

Housing appeal decisions for w/c 11 July 2022*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appeal Decision	Issues Summary
The Thistle Hotel, The Quay, Poole BH15 1HD	APP/V1260/W/22/3291925	The development proposed is demolition of the existing hotel building and redevelopment to provide a mixed use scheme of 5 buildings providing flexible commercial units (Class E/F1/F2) at ground floor with residential above (Class C3) and a hotel with ancillary bar/restaurant (Class C1)	Bournemouth, Christchurch & Poole Council	Dismissed	Mixed-use redevelopment of a seafront hotel. The site had been identified by the council as a redevelopment opportunity. However, a key requirement of supplementary guidance and site-specific policy for the site was that any redevelopment should provide a transition in scale from neighbouring quayside eight-storey tall buildings to lower scale Victorian housing to the rear and other side of the site. The proposed six and seven-storey blocks and steeply sloping asymmetric hotel roof failed to achieve a successful transition. The development would also appear bulky and cramped in the townscape and result in harm to visual amenity and significance of the conservation area. The wider public benefits of the proposal, primarily the redevelopment of a brownfield town centre site and the provision of housing in the context of a five-year supply shortfall were outweighed by the considerable harm to a heritage asset.
Plot C02, Liverpool Waters, Jesse Hartley Way, Central Dock, Liverpool L3 0BT	APP/Z4310/W/21/3289762	Development proposed is a residential development in three blocks, 4-9 storeys creating 330 residential units (C3)	Liverpool City Council	Allowed	Mixed-use scheme in historic dockland. The "very significant benefits" of the development were pivotal to the planned regeneration of the city's historic dockland. An outline planning permission covering the wider 60-hectare regeneration area had already established the principle of the development proposed. The main issue at the appeal was the impact on area character and the settings of a listed warehouse and a docks conservation area. The proposed design was in keeping with the form and mass of the remaining industrial heritage nearby. However, the prominence of the warehouse as a landmark building would be much reduced in views, which harmed the conservation area as well as the setting of the listed building. Harm to the dock itself as a non-designated heritage asset from partial infilling and loss of historic water was limited by other infilling which had already taken place nearby. There would be conflict with policy seeking family housing in the city centre, as 59 per cent of the proposed homes would be one-bedroom apartments. However, in light of viability evidence demonstrating the housing mix was a direct consequence of the abnormal development costs and evidence of the council's good progress towards meeting its housing requirements, this conflict was given reduced weight. Overall, very significant public benefits would result from the scheme. These included the provision of a development platform which would act as a catalyst for other planned developments, together with the achievement of a new public square; these benefits outweighed the identified harm and policy conflict.
Land West of Pickersleigh Grove, Malvern GR 378321E 246755N OS 7832 4674	APP/J1860/W/20/3258806	Development proposed is the erection of 21 dwellings	Malvern Hills District Council	Allowed	Proposal on privately accessible but locally highly valued designated Green Space and Neighbourhood Open Space, within the settlement boundary and adjacent to a housing scheme nearing completion of similar layout and design. The proposal was a logical extension to the urban area while 37 percent of site would become dedicated Public Open Space with no significant loss. Present onsite TPO root protection areas could be secured by buffer zone and methodology conditions but would constrain layout. Substantial weight given to the significant social benefit of affordable provision despite Council evidence of a surplus in 2020. A rear garden of a proposed house could suffer overshadowing and a sense of enclosure by retained trees and gable end of a proposed neighbouring house; However acceptable as would be an end of terrace property adjacent to an open space.

