

Housing appeal decisions for w/c 25 July 2022\*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appeal Decision	Issues Summary
Brookmeadow, Church Lane, Neston, Cheshire CH64 9UT	APP/A0665/W/21/3282223	Erection of Retirement Living Accommodation (Category II type)	Cheshire West and Chester	Allowed	Proposal near a town centre on an overgrown site. Area of narrow streets and footways with roadside parking and obstructions resulted in pedestrians often walking in carriageway, presenting a highway safety concern. However, as a result of the limited traffic flow and low speeds of vehicles, the effect of the proposal did not amount to an unacceptable impact on highway safety.
Land to the east of Tye Road, Elmstead Market	APP/P1560/W/21/3283544	Planning application for residential development of 15 dwellings	Tendring District Council	Allowed	Proposal on well screened and contained land near a 32 dwelling scheme under construction, set in the countryside and directly adjacent to a 'rural service centre' boundary with a range of services and facilities. Site also within an SPA Ramsar zone of influence. Policy did not preclude principle of new residential development on sites adjoining boundaries, subject to consideration of patterns and scales of growth. The proposal would not harm area character and appearance. Recreational effect on ZoI, Birds and Appropriate Assessment considered and an appropriate sum secured by UU, including 30% affordable.
Cypress House, South Acre Drive, Handforth SK9 3HN	APP/R0660/W/22/3294256	Redevelopment to form 39 No. apartments for older people	Cheshire East Council	Allowed	Proposal in building in disrepair near a town centre. The proposal would not appear incongruous and would not harm area character and appearance. 30 percent affordable provision discussion on deferred payment basis. Regarding scheme viability, policy provided a late review mechanism which could allow the submission of financial contributions towards affordable housing following a review of viability. The proposed specialised accommodation on a PDL site set sustainably close to shops and services was acceptable. Significant weight to the identified need for older persons accommodation which was higher than the national average.
111 Havant Road, Drayton and Farlington, Portsmouth PO6 2AH	APP/Z1775/W/21/3287771	Redevelopment of the existing site involving the construction of a 4 storey building to provide 54 retirement apartments (Use Class C3)	Portsmouth City Council	Allowed	Redevelopment of a former car showroom was an efficient use of land rather than an overdevelopment. The scheme would appear as a continuation of the adjacent block in views from one direction but in the other direction, its height and projection beyond the prevailing building line of detached houses would make the building very prominent in the street scene. However, the scheme would be in keeping with the character of the area and would optimise the site's development. Significant weight was given to the provision of additional housing and specialist accommodation especially given the council's housing land supply position of 3.8 years. With the effects on a SPA satisfactorily mitigated and a lack of affordable housing justified on viability grounds and no policy basis for a late stage review mechanism, the appellant's section 106 obligation was valid.
Central College Nottingham, High Road, Chilwell NG9 4AH	APP/J3015/W/21/3285668	Development proposed is conversion of existing college building to student accommodation comprising 162 bedrooms	Broxtowe Borough Council	Broxtowe	Taking into account proposed mitigation through measures set out in a student management plan to manage behaviour, there would be no material harm to neighbour living conditions. The use of the building as student accommodation would significantly reduce vehicular traffic compared to its past use as a college and on-site parking would exceed council standards and meet the expected low demand for car parking due to the combination of excellent public transport links, facilities within walking distance and the appellant's proposed mitigation via a restriction on residents obtaining parking permits. The public benefits, including the effective re-use of a major brownfield site and additional purpose-built student housing in a highly accessible location outweighed any harms.

\* Showing decisions relating to appeals for over 10 units

Land west of Tye Lane, Walberton, West Sussex	APP/C3810/W/21/3278130	Outline planning application with all matters reserved, other than means of access, for the construction of up to 155 dwellings	Arun District Council	Allowed	Proposal on greenfield land outside a village on a site which had been considered and rejected as a housing site in a recently made neighbourhood plan and, in policy terms, lay in countryside where the proposed development was contrary to local plan spatial strategy. In light of an acute housing shortfall below three years, conflict with the neighbourhood plan could not outweigh the benefits of the housing development and so the tilted balance was not disengaged. An increase in traffic through the village would not harm highway safety or result in severe residual impacts on the road network, subject to mitigation via a planning obligation. There would be some harm to the rural character of the village conservation areas from the noise and activity of the additional traffic but this was very limited in the context of the existing steady stream of traffic. The urbanising effects of the scheme on the landscape setting of the village would be limited and localised given existing development surrounding the site and generous landscaping shown in an illustrative layout. Overall that the limited adverse impacts of the proposal were outweighed by the very significant benefit of market and affordable housing in a tilted decision-making balance.
2 Red Gables, Beech Avenue, South Croydon CR2 0NL	APP/L5240/W/20/3257791	Erection of a part 3/4 storey block of 34 flats, comprising 8 no. 1 bedroom flats, 3 no. 2 bedroom 3 person flats, 8 no. 2 bedroom 4 person flats and 15 no. 3 bedroom units	London Borough of Croydon	Allowed	Redevelopment of a large house within a suburban conservation area. The proposal would be in character and in keeping with the area. The proposal would not harm area character and appearance. No need for a planning obligation regarding CPZ parking permit restriction as no such CPZ presently in force and adequate onsite to be provided.
Land south of Littlehampton Road & east of Worthing Road, Angmering, West Sussex BN12 6PN	APP/C3810/W/22/3295115	Erection of 76 No dwellings	Arun District Council	Allowed	Proposal on farmland outside the built-up area boundary and within a strategic gap and the setting of a national park. The site was in a sustainable location for housing, being well connected to public transport services and close to local services and facilities, and had allocated it for housing in an emerging plan. The development would appear as a natural extension to the existing settlement and, with proposed mitigation from an overall net gain in hedgerow and tree planting along the boundaries and within the site, would not be unduly prominent or harmful to the setting of the national park. While the physical gap between settlements would be reduced a noticeable separation provided by open fields would be retained in views and overall the proposal would not undermine the physical or visual separation provided by the strategic gap. With a less than three-years housing land supply, reduced weight was given to conflict with strategy and countryside protection. On the basis of an agreed planning condition to reduce the implementation time to two years, the scheme was likely to make a significant contribution towards five-year housing land supply..
Tesco Extra Bryant Avenue, Romford	APP/B5480/W/21/3287285	Redevelopment of the site including: relocation of existing hand car wash facility, Click+ Collect Unit and recycling centre; the erection of 87 dwellings	London Borough of Havering	Dismissed	Proposal on a transitional location between industrial and commercial units and lower scale residential development. The almost 100 per cent site coverage and building mass did not relate to the character of its surroundings and failed to achieve an appropriate transition. The density of development had also resulted in far too many single-aspect flats and flats with a poor outlook over the car park. The proposal would also be harmful to the character and appearance of the area. The building would dominate its surroundings, contrasting unfavourably with the modest scale of a fallback position provided by consent for a car windscreen and repair auto-centre. The benefit of providing housing including affordable housing to help address a borough shortfall should not be at the expense of design quality or the protection of the living conditions of future occupiers.

