

Housing appeal decisions for w/c 14 November 2022\*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
Sentinel House, 163 Brighton Road, Coulsdon CR5 2YH	APP/L5240/W/21/3289203	Convert Sentinel House from B1(a) [Class E] office use to 42 residential units in C3 use, under Class O of GDPO 2015 along with associated car parking, cycle and refuse storage	Council of the London Borough of Croydon	Sentinel House Limited	Dismissed	Following submission of a revised technical note on transport matters which included details on servicing issues and swept path assessments, highway concerns could be subject to a condition. Although a revised flood risk assessment was supplied, Thames Water, who were consulted on the original application, were not given the opportunity to assess and comment on the revised flood risk and drainage details. Thames Water in commenting on the scheme noted that on the basis of the information provided it had not been able to determine the infrastructure needs of the application. In the absence of an updated assessment, the inspector was unable to conclude on the likely risks from flooding on the site.
Northumberland House, Brighton Road, Sutton SM2 5AJ	APP/P5870/W/22/3301306	Erection of two additional storeys to the main block, one additional storey to the western block and an infill extension to the undercroft, to provide 39 additional self contained residential units, additional cycle spaces/storage and a reduction in parking spaces	London Borough of Sutton	Northumberland Freehold Ltd	Dismissed	The existing tower block was converted from offices to residential flats using permitted development rights. The proposal formed part of a cluster of taller buildings where development was of a notably lower height. As the existing was a permitted development conversion, plan policies were not relevant. In contrast, the scheme must comply with a wide range of requirements to the benefit of living accommodation. The proposal would result in an incongruous extension harming area and the conservation area.
Land at (OS 8349 4918), Old Hills, Callow End, Worcestershire	APP/J1860/W/22/3295623	30 dwellings (outline application with all matters reserved except for access)	Malvern Hills District Council	Terra	Dismissed	Proposal on the edge of a village outside the village's defined settlement boundary and within open countryside where a development plan policy sought generally to restrict new housing. However, the policy also set out a settlement hierarchy against which windfall proposals would be assessed. The village had only limited facilities, so future residents would need to travel outside it to access routine amenities. The proposed development would represent an extension of a significant scale relative to the size of the village and generate a considerable increase in journeys by car. The site was therefore not in a suitable location for such a development. Whilst the site was not subject to any statutory landscape designations, it lay within an area that had been identified locally as having a distinctive character, being an ancient landscape with a dispersed settlement pattern. The proposal would significantly diminish the landscape value of the site and cause significant harm to the character and appearance of the wider landscape. Despite a shortfall in housing land supply, the development's significant harm outweighed its benefits.

\* Showing decisions relating to appeals for over 10 units

Land off Bournebridge Hill, Halstead CO9 1GE	APP/Z1510/W/22/3299178	Outline application for up to 200 residential dwellings (including 30% affordable housing), planting, landscaping, public open space and children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access	Braintree District Council	Gladman Developments Ltd	Allowed	Proposal on agricultural land outside the settlement boundary of a town. The council had recently adopted a new local plan but following publication of a five-year housing land supply position statement, accepted that supply had fallen to 4.86 years and on this basis, given the application of the tilted balance, chose not to defend the appeal. Limited conflict with the development plan was outweighed by the benefits of the development. The proposal was granted subject to conditions including a reduction in the standard time limit to two years for the submission of reserved matters and one year for the commencement of the development, in order to give significant weight to the provision of housing.
Sunbury Cross Ex Services Association Club, Crossways, Sunbury-on-Thames TW16 7BG	APP/Z3635/W/21/3285212	Demolition of the former Sunbury Ex-Servicemen's Association Club and redevelopment by three residential buildings of 4-storey, 6-storey and 9-storey comprising 69 flats with associated car-parking, cycle storage, landscaping and incidental works	Spelthorne Borough Council	SUN EX-21 Ltd	Dismissed	The proposal would result in harm to the character and appearance of the area and would fail to provide adequate living conditions for all future occupants. The provision of parking spaces within the site together with the proposed mechanisms to counter demand in the form of a Unilateral Undertaking were considered inadequate. There would be conflict with the development plan as a whole and to paragraph 130 of the NPPF.
Former Lymington Police Station, Southampton Road, Lymington, SO41 9GH	APP/B1740/W/21/3289313	Demolition of existing building and redevelopment of the site to form 32no. retirement apartments including communal facilities, access, car parking and landscaping	New Forest District Council	Churchill Retirement Living	Dismissed	The proposed development fell within the category of 'retirement living or sheltered housing'. On this basis, despite strong local concerns, the inspector found no evidence to challenge the figures agreed between the council and the appellant of the number of units needed. The existing police station, which was agreed to comprise a non-designated heritage asset, was of limited historic interest. Nonetheless, the appeal proposal would lead to the complete loss of the asset, which equates to the highest level of harm. The proposal would replace the existing police station buildings with a taller building with a wider span and modern residential character which would not be out of character with the area or adversely affect protected trees nor give rise to a significant risk of on-street parking. Nonetheless, the inspector was unable to rule out the possibility of an adverse effect on the integrity of the Solent European sites as a result of nitrate discharge. The presumption in favour of sustainable development does not apply in these circumstances.
Land at Main Street, Woodthorpe, Loughborough, Leicestershire	APP/X2410/W/21/3289048	Outline application with all matters reserved (except for access) for development of up to 120 new dwellings with access from Main Street, Woodthorpe, Loughborough	Charnwood Borough Council	Parker Strategic Land Limited	Allowed	The site formed part of a wider allocation in a draft plan for over 700 dwellings. The council required a condition to be imposed requiring that a masterplan be produced relating to the entire allocation thereby ensuring that the appeal proposal would be satisfactorily integrated. Since the application was in outline, with all matters reserved except for access, matters such as connectivity within the site and to the wider allocation could be satisfactorily addressed through the submission of a future reserved matters application. This was further reinforced through provisions set out within a section 106 obligation. The council could not demonstrate a five-year supply of housing and the impact on the character of the area would be acceptable.

<p>Land adjacent to Hill Drive, Secmaton Lane, Dawlish EX7 0LW</p>	<p>APP/P1133/W/21/3286897</p>	<p>Hybrid planning application. Full permission for site access &amp; roads. Outline permission for layout of 24 No. Self custom build dwelling plots</p>	<p>Teignbridge Council District</p>	<p>Mr and Mrs Willey, Ms K Willey and Mrs A Peattie</p>	<p>Dismissed</p>	<p>Site was used for producing hay on town edge with dwellings nearby and Council support for the principle of the development. There was a lapsed 2016 permission for 35 dwellings on the site. Affordable provision discussed with claim of exemption but it was considered as 'major development' provision could be sought. Possible to secure the proposal as 'self custom build'. No supply need for 'Self Build'. Access discussed as would be solely via a narrow lane with few passing places resulting in additional traffic significantly adding to inconvenience. A bat buffer zone also appeared to transgress site accesses, but ecology considerations could be mitigated. Overall, the harms outweighed the benefits of the proposal.</p>
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