

Housing appeal decisions for w/c 4 July 2022\*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appeal Decision	Secretary of State Decision	Issues Summary
Edith Summerskill House, Clem Attlee Court, London SW6 7TW	APP/H5390/V/21/3277137	Application for planning permission for the erection of a 20 storey tower (plus plant)	Hammersmith & Fulham	Allowed	Allowed	Called-in application proposed 133 units of affordable housing on the cleared site of a long-term vacant tower block within a 1960s housing estate, in a considerably taller building and in an area not considered suitable for tall buildings by the development plan. It also lay within the setting of a listed church and conservation area. A previous permission granted by the council had been quashed by court order because the officer report failed to consider the acceptability of the proposed tower against the baseline of a cleared site. The council had subsequently resolved to grant permission for the called-in application. The Secretary of State agreed with his inspector that the scheme did not comply with development plan policy in terms of its, albeit low level, harmful impact on the significance of designated heritage assets, the locational requirements for tall buildings, or in relation to play space. However, he agreed that in delivering 133 affordable housing units in a building of outstanding design that made efficient use of a previously-developed site while providing safe and mostly excellent living conditions for its occupiers, without any unacceptable impact on the living conditions of existing residents, the proposal accorded with a number of other policies. A legal agreement secured a financial contribution to off-site play space. Overall, the secretary of state found the scheme in strong accordance with the development plan read as a whole and the NPPF, concluding the delivery of 133 affordable homes in the context of a significant shortfall in a building of outstanding design quality and excellent living conditions for prospective residents provided material considerations of significant weight which indicated to him that permission should be granted.
Land to the rear of Dawlish Avenue, London SW18 4RW	APP/T5720/W/21/3275985 & APP/T5720/W/21/3275987	Erection of a part two/part three/part four storey building with 406m <sup>2</sup> of flexible Class B1 employment floorspace and 16 residential units	London Borough of Merton	Dismissed		Redevelopment of industrial buildings and telecommunications tower. Although the proposal would generate fewer vehicle trips than the existing uses, pedestrian trips along the access lane would increase. The restricted width of the access lane meant that there would be insufficient space for any pedestrians, cyclists or more vulnerable users. The access would not provide a safe and secure environment for pedestrians, cyclists, vehicles and other visitors to and from the appeal site even though the likelihood and severity of any incidents was low. In a titled balance triggered by a housing shortfall this adverse effect of the development outweighed the benefit of housing.
Land at Leigh Sinton Farms, Leigh Sinton Road (B4503), Leigh Sinton, Malvern	APP/J1860/W/21/3289643	Development proposed is an outline application for up to 45 residential units including 12 self/custom build units	Malvern Hills District Council	Allowed		Proposal outside the settlement boundary of a village part of a wider area of land used for the commercial growing of Christmas trees in the countryside where new housing was restricted by development plan policy. The site was well-related to the existing settlement and where the development would be viewed in the context of the existing built edge without harm to the landscape. The appeal site also lay within a designated strategic gap between the village and a nearby town but the development would not harm the gap function or set a precedent for its widespread erosion. There was sufficient benefit from the proposal housing to outweigh the only limited conflict with the development plan.

\* Showing decisions relating to appeals for over 10 units

1 Cherry Lane, York YO24 1QH	APP/C2741/W/22/3291862	Development proposed is the erection of 60no. retirement apartments	City of York Council		Dismissed	The proposal would, due to its form and massing, appear out of character with other developments within the surrounding area and overly prominent in the street scene, detracting from the immediately adjacent conservation area and having an overbearing effect on a listed building opposite. The proposal would help to meet an identified local need. However, the benefits including redevelopment of brownfield land and releasing housing stock back into the market, did not outweigh the identified harm.
Gold Street, Desborough NN14 2NQ	APP/L2820/W/21/3276527	Development proposed is re-development of site to create 40no. dwellings	Kettering Council	Borough	Dismissed	Financial contributions of £428,000 to mitigate the impacts of the development on social infrastructure in the town already under strain had been requested, particularly to meet school and healthcare needs. The appellant's viability evidence, verified by the council, demonstrated that these contributions could not be provided at the same time as securing all the proposed dwellings as affordable units. The proposal would put pressure on the ability of existing infrastructure to cope with the growth and in the absence of mitigation would result in services being unable to meet the demands of present and future generations, contrary to the social objective of sustainability set out in the NPPF. Therefore, whilst the proposal would meet a need for affordable housing and boost housing supply generally, the benefits were outweighed by the implications for social infrastructure and contrary to development plan policy seeking developments to meet the infrastructure needs arising from them.
Former Jolly Boatman and land adjoining Hampton Court Station, Hampton Court Way, East Molesey	APP/K3605/W/22/3291461 & APP/K3605/W/22/3290981	The development proposed is demolition and redevelopment to provide 97 homes, a hotel (84 beds) and retail units for uses within Use Class E	Elmbridge Council	Borough	Allowed	Impact on the setting of Hampton Court Palace and its registered park and garden was carefully considered in a proposal on land used as a construction compound and which had historically contained a public house. Part of the site was also used as a car park for a railway station and a second appeal sought temporary permission for the provision of 110 car parking spaces while the main development was implemented. There was no evidence of any functional link between the site and palace prior to the construction of the railway in the 19th century. The most visible part of the proposal would be the riverside building but this would not be orientated towards the palace. Although some change to the setting of the palace and other heritage assets would occur these were not judged to be harmful and the scheme complied with the development plan read as a whole.
Land at The Oliver Bird Hall, Church Hill Road, Solihull B91 3RQ	APP/Q4625/W/22/3290303	Development proposed is 54 residential apartments	Solihull MBC		Dismissed	Utmost care was required in assessing the appropriateness of developing a site within the setting of a grade I listed church. The church derived considerable significance from its setting within the historic core of the wider settlement and in particular as part of the ecclesiastical complex of sites and buildings. The appeal site also lay within a conservation area and close to a grade II listed former rectory. The proposal would lead to the loss of the last sizeable undeveloped area and would transform the character and appearance of the area and would also cause material harm to the conservation area. There was a shortfall in housing supply overall such that the public benefits were very significant. Nonetheless, the harm to designated heritage assets and conflict with the development plan outweighed the benefits.

<p>16-20a Belle Vue Road, Southbourne, Bournemouth</p>	<p>APP/V1260/W/21/3285149</p>	<p>Development proposed is demolition of four existing bungalows and erection of two blocks of flats and three bungalows (a total of 25 units)</p>	<p>Bournemouth, Christchurch &amp; Poole Council</p>	<p>Dismissed</p>	<p>Redevelopment of four bungalows in residential suburb would result in harm to the spacious area character from out of keeping tandem development layout and encroachment into setting of non-designated heritage asset. Shortfall in parking provision below standard would exacerbate on-street parking stress. Harms outweigh benefit of boost to housing supply in sustainable location in context of shortfall.</p>
--	-------------------------------	--	--	------------------	--