Steamer Point (former MCA Training Centre), Steamer Point, Christchurch BH23 4JQ	APP/V1260/W/21/3279538	Demolition of existing buildings and erection of 29 residential units comprising houses and apartments, associated car parking, landscaping and associated works	Bournemouth, Christchurch & Poole Council	Dismissed	Redevelopment of vacant, vandalised and derelict buildings near a Local Nature Reserve. The proposal would appear discordantly prominent which would erode the area's strong coastal identity. The intent for the flat block to be a landmark would not mitigate the significant visual disruption from both beach and land; detracting from the coastal landscape and prominence exaggerated by tree felling near entrance. Half of the present protected trees would be lost with risk to remainder due to overshadowing canopies. The loss would unacceptably harm the sylvan significance and contribution of site to leafy area character and skyline.
Land South of 50 Pinfold Road, Newthorpe, Nottinghamshire NG16 2FT	APP/J3015/W/22/3290612	Construct 22 dwellings	Broxtowe Borough Council	Dismissed	Proposal on former paddock land in a residential area and surrounded on 3 sides by dwellings with a lapsed outline permission. The proposed separation distance, the low level nature of a bungalow combined with a small garden space, would be unacceptably oppressive to occupiers. Neighbouring gardens and rear elevations would be substantially overlooked. Proposal siting would also inevitably result in loss of sunlight to bungalows rear elevations and gardens. No requirement to adopt an agreement supplied for a Private Road Scheme including details of future management and maintenance in perpetuity and any transfer to a management company.
Chandlers Garage, BMW House, Water Lane, Littlehampton, BN16 4EH	APP/C3810/W/22/3292333	Erection of retirement apartments (Category II type) with communal facilities and car parking. Erection of a retail store with car parking and associated highway works	Arun District Council	Dismissed	Proposal on a semi derelict, previous car showroom and sales site partly in a conservation area and in setting of a listed building. Neighbourhood Plan allocation for 20 dwellings. Great weight to village benefit from dereliction removal. The proposal's substantial mass would dominate and be discordant, harming the setting of the listed building and harming area character and appearance. Loss of screening frontage vegetation would result in a striking, unsympathetic intrusion into sensitive conservation area while failing to integrate with streetscene.
Land to the west of Calleywell Lane, Aldington, Ashford	APP/E2205/W/20/3264220	Erection of 33 dwellings, including green space, a communal green and landscaped areas	Ashford Borough Council	Dismissed	Proposal on part of a former quarry and landfill, adjacent to a conservation area and contributing to raised ridge Landscape Character Area on urban fringe. The proposal would be of an appropriate scale outside village entrance accessibly walkable to services and facilities. Although in SHELAA, site not allocated for development in the Plan. The proposal would fundamentally change site character such as to result in moderate harm to area character. The scheme would harm the setting of listed cottages and conservation area despite ecological, woodland and 0.79ha of public open space provision benefits. Tilted balance engaged due to supply shortfall, but overall harm to area and listed buildings outweighed benefits.
Land West of Oxley Parker Drive, Mill Road, Colchester	APP/A1530/W/21/3277732	Outline application (all matters reserved) for the construction of up to 40 dwellings, public open space and associated infrastructure	Colchester Borough Council	Dismissed	Site of former school playing fields allocated in the development plan as 'open space' which went beyond the provision of playing fields and encompassed all space of public value for sport and recreation and important for visual amenity. The appellant had provided a unilateral undertaking making provision for a financial contribution of £483,500 towards improving outdoor sport. No specific alternative area of open space had been identified and Sport England confirmed in its representations that a specific site or project must be confirmed. Reference to potential projects within the council's playing pitch strategy and action plan was insufficient since the strategy covered a very wide geographic area and there was no certainty that the money would be spent on schemes within the local area. The proposal would have a harmful impact on the future provision of open space.