* Showing decisions relating to appeals for over 10 units

148-156 Plumstead High Street, Plumstead SE18 1JQ	APP/E5330/W/21/3280911	Development proposed is redevelopment of the rear side of the site to form 16 new-built residential units	Royal Borough of Greenwich	Dismissed	Redevelopment within tight urban fabric. Privacy would be retained by distance and oblique view. Overlooking from balconies over neighbour and garden unacceptable. Proximity to neighbour's gable end and boundary would result in an uncomfortable sense of enclosure. Potential vehicular risks to children on shared surfaces but risk limited by proposed onsite footpath provision and dedicated pedestrian gates. An entrance surveillance system and servicing and delivery plan, secured by condition, would further safeguard pedestrian safety. However, flats on one proposed elevation would face over delivery, loading bay area and subject to noise from commercial vehicles and associated loading and unloading activity requiring single aspect windows to be kept closed due to fumes and disturbance.
Land off Selby Road, Holme on Spalding Moor, East Yorkshire	APP/E2001/W/21/328856	Outline planning permission is sought for the provision of up to 42 no. dwellings	East Riding of Yorkshire Council	Dismissed	Proposal in attractive countryside outside the edge and development limits of a large village. Site not identified as a housing allocation and not appropriate as within countryside; also within National Character Area. The proposal would dominate the village entrance and detract from rural edge and rural area character. The proposal would not be an appropriate location and would harm area character and appearance. There was a shortfall of affordable provision in the area, therefore substantial weight was given to the benefit of provision. However, the supplied agreement had not been dated and was therefore incomplete; the absence of a mechanism to deliver the proposed affordable housing, open space, or recreation facilities, therefore would not be secured.
Land to the west of Iveshead Road, Shepshed, Leicestershire LE12 9ER	APP/X2410/W/21/3281964	Development proposed is erection of up to 50 dwellings	Charnwood Borough Council	Allowed	Proposal on the edge of a town. While there would be a loss of open countryside and some erosion of the rural character of the area, as the site lay adjacent to a recently built housing estate and was already on the edge of the settlement, the landscape and visual effects of the scheme would be very localised and could be suitably mitigated with landscaping. The site lay within a designated forest regional park and national forest area and fell within a valued landscape, required to be protected and enhanced; however the proposed development would have only a negligible adverse effect on the value of the forest as a whole. Overall, the only moderate harm to countryside was outweighed by the benefit of provision of market and affordable housing in an accessible location in the context of a five-years shortfall.
Oakley, 188 Wilmslow Road, Manchester M14 6LJ	APP/B4215/W/21/3286831	Development proposed was originally described as a full planning application for the part-demolition of the existing office buildings on site and erection of purpose built student accommodation	Manchester City Council	Dismissed	Proposed thirteen-storey tower of 425 purpose-built student bedrooms in an area where neither tall buildings nor high density student accommodation accorded with the development plan. The appeal site comprised former offices situated just outside a district centre, on the opposite side of a road to a campus of student accommodation, in an area of terraced housing with a large student population. Development plan policy supported high density housing only where located within district centres, with family, elderly and affordable housing being the priority outside. Even as a sui generis use, the purpose-built student accommodation performed a housing function and therefore conflicted with this policy. The proposal also failed to comply with a criterion of policy guiding high density purpose-built student housing schemes to locations compatible with existing development. The proposal would not be in a suitable location and would have an unacceptable effect on the character and appearance of the area, with the resultant conflict with the development plan not outweighed by the appellant's evidence of a need for purpose-built student housing and the economic benefits of the development including patronage of the district centre, or the benefit of an efficient use of land.

Former Select Scaffolds Ltd Site, Land Rear of no. 2 Warbreck Avenue, Liverpool L9 4RL	APP/Z4310/W/21/3287352	Development proposed is to erect part 3 storey, part 4 storey block comprising 17no. flats and 2no. townhouses and one 2.5 storey structure	Liverpool City Council	Dismissed	Proposal on a vacant parcel of previously developed land, lawfully used for scaffolding storage, set between buildings facing busy roads and a public footpath. The proposal would appear as a jarring, incongruous and dominant feature, harming area character and appearance. Site at rear of road facing dwellings would unacceptably harm privacy and outlook and internal floorspace would fail NDSS standards. No outdoor amenity space proposed despite likelihood of family occupancy.
Barnet House, 1255 High Road, London N20 0EJ	APP/N5090/W/21/3289161	Development proposed is the redevelopment of the site to deliver up to 260 homes and up to 709 sqm GIA of Class E commercial floorspace	London Borough of Barnet	Allowed	Proposal to convert and extend a vacant high-rise 1960s office headquarters. The proposal would increase the buildings bulk and dominance in the street scene and prominence in views, however this increase would only be appreciated in limited specific views and would not harm the character and appearance of the area generally, or constitute an overdevelopment of the site. The scheme complied with local and national policies seeking well-designed places and would accord with the development plan and realise a number of benefits, notably re-use of a major brownfield site in a prominent and accessible location and boost to housing supply.
Stricklands Lane, Stalmine	APP/U2370/W/21/3280195 & APP/U2370/W/22/3293408	Development proposed is two 80 bed care homes (full application) and up to 50 dwellings	Wyre Borough Council	Partly allowed, Partly dismissed	Alternative hybrid applications both sought full permission for two 80-bed residential care homes, and outline permission for up to fifty dwellings on an allocated site comprising an agricultural field fronting a key road through the village, with housing either side as well as opposite, and backing onto open countryside. The layout which put the bulky care home buildings at the front of the site and close to the road was rejected for bring out of keeping with a rural village character and the modest scale of surrounding built form. However, the site layout of the second scheme which reversed this arrangement to put the care homes at the back of the site, was in keeping and, contrary to the council's assessment, would not appear overbearing in the landscape due to a successful transition to open countryside using a set back from the site boundary, broken-up built form and varied articulation of the rear elevation, which combined to reduce scale and mass. As this scheme would not harm the character and appearance of the surrounding area, it would comply with the development plan.
The Cart Overthrown Public House, 434 Montagu Road, London N9 0ER	APP/Q5300/W/21/3281393	Development proposed is Redevelopment of site and erection of part 5, 7 and part 8 storey block of 61 Self-contained flats comprising (10 x 1 bed, 18 x 2 bed, 26 x 3 bed and 7 x 4 bed)	London Borough of Enfield	Allowed	Urban pub redevelopment would be substantial, but would not be out of keeping with surrounding buildings and the modern design would enhance the locality compared to the existing building on the site and green space including rooftop gardens would soften its appearance. The proposed development was not an overdevelopment of the site and would help regenerate the area, with any perceived shortfall in open space compensated for by local opportunities for sport and recreation within walking distance. The proposed drinking establishment would be well-situated to benefit the local community and accessible by walking or cycling and there would not be any loss of a community facility irrespective of emerging policy relating to the loss of public houses.
Land adjacent to Crompton Road, Asfordby Hill	APP/Y2430/W/22/3296156	Erection of up to 90 dwellings	Melton Borough Council	Allowed	Proposal on land allocated for housing on the edge of a hamlet would provide 34 more houses than envisaged within the allocation, which the council stipulated must be sympathetic to the setting of a medieval priory scheduled ancient monument and improve the settlement edge. Although some of the countryside setting within which the priory and a listed church could be appreciated would be lost, this harm would be tempered by the large extent of remaining agricultural landscape, the view of the development against a backdrop of existing built form and the proposed substantial landscape buffer integrating the development into the countryside. The public benefit of housing including 25 per cent affordable housing outweighed the harm caused to the heritage assets and overall the public benefits of the scheme outweighed conflict with the development plan.

