

Housing appeal decisions for w/c 30 January 2023*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
Land north of Millers Close, Welford-on-Avon CV37 8QG	APP/J3720/W/22/3297821	Outline application for the construction of up to ten self-build/custom-build dwellings, alterations to access and laying out of public open space	Stratford-on-Avon District Council	Rosconn Strategic Land	Allowed	Proposal in countryside outside a village. Discussion regarding the sale as market of any unsold plots; key issue was the balance between duty to deliver for eligible persons and preventing unsold plots languishing. Concluded 12 months an appropriate balance. Council demonstrated a 10.06 year supply of deliverable housing land however the proposal would appropriately deliver SBCH, which was a material consideration of considerable weight given the significant shortfall of plots available.
13-21 High Street, Irthlingborough NN9 5TE	APP/G2815/W/22/3295009	Demolition of existing first floor ancillary retail area, and erection of two floors containing 16 residential units with associated car and cycle parking and refuse store	East Northamptonshire Council	Resham PLC	Allowed	Proposal over ground floor shops along a town centre high street in a conservation area. The proposal would be of an acceptable design and scale with regard to the existing building and its surroundings. The appellant claimed affordable provision would render the scheme unviable. The lack of contribution to health care or affordable housing was considered unacceptable noting a need for 1 bed affordable flats.
679 High Road, London N12 0DA	APP/N5090/W/22/3304952	Demolition of the existing building and redevelopment of the site to provide 250 residential units (Use Class C3) within 6 buildings ranging from 4 to 7 storeys, provision of new pedestrian route and access link, private amenity space, communal amenity and podium gardens, refuse storage, 63 car parking spaces and 457 cycle parking spaces, energy centre, substation building and other associated facilities	London Borough of Barnet	Taylor Wimpey UK Ltd	Dismissed	The appeal site comprised a vacant retail shed and associated car park. The proposal fell just below the threshold of the definition of a 'tall building' for the purposes of the London Plan and the council's Tall Buildings Study Update. Although the blocks were not strictly 'tall buildings' in local policy terms and would not unduly compete with those in the town centre, the proposal comprised a development that would be significantly taller and of a much larger scale than the properties in its immediate visual sphere of influence and would cause serious harm by virtue of its height, scale and massing. There would be inevitable consequences on existing levels of light, outlook and privacy for some occupants. Furthermore, there was no policy requirement which required 100 per cent compliance with the BRE guidelines in respect to daylight and sunlight. However, it remained the case that the impact of this particular scheme would be significant for those occupants' living conditions, not least because of the proposed building heights and positioning of balconies. The height and consequential scale of the scheme was not an appropriate design solution for this particular existing built context.
Land off Mytham Road, Prestolee Road, Boscow Road, Hall Lane and Newbury Road, Little Lever, Bolton	APP/N4205/W/22/3301093	Erection of dwellings on two sites: (i) land at former Creams Mill site including land off Mytham Road; and (ii) land south of Hall Lane and west of Newbury Road	Bolton Metropolitan Borough Council	Watson Construction (Holdings) Limited	Allowed	Proposal on two sites in the green belt with canal works would result in significant benefits, including the re-establishment of the canal connection. There was commitment on the part of the council and the Canal and River Trust for the restoration of the canal. The canal formed a significant element of green infrastructure and in bringing it back into water, its biodiversity would be likely to benefit. Recreational opportunities would also be significantly improved. Overall, the improved facilities for recreation would be beneficial to the health and wellbeing of the local population through enabling increased walking and cycling as well as water-based activities. The development as a whole comprised inappropriate development in the green belt. However, these benefits, along with the delivery of housing, amounted to very special circumstances justifying the proposal.

