

**West Wiltshire District Council
Planning Committee 14th September 2006**

Agenda item no. 8

**PLANNING APPEALS UPDATE REPORT
20th July 2006 – 30th August 2006**

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom.	Appeal type
05/01807/FUL	Land East of 6 Lower Marsh Road	Warminster	Three x 4 bedroom detached dwellings with garages	COM	REF	HRG
06/00631/FUL	Land adj 5 Bream Close	Melksham	Bungalow	DEL	REF	WR
06/00757/FUL	Land adj 2 Stancombe Avenue	Trowbridge	Single detached dwelling	DEL	REF	WR

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or comm	Officer recom.	Appeal type	Appeal Decisn
05/00530/FUL	Little Acre 74 Clay Street	Crockerton	Removal of condition 2 of application 91/01462 relating to occupancy limitation	DEL	REF	HRG	ALLOW
05/01347/FUL	8 Gibbs Leaze	Hilperton	Two storey rear extension	COM	PER	WR	DISMISS
05/01626/FUL	Land Rear Of 24 Prestbury Drive	Warminster	Retirement bungalow	DEL	REF	WR	DISMISS
05/02678/FUL	43 Bath Road	Atworth	Conservatory	DEL	REF	WR	DISMISS
05/02677/LBC	43 Bath Road	Atworth	Conservatory	DEL	REF	WR	DISMISS
06/00031/FUL	24 The Rank	North Bradley	Porch extension	DEL	REF	WR	DISMISS
05/02823/FUL	Land At 27 Iford Hill	Westwood	3 bed bungalow for disabled persons	DEL	REF	WR	DISMISS*
06/00191/FUL	23 Parsonage Road	Trowbridge	First floor side extension and single storey rear extension	DEL	REF	WR	SPLIT
06/00716/ADV	Magnet, Polebarn Road	Trowbridge	4 fascia signs (2 externally illuminated)	COM	CONSNT	WR	ALLOW*
05/0002/HHc	Belcombe Court/13 Meadowfield	B/o/A	High hedges complaint			WR	Dismiss*
05/0003/HHC	Belcombe Court/19	B/o/A	High hedges complaint			WR	Allowed*

	Meadowfield						
05/0005/HHC	Belcombe Court/17 Meadowfield	B/o/A	High hedges complaint			WR	Allowed*

* additional notes on decision below

- I = Inquiry H = Hearing WR = Written Representations
- Del = Delegated decision Comm = Committee decision

❖ Points of interest arising from decisions

Belcombe Court High hedges appeals – These are the first appeal decisions received by this Authority following the introduction of the High Hedges control under the provisions of the Anti Social Behaviour Act. Each appeal was dealt with on its own merits. 1 was dismissed because the Inspector concluded that the garden was clearly affected by the trees along the boundary but the contribution of the relevant section of the hedge was very small compared to that of the deciduous woodland nearby and the hedge, due to its height is not at present unacceptably affecting the reasonable enjoyment of the property.

With regard to the other 2 appeals, The inspector found in both cases that there was an unacceptable adverse impact on the ‘reasonable enjoyment of the premises. He also determined that where the hedge comprised two rows or trees, he took them to be one hedge. He then considered what would be reasonable and appropriate requirements in the Remedial Notices. He noted that Belcombe Court is a grade 1 listed building with a grade II listed landscape. The hedge has little impact on the setting or residential amenity of the house but its influence on the setting of the parkland is considerable and the hedge currently performs an important function for the conservation of the historic landscape of Belcombe Park. The Guidelines are clear that a balance needs to be struck between the harm caused to the reasonable enjoyment of the appellants, possible amenity value to the hedge owner and the wider community. He concluded that, in this case, basing the reasonable action on the recommendations of English Heritage provides a sensible solution. A reduction to 5 metres provides significant relief to the appellant and protects the grade II listed landscape. He also allowed for growing a margin of 1 metre in both cases and imposed a 6 month compliance period for only one of the appeals.

06/00716/ADV Magnet, Polebarn Road, Trowbridge – The Inspector allowed this appeal because he noted that it would be generally screened by the trees from the north east, the sign was on an industrial building in a commercial area where commercial facades and advertising are not unexpected and the sign would be a familiar form of business identification. He concluded that the sign would not appear so suddenly or to be so unusual that it would be likely to demand the attention of motorists and so cause a hazard.

05/02823/FUL Land At 27 Iford Hill, Westwood – Development in the Green Belt in which an Outline permission for a bungalow was granted in 1985 to replace a previous bungalow, which was later demolished, but the replacement was never implemented and the residential use has been abandoned. The Inspector concluded that the proposal was for a new dwelling not justified in connection with agriculture nor does it constitute infilling or affordable housing and was therefore inappropriate development in the Green Belt. The Appellant proposed to build a bungalow to accommodate his disabilities on land he as owned for many years and was supported by his doctor. But the Inspector questioned the suitability of the site, located some distance from the facilities in the village, there was no

evidence that the existing property could not be adapted and that the bungalow would be a permanent structure, which will remain long after the personal circumstances have ceased to exist. On this issue he concluded that the personal circumstances do not amount to the very special circumstances which justify inappropriate development in the Green Belt.

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
04/02421/FUL	Springwood 33 Midford Lane	Limpley Stoke	Conservatory	Hearing	CR1	6 Sept
05/00590/FUL	11 Inmead	Edington	New dwelling - revised proposal for dwelling granted under 99/00799	Hearing	CC	7 Sept
05/00663/FUL	11 Inmead	Edington	Design amendments to previously approved domestic garage (99/00090)	Hearing	CC	7 Sept
05/01205/FUL	410A The Spa, Bowerhill	Melksham Without	Detached dwelling	Hearing	CR1	12 Sept
05/01654/FUL	Area R14 Westbury Leigh	Westbury	Erection of 68 dwellings, associated public open space, road infrastructure and works to Black Horse Lane	Inquiry	CC	13/14 Decemb.
05/01262/FUL	6 Butts Lane	Keevil	Demolition of bungalow and erection of a new dwelling	Hearing	CR2	17 Oct