Land at Purton Road, Swindon	APP/Y3940/W/21/3275053	Development proposed is an outline application for a residential development of up to 79 dwellings	Wiltshire Council	Dismissed	Proposal on a field lying outside a settlement constituting open countryside in planning policy terms, where the proposal would be contrary to development plan spatial strategy. A previous appeal on the site had been dismissed in 2020 at a time when a neighbourhood plan had satisfied the terms of NPPF paragraph 14 and outweighed the benefits of new housing. This decision provided a material consideration but the neighbourhood plan was now more than two years old and paragraph 14 no longer applied, although the council was still unable to demonstrate a five-years' supply of deliverable housing land. The site had no particular landscape value in itself but identified a greater level of harm than the previous inspector to the rural character and appearance of this part of the countryside edge. The proposal would result in significant harm to spatial strategy and to rural character. These adverse impacts significantly and demonstrably outweighed the benefits of the development in the tilted balance and there were no material considerations which indicated a decision other than in accordance with the development plan.
Langley Bottom Farm, Langley Vale Road, Epsom KT18 6AP	APP/P3610/W/21/3280881	Development proposed is the demolition of the existing buildings on the site and the construction of 20 residential dwellings of which eight (40%) would be affordable	Epsom & Ewell Council	Allowed	Proposal to demolish former farmyard buildings in the green belt. While there was no dispute that at least one of the former agricultural buildings on the site had permission for use as an auction rooms, the lawfulness of business and storage use of five other buildings had not been properly established. Therefore, as part of the appeal site was occupied by buildings and structures last used for agricultural purposes which were excluded from the NPPF definition of previously developed land, the site as a whole did not benefit from the paragraph 149 (g) exception. The proposals would approximately halve the footprint and volume of buildings resulting in an overall visual and spatial improvement in green belt openness. There would be no conflict with the purpose of the green belt to safeguard countryside from encroachment. The inappropriateness of the development was outweighed by the benefit to green belt openness so as to amount to the very special circumstances necessary to justify development.
Land West of Five Ash Down Road, Cooper's Green	APP/C1435/W/21/3283533	Development proposed is for the development of land for up to 35 residential dwellings	Wealden District Council	Allowed	Proposal on the edge of a village would not significantly harm the character and appearance of the area nor lead to the coalescence of settlements. In combination with other developments, the proposal would have a significant impact on a special area of conservation. No on-site mitigation was possible and thus a financial contribution was necessary to promote suitable alternative natural greenspace and strategic access and management monitoring. The appellant was proposing such a contribution to improve/maintain the visitor experience in a nearby strategic green space and this was fairly and reasonably related to the proposal. There was also potential impact on air quality affecting two SACs which were vulnerable from atmospheric pollution. However, Natural England was satisfied that the scheme would not give rise to any significant effects.
Land to the west of Lytton Way, Stevenage SG1 1AG	APP/K1935/W/20/3255692	Development proposed is demolition of existing office building (B1 use) and structures, and the construction of seven apartment buildings comprising 576 dwellings (C3 use)	Stevenage Borough Council	Allowed	Proposal on the edge of a town centre located within a mixed-use area. Various buildings were present in the local area, some containing up to 18 storeys. The new town masterplan for the appeal site allocated it for wholesale/industrial purposes but it remained vacant until the 1980s when the office building was constructed. It possessed a 'citadel-like' quality due to its height, architecture and position but neither party considered it was worthy of being a designated or non-designated heritage asset and it was undisputed that there was no demand to retain the existing building in employment use. As proposed, the new residential blocks would range between 6 and 16 storeys in height and this was a concern to the council which advocated a single tall structure. However, the building form and layout, height, proportions, active frontages, materials and architecture were acceptable. The area had a varied townscape and overall the impact was judged to be moderate with no impact on the legibility of the town centre.