* Showing decisions relating to appeals for over 10 units

<p>Land to the north of London Road, Kelvedon, Braintree, Essex, CO5 9AU</p>	<p>APP/Z1510/W/22/3306479</p>	<p>Mixed-use neighbourhood development comprising up to 300 dwellings, health centre, local retail area, care home, an early years and childcare facility, open space and landscape buffers, and supporting infrastructure that includes sustainable drainage and two accesses from London Road</p>	<p>Braintree Council District</p>	<p>Barkley Projects LLP</p>	<p>Allowed</p>	<p>Proposal on an edge-of-village site. The local authority decided not to contest the appeal after accepting that it could not demonstrate a five-year housing land supply. The impact on the countryside and the setting of the village would be limited and the scale of the development could be successfully accommodated on the site whilst ensuring that it remained in keeping with the modest scale of the settlement. The scheme would continue the essentially linear form of village and its impact on ecological assets would also be modest. The proposed shops would be small and below the size that would require a retail impact assessment and this was an indication that there would be no significant adverse trading impacts. The scheme would provide important public benefits, including the provision of new homes and affordable homes in a district with a shortfall in housing land supply, together with the provision of a new health centre and other community facilities. There would be no harm to the settings of the listed buildings on the south-western side of the site and less than substantial harm to the significance of the listed buildings close to the site.</p>
<p>Land west of Kingfisher Grove, Three Mile Cross, Reading, Berkshire, RG7 1LZ</p>	<p>APP/X0360/W/22/3304042</p>	<p>Outline planning application for the proposed erection of 49 affordable dwellings, with new publicly accessible open space and access</p>	<p>Wokingham Council Borough</p>	<p>JPP Land Ltd</p>	<p>Allowed</p>	<p>The appellants proposed 49 affordable homes on the edge of a village, on a site which lay within the urgent protective area designated around an Atomic Weapons Establishment. The council was concerned that the additional residents resulting from the homes would undermine its ability to carry out its emergency plan in the event of an incident at the establishment. Both parties agreed that the chance of an incident was very small. The council's plan of sheltering in place would likely be effective given the likely nature of such an event. The effects of a radioactive particle cloud would likely be unidirectional, rather than affecting the whole plan zone, limiting the number of people likely to be involved. Overall, the proposal would not present a barrier to the emergency services to safely carry out their duties. On landscape impact, the topography of the site meant that it would be mostly screened from view. The retention of green space together with structural planting would further reduce the impact. There would be poor accessibility by transport other than by car, due to the poor quality of footpaths and limited public transport. In the absence of a five-year housing supply, the council's policies were out of date. Overall, the provision of affordable housing outweighed the adverse impacts of the scheme.</p>
<p>480-510 Larkshall Road, London E4 9HH</p>	<p>APP/U5930/W/22/3304178</p>	<p>Demolition of the existing buildings and erection of a five to seven storeys residential-led, mixed use development comprising 68 residential dwellings (Use Class C3), flexible commercial spaces (Use Class E), flexible space for community facilities/non-residential institution (Use Class F1) and a new public train station entrance together with public realm improvements, landscaping, private and communal amenity spaces, children's play space, waste and refuse facilities, secure cycle storage facilities, public cycle hub, accessible car parking and associated works</p>	<p>London Borough of Waltham Forest</p>	<p>Atlantis Highams Ltd</p>	<p>Allowed</p>	<p>North-east London redevelopment scheme on a brownfield site. The proposal would be bulkier than the existing building on the site, and there was room for improvement in the design but overall the proposal would have an acceptable effect on the character of the area. The proposal would not provide a completed station entrance, which the council argued meant it went against a local policy requiring that the entrance should be secured. However, it would provide a 'shell and core' of the entrance together with a planning obligation towards its fit out. Although this would lead to some uncertainty about the residual funding, there would be an effective use of land that secured an entrance for the station. The provision of external amenity space would technically fall short of the council's space requirements, but it would be of particularly high quality. Although the proposal would not meet the council's preferred housing mix, with a high provision of one-bedroom flats, there would still be a mix of housing types supplied. Conditions would need to be applied to the development to ensure that cycling was encouraged, and that it would be car-free, so that the impact on traffic and parking in the area would be reduced.</p>

164 Mawney Road, Romford RM7 7BE	APP/B5480/W/22/3297864	Demolition of existing buildings and redevelopment of the site to provide ground floor commercial space (Class E Shop, Class E restaurant or cafe, Class E office, Class E gym, Class E medical) and residential units within a part 3, part 4, and part 5 storey building	London Borough of Havering	Mawny (Holdings) Ltd	Dismissed	The appeal site was in mixed use as a car wash, car sales and a small tattoo studio. The proposal, which included commercial uses and a five-storey building, had been designed to address a prominent junction, whilst, at the same time, responding to future and neighbouring residential occupants' living conditions. As the proposed development would harm neighbouring occupants' privacy it was found to not be of a high quality design in respect of the living conditions. The 23 residential units proposed would contribute towards addressing a housing shortfall and provide a mix of units on a previously developed site. The proposal would also make effective use of the land. The proposed parking, delivery and refuse collection arrangements would affect the safe and efficient use of the highway and a nearby junction. There was also no mechanism to secure appropriate financial contributions towards the provision of carbon reduction, a training and recruitment scheme and affordable housing.
85, 87 & 89 Brighton Road, Redhill RH1 6PS	APP/L3625/W/22/3294168	Demolition of existing buildings and erection of an apartment building comprising 19 flats with commercial use at ground floor plus associated car parking	Reigate and Banstead Borough Council	One Oak Development Ltd	Dismissed	The proposal would harm the character and appearance of the area and would appear an abrupt and imposing building that would reduce the feeling of space in the area. In addition, it would dominate the outlook from neighbouring properties and be overbearing, although would not result in an unacceptable loss of privacy by reason of overlooking.
Kilmuir House, Ebury Street, London SW1W 8TH	APP/X5990/W/22/3304054	Demolition of existing buildings and erection of a new building of basement, lower ground, ground and six upper floors and plant at rooftop level to provide residential floorspace (Class C3), flexible retail floorspace (Class A1/A2/A3/A4), disabled car parking and associated landscaping works	Council of the City of Westminster	Kilmuir House (UK) Ltd	Allowed	Redevelopment of a site in central London for residential and mixed commercial uses. The scheme showed a deficit of over £8 million, although it was not argued that the scheme would not be delivered. However, it followed that in terms of the relevant policy and guidance, the scheme could not provide any affordable housing. The council accepted this proposition and accordingly acknowledged the scheme was compliant with the development plan. This notwithstanding, the appellant was offering four affordable units as a 'planning benefit', which was four more units than currently existed on the site.