

### **Appeals Progress Report**

#### **1. New Appeals**

- 1.1 **Land affected by TPO 416A – Within Links Way, Fox Heath and Randolph Drive:** Against the refusal of consent for the removal of one Oak Tree located in woodland at the rear of 28 Randolph Drive. The tree is on woodland at the rear of the property which is owned and maintained by the Council. The appellant is the occupier of a neighbouring property who is seeking its removal on the grounds of its impact on residential amenity. This appeal is being dealt with by means of the written procedure.
- 1.2 **65 Cove Road, Farnborough.** Against the refusal of permission for: Change of use of existing shop (Use Class A1) to mixed restaurant /takeaway (Use Classes A3/A5 with installation of external extraction chimney to the rear and retention of associated shop front alterations. This appeal was to be dealt with by the written method however it was **Withdrawn** by the appellant on 26<sup>th</sup> September.

#### **2. Appeal Decisions**

- 2.1 **14 Church Circle, Farnborough.** Against an enforcement notice requiring removal of unauthorised uPVC windows installed in a building converted to flats in a Conservation Area.
- 2.2 In a decision dated 30<sup>th</sup> August 2018, the appointed Inspector agreed that the central core of Church Circle represents a strong and distinctive group with a consistency of form and detail and that, with the exception of the later 1980s building at No.14a all the properties retain their original pattern of timber sash windows which contribute to the character and appearance of the South Farnborough Conservation Area.
- 2.3 The Inspector agreed that the UPVC windows installed without planning permission fail to reflect the character of the host property and detract from the contribution made by the central group.
- 2.4 The Inspector therefore upheld the enforcement notice with minor corrections to the wording. The property owners therefore have until 28<sup>th</sup> February 2019 to remove and replace the 14 windows which were the subject of the enforcement notice.

**DECISION : APPEAL DISMISSED and ENFORCEMENT NOTICE UPHELD**

- 2.5 **36 Mayfield Road, Farnborough.** Against an enforcement notice requiring the owner to cease using any part of the land for the storage and sale of motor vehicles, and remove from the land all vehicles other than those owned by the residential occupiers of the land, which are stored in connection with and ancillary to the residential use of the land.
- 2.6 In a decision dated 15<sup>th</sup> August 2018 the appointed Inspector did not accept the appellants' contention on the sole ground of appeal, that the matters enforced against had not occurred.
- 2.7 He concluded that the unauthorised use of the property for the sale and storage of motor vehicles had indeed occurred and upheld the enforcement notice.
- 2.8 The property owners therefore have until 15<sup>th</sup> October 2018 to: cease using any part of the land for the storage of motor vehicles; cease using any part of the land for the sale of motor vehicles; and remove from the land all vehicles other than those owned by the residential occupiers of the land which are stored in connection with, and ancillary to the residential use of the land.

#### **DECISION : APPEAL DISMISSED and ENFORCEMENT NOTICE UPHELD**

- 2.9 **107 Fernhill Road, Farnborough** Against the refusal of planning permission for a two storey rear extension, single storey front extension and rooflights to front.
- 2.10 The proposal features a 5m deep, 6m high rear extension to an existing bungalow with accommodation in the roofspace.
- 2.11 Planning permission was refused in April 2018 for the following reason:

"The disproportionate scale, mass and bulk of the proposed rear extension, would, by virtue of its height, bulk and rearward projection, give rise to an unacceptable and unneighbourly impact on the amenities of the adjacent property at 109 Fernhill Road and unacceptable harm to its living conditions through enclosure and overshadowing. The proposal therefore conflicts with Policies ENV 17 and H15 of the Rushmoor Local Plan Review (1996 - 2011)."

- 2.12 The Inspector disagreed with the Council on the grounds that although the position of the proposed extension and the separation between the properties would give rise to some additional shadow at certain times of the day and year, the impact would not be 'over-blinkering' or result in undue or unacceptable enclosure.

#### **DECISION : