

<b>Report To:</b>	<b>Planning Committee</b>
<b>Date:</b>	<b>16 March 2022</b>
<b>Heading:</b>	<b>PLANNING APPEAL DECISIONS</b>
<b>Portfolio Holder:</b>	<b>COUNCILLOR MATTHEW RELF, PORTFOLIO HOLDER FOR PLACE, PLANNING AND REGENERATION</b>
<b>Ward/s:</b>	<b>ASHFIELDS</b>
<b>Key Decision:</b>	<b>No</b>
<b>Subject to Call-In:</b>	<b>No</b>

### **Purpose of Report**

To inform Members of recent Planning Appeal Decisions.

### **Recommendation(s)**

To Note the Appeal Decisions.

### **Reasons for Recommendation(s)**

To bring to Members attention the recent Appeal Decisions.

### **Alternative Options Considered**

*(with reasons why not adopted)*

N/A

### **Detailed Information**

Planning Application –Appeal Decisions

#### **Ashfields**

Planning Application – V/2021/0438

**Site** – 21 Chestnut Gardens, Sutton in Ashfield NG17 1LT

**Proposal** – appeal against a condition requiring a window in the rear elevation of a two storey extension to be obscure glass with a non-opening window below 1.7m from floor level and maintained as such in perpetuity.

**Appeal Decision** –Appeal Dismissed

The Inspector agreed with the Council that a window at first floor level in the new gable of the approved extension would without obscure glazing enable an outlook across all of the neighbours rear, private garden and this would be significantly more harmful than the window in the original dwelling. The condition was therefore reasonable and necessary.

**Planning Application – V/2021/0494**

**Site** – 4 Bloomer Wood View, Sutton in Ashfield NG17 1HA

**Proposal** – 3ft fence either side of the front of the property consisting of concrete posts, 1ft kickboards and 2ft high fence panels. Brick pillar at end to give clear boundaries between both properties either side.

**Appeal Decision** –Appeal Dismissed

The Inspector considered the open character to the frontage of the properties to be very apparent and was the original design intent for this part of the estate and the removal of permitted development rights ensured control could be maintained. He considered allowing the appeal would set an undesirable precedent for other residents in the surrounding area to seek to undertake similar means of enclosure, the cumulative effect of which would further undermine the open character to the frontages. It was acknowledged that the fencing was relatively low but the harm caused to the character and appearance of the area was to great.

**Implications**

**Corporate Plan:**

Reporting these decisions ensures we are open and transparent in our decision making process.

**Legal:**

Legal issues relating to specific planning appeals are set out in the report. As the report is for noting, there are no legal issues associated with the recommendation in the report.

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:** N/A

Risk	Mitigation
N/A	N/A

**Human Resources:**

No implications

**Environmental/Sustainability**

None

**Equalities:**

None

**Other Implications:**

None

**Reason(s) for Urgency**

*(if applicable) N/A*

**Reason(s) for Exemption**

*(if applicable) N/A*

**Background Papers**

*(if applicable) None*

**Report Author and Contact Officer**

**Mick Morley**

**Development Team Manager**

**01623 457538**

**[m.morley@ashfield.gov.uk](mailto:m.morley@ashfield.gov.uk)**

**David Lawrence**

**Interim Director Place and Communities**