

APPEAL DECISION

Detached Dwelling at 212 Seabridge Lane. Mr M Coupe

Application Number: **12/00137/FUL**

Recommendation: **Approval**

LPA's Decision: **Refused on 6 June 2012 further to Committee resolution of 30 May 2012**

Appeal Decision: **Appeal dismissed**

Date of Appeal Decision: **18 December 2012**

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 12/00137/FUL and the following is only a brief summary).

The Inspector considered the main issue to be the effect that the proposed development would have on the character and appearance of the area.

In dismissing the appeal, the Inspector made the following comments:

- The proposal is a resubmission of an identical scheme refused in 2011 on the grounds that the development of the greenfield site would be contrary to the objective of maximising the re-use of previously developed land and would undermine the aims and objectives of national policy. Given that the Council is unable to demonstrate a five year supply of housing land the applicant assumed that a resubmitted scheme would be approved. However it was refused on the ground that the proposal would be contrary to saved Policy H7 of the Local Plan.
- The appellant considered that the subdivision of the plot and size of the dwelling would be commensurate with the character of the area but the information provided showed properties beyond the defined Policy H7 area and consequently gave a misleading impression about the size of the plots and density of development. The majority of plots in the Policy H7 area appear to be larger than the appeal site.
- The submissions of the parties did not explain why the 2011 application was not refused on the additional ground of being in conflict with Policy H7. Neither was there any explanation of what weight was attached to Policy H7 in the determination of applications relating to two dwellings that have recently been constructed close to the appeal site.
- Notwithstanding these decisions, the area covered by the policy retains its special character through the size and spaciousness of the plots, the size and variety of the dwelling types and the pattern of development. The proposed development would erode these characteristics through the subdivision of an existing substantial plot and would be contrary to Policy H7 of the Local Plan.
- The Inspector attached considerable weight to this policy as it is consistent with the National Planning Policy Framework and in particular to paragraph 53 which seeks to resist inappropriate development of residential gardens that have been identified as having special character.
- The Inspector considered that the appeal site is in a sustainable location and despite the absence of a five year supply of deliverable housing sites and the presumption in favour of sustainable development these factors did not outweigh the weight attached to Policy H7.

RECOMMENDATION

That the decision be noted.