the adjoining neighbour.

The Inspector fully endorsed the Council's approach in the previous applications and agreed with their findings. The permissions were implemented in accordance with the approved plans even though the space could not be used as habitable rooms because Building Regulations required emergency access/exit. The Inspector concluded that the increase in the openings would have a relatively insignificant impact on the character and appearance of the listed building and therefore allowed the listed building consent. However, he agreed with the Council that lowering the cill height by 0.3m or more would result in overlooking of the adjoining residential property with subsequent loss of privacy to their conservatory. He considered the possibility of obscured glazing but noted that the windows could be opened and the tree screen on the joint boundary was incomplete. He therefore dismissed the planning application appeal.

Note

If Members of the Council wish to read any of the Planning Inspectors decision letters, please contact the Planning Office for a copy.

Forthcoming hearing or Inquiries

Ref. no.	Site	Town/ Parish	Description	Appeal type	Venue	Date
05/02904/OUT	Land Rear of 104 The Butts	Westbury	Erection of a bungalow	Hearing	CR1	09 January 2007
06/01205/FUL	Octagon Garage 21 George Street	Warminster	Redevelopment of site for 23 open market flats	Inquiry	CC	10 January 2007
05/01807/FUL	Land East Of 6 Lower Marsh Road	Warminster	Three x 4 bedroom detached dwellings with garages	Hearing	CR1	23 January 2007