

**West Wiltshire District Council
Planning Committee 16th November 2006**

Agenda item no. 7

**PLANNING APPEALS UPDATE REPORT
12th October 2006 – 1st November 2006**

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom.	Appeal type
06/00421/FUL	St Margarets Hall, St Margarets Street	Bradford on Avon	Removal of existing ground floor windows on south elevation and block up openings with cut bath rubble stone in lime mortar	COM	REF	WR
05/00855/LBC	The Coach House Lovel House 42 Lovel Road	Upton Lovell	Conversion of Coach House to provide annexe to Lovel House	COM	Consent	HRG
06/01692/FUL	Land Rear Of 87 Deverill Road	Warminster	Detached retirement bungalow	DEL	REF	WR

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or comm	Officer recom.	Appeal Type	Appeal Decisn
05/01262/FUL	Moonrakers, 6 Butts Lane	Keovil	Demolition of bungalow and erection of a new dwelling	COM	PER	HRG	Allowed*

* additional notes on decision below

- I = Inquiry H = Hearing
- Del = Delegated decision

WR = Written Representations
Comm = Committee decision

*** Points of interest arising from decisions**

05/01262/FUL, Moonrakers, 6 Butts Lane, Keevil. This proposal was for a revised scheme to replace an existing dwelling which already had the benefit of an extant planning permission. The Inspector concluded that the test in this case was whether the changes proposed would cause material harm when compared with the approved scheme, not the existing bungalow. The main differences were the height of the dwelling, the fenestration and the orientation. On the fenestration he concluded they were very minor and of no significance but the changes to the roof height would make the dwelling more intrusive, materially harm the countryside and the setting of the Conservation area. However, he felt that this could be controlled by condition so that it did not exceed the height of the approved scheme. On the point of orientation, he noted that it would be only 45 degree different from approved scheme which was itself the same as the original bungalow and concluded that it would not harm the character or appearance of the countryside nor the setting of the conservation area. He therefore allowed the appeal and granted planning permission subject to several conditions one of which controlled the height of the dwelling to 7.3 metres.

An application for costs was made against the Council on the grounds that the Council had acted unreasonably in comparing the proposed scheme to the original dwelling and not the approved scheme. The Inspector noted that the Council had been advised of the need to compare it with the approved scheme but the reason for refusal was based on a comparison with the existing building and no substantive evidence was produced to indicate otherwise. He commented on the fact that the one issue he had found in favour of the Council (the height) could have been covered by condition. Thus even at a late stage, there was an opportunity to abort the hearing. He concluded that the appellant had been put to unnecessary expense in pursuing the appeal as a result of the Council's unreasonable behaviour and therefore made an award of costs against the Council.

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
05/00859/OUT + 05/00681/REM	147B Westbury Leigh	Westbury	Renewal of outline planning permission for residential development (00/01349/OUT) Proposed development of 5 residential units with associated parking, landscaping and private drive	Inquiry	CC	8 Nov
04/02303/FUL + 04/02156/FUL	Land At Staverton Triangle + Land North Of Victoria Road, Warminster	Staverton + Warminster	Residential development and associated works Application for outline planning permission for residential development and associated infrastructure	Called in Inquiry	CC	28 Nov for 4 days
05/01654/FUL	Area R14 Westbury Leigh [Appellants have requested this be held in abeyance]	Westbury	Erection of 68 dwellings, associated public open space, road infrastructure and works to Black Horse Lane	Inquiry	CC	13/14 December.