



# 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:	18 September 2018
SUBJECT:	Receipt of Appeal Decisions
PORTFOLIO HOLDER:	Councillor Michael Cooper
REPORT AUTHOR:	Development Manager
EXEMPT REPORT?	No

### SUMMARY

The purpose of this report is to advise members of the receipt of appeal decisions in respect of:

- **Location:** 67 Sleaford Road, Boston, PE21 8EX

**Proposal:** Construction of 5 No 3 bed town houses to the rear of No. 67.

**Planning Reference:** B/17/0248

**Planning Decision:** Committee Refusal (Overturn of Recommendation)

**Appeal Decision:** Dismissed

A copy of the Inspector's decisions is attached to this report.

### RECOMMENDATION

The Committee are asked to note this report.

### REASONS FOR RECOMMENDATION

To address Service Plan 2018/19.

## **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 DECISIONS**

### **67 Sleaford Road, Boston, PE21 8EX**

- 2.1 The Inspector considered that there were three issues:
- a) the character and appearance of the site and surrounding area;
  - b) the living conditions of existing occupiers of No 67 Sleaford Road and neighbouring properties, with particular regard to privacy; and
  - c) the car parking provision for No 67 Sleaford Road and the additional residential units.
- 2.2 Character and Appearance - The Inspector determined that the siting of the proposed block would introduce a substantial amount of built development into a backland position which would harm the established traditional suburban plot structures in this part of Sleaford Road. The proposed white resin walls and grey doors and windows would fail to respect the established period character of its context.
- 2.3 Living Conditions - The bedroom within the attic space in Plot 5, in view of it having an en-suite, the Inspector concluded it reasonable to assume that this would be a master bedroom. The only source of light into the bedroom itself would be from a window in the side elevation, indicated to be fitted with obscure glass. The obscure glass was necessary to mitigate any overlooking; however, it would adversely affect the living conditions of future occupiers of this bedroom to an unacceptable degree.
- 2.4 In addition, the presence of the built structure, the siting of the front door, particularly for Plot 5, the Inspector concluded would substantially harm the living conditions of existing occupiers of No 67 and the neighbouring occupiers of Nos 65 and 69, with particular regard to privacy.
- 2.5 Parking Provision – The Inspector determined no problem with the proposed parking provision highlighting within the vicinity of the site, Sleaford Road and some surrounding streets, already had parking restrictions. The proposal would not result in on-street parking. The site is well located within walking distance of the town centre and the need to provide car parking spaces will be less than within rural settlements.
- 2.6 On this basis, the Inspector dismissed the appeal, refusing planning permission.

### **3.0 CONCLUSION**

- 3.1 For the year to date 7 out of 15 appeal decisions have gone in favour of the Council (47%) which equates to 53% going against the Council. This compares unfavourably to the local Performance Target which would tolerate 1 out of 5 going against the Council (20%).
- 3.2 The Ministry of Housing, Communities and Local Government monitors authorities in relation to the number of major and non-major applications overturned (i.e. allowed) at appeal. The threshold is for fewer than 20% of all major applications determined overturned at appeal over a rolling two-year period (i.e. the total number of major decisions divided by the total number overturned). For authorities who exceed this target, they will be classed as 'poorly performing' and applications for major developments may be made by developers directly to the Planning Inspectorate. The statistics collated by MHCLG shows 1 appeal in the previous 2 years as being overturned (up to the end of June 2018) of a total number of 69 decisions. This represents 1.4%. The Council is therefore well within the statutory target.
- 3.3 The Government is also monitoring the threshold for quality of decisions for non-major applications, the threshold for which is 10%. Like the major threshold this is the total number of non-major applications overturned at appeal compared to the total number of non-major decisions made. The statistics collated by MHCLG up until the end of June 2018, show a total of 610 applications having been determined of which 5 were allowed. The percentage is therefore 0.8%. The Council is therefore significantly within government's target and not at risk of being classed as poorly performing.

#### **FINANCIAL IMPLICATIONS**

None

#### **LEGAL IMPLICATIONS**

None

#### **ANY OTHER IMPLICATIONS**

None

**CONSULTATION** Portfolio Holder: Councillor Michael Cooper

#### **APPENDICES**

Appendix 1: Appeal decision 67 Sleaford Road, Boston, PE21 8EX

**BACKGROUND PAPERS**

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

**Document title**

Appeal file and application file.  
67 Sleaford Road, Boston, PE21 8EX  
- B/17/0248

**Where the document can be viewed**

Development Management