



B O S T O N

B O R O U G H C O U N C I L

REPORT TO:	Planning Committee
DATE:	6 th February 2018
SUBJECT:	Receipt of Appeal Decision
PORTFOLIO HOLDER:	Councillor Michael Cooper
REPORT AUTHOR:	Interim Development Manager
EXEMPT REPORT?	No

SUMMARY

The purpose of this report is to advise members of the receipt of an appeal decision in respect of a delegated refusal at 137 Swineshead Road, Frampton Fen, Boston PE20 1SB.

The appeal is against the refusal of full planning permission for the erection of a precast sectional concrete garage. A copy of the Inspector's decision letter is attached to this report.

RECOMMENDATION

The Committee are asked to note this report and the comments arising from it.

REASONS FOR RECOMMENDATION

To address Service Delivery Action Plan points for 2017/18.

1.0 INTRODUCTION

- 1.1 It is established practice that all appeal decisions are reported to Planning Committee as part of performance monitoring and to consider if any particular decisions raise issues which might influence practice or future decision making.
- 1.2 All applicants have a right of appeal against the decision of the planning authority, over a refusal, an approval with conditions (if the conditions are unacceptable to the applicant) and in cases of 'non-determination' where the authority has not issued a decision within the prescribed 8 or 13-week period without an agreed 'extension of time'. This right of appeal applies to all categories and types of applications – including Enforcement and other Notices where there are defined categories or grounds of appeal which any appellant has to follow.

2.0 APPEAL DECISION

137 Swineshead Road, Frampton Fen, Boston

2.1 This full application (reference B/17/0199) was refused under delegated authority on 13 July 2017 for the following reason:

1. *“The garage proposal represents an incongruous form of development as a result of the garage building’s prominent location within the front garden area and close to the highway, that, when considered in conjunction with the proposed materials, size and height, would be to the detriment of the appearance and setting of the host dwelling and to the character and appearance of the area and the street scene of Swineshead Road at this point, contrary to Local Plan policies G1 and H10 and the design provisions of the National Planning Policy Framework.”*

2.2 The Inspector considered the main issue to be the effect of the development on the character and appearance of the area and the host dwelling.

2.3 The Inspector concluded that due to the lower land levels, the set back from Swineshead Road and the existing tree screening, the proposal would not be harmful to the character and appearance of the area or the host dwelling. The proposal therefore complies with Policies G1 and H10 of the Boston Borough Local Plan (1999).

2.4 The Inspector upheld the appeal.

3.0 CONCLUSION

3.1 For the year to date (from 1 April 2017) seven out of 11 appeal decisions (64%), including enforcement appeals, have gone in favour of the Council, and four against (36%). This is below the Performance Target, which would tolerate 1 out of 5 going against the Council (20%).

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

None

ANY OTHER IMPLICATIONS

None

CONSULTATION Portfolio Holder: Councillor Michael Cooper

APPENDICES

Appeal decision 137 Swineshead Road, Frampton Fen, Boston PE22 1SB

BACKGROUND PAPERS

Background papers used in the production of this report are listed below: -

Document title

Appeal file and application file.
137 Swineshead Road, Frampton
Fen, Boston PE22 1SB. B/17/0199

Where the document can be viewed

Development Management