

**APPEAL BY ASPIRE HOUSING AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR 4 NO., 2 BEDROOM, SEMI-DETACHED PROPERTIES AT A SITE OFF QUEENSWAY, NEWCASTLE-UNDER-LYME.**

<b><u>Application Number</u></b>	<b>15/00308/FUL</b>
<b><u>Recommendation</u></b>	<b>Refusal</b>
<b><u>LPA's Decision</u></b>	<b>Refused by Planning Committee 26<sup>th</sup> June 2015</b>
<b><u>Appeal Decision</u></b>	<b>Allowed</b>
<b><u>Costs Decision</u></b>	<b>Refused</b>
<b><u>Date of Appeal and Costs Decisions</u></b>	<b>15<sup>th</sup> March 2016</b>

**Appeal Decision**

The full text of the decision is available to view on the Council's website (as an associated document to application 15/00308/FUL) and the following is only a brief summary.

The Inspector determined the main issue in this case to be the effect of the proposal on the character and appearance of the surrounding area.

- The appeal site is roughly triangular in shape and comprises 18 garages split over two buildings along with associated hard standing and grass verges.
- The symmetrical design of both semi-detached units would be in keeping with the surrounding area. Whilst the plot sizes proposed are smaller than those in the surrounding area, the space between dwellings would be similar to those between pairs of housing in Doddington Place, The Plaisance, and Kingsway East. With satisfactory wall and roof materials, the proposed scale and semi-detached form of the dwellings would be well designed and respect the local character of the surrounding area.
- The apartment block to the west of the site reduces the open character of the immediate Queensway area and would screen wider views of the appeal site. Therefore, the dwellings would only be visible from a limited public vantage point on Queensway. Furthermore, the gradient of the site would reduce visibility from this vantage point. Whilst an element of landscaping is illustrated on the site plan, a landscape condition requiring submission and approval of further details including consideration of existing and proposed trees would ensure that the green appearance of the area is retained.
- Both parties note the negative appearance of the existing garage, but owing to the limited visibility of the site, this attracts only modest weight in favour of the appeal.
- In conclusion the proposal would be well designed and in keeping with the character and appearance of the surrounding area.
- A number of additional concerns were raised by residents in relation to parking and highway safety, privacy, drainage and bin storage. The Inspector was satisfied however that subject to the imposition of conditions, there would be no harm.
- Whilst some local residents considered there is a lack of need for the dwellings proposed, the Inspector acknowledged that the Council cannot demonstrate a 5 year supply of housing land and this provides a clear indication of an unmet housing need.
- The appeal was allowed subject to a number of conditions.

## **Costs Decision**

In refusing the application for costs, the Inspector made the following comments:

- Paragraph 049 of the Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis
- The Council in their committee report identified the impact of the proposal on the character and appearance of the surrounding areas as one of the main issues. This section identifies what the Council considered to be key characteristics of the surrounding area including generous rear gardens and the relatively uniform layout of the area, and from this analysis they concluded the proposal would have a harmful impact. Because of the committee report, the appellant was able to understand and address these specific points of concern as evident in the appeal documentation submitted.
- The Council also adequately considered the implications of not having a 5 year housing land supply, and having assessed the proposal in light of paragraph 14 of the National Planning Policy Framework (the Framework), they arrived at a legitimate conclusion and identify the high regard the Framework has for good design in the committee report. In addition, consideration was given to the sustainable location of the site. Consequently, the Inspector was satisfied that the Council undertook the balancing exercise required by the Framework in light of not having a 5 year supply.
- Therefore, unreasonable behaviour was not demonstrated in this case. The main issues in the committee report were sufficiently reasoned, defined, legitimate and subsequently balanced against relevant provisions in the Framework. This allowed the appellant to be sufficiently clear on the reason for refusal. Therefore, no unnecessary cost or wasted expense has been demonstrated in this case.

## **Recommendation**

That the decisions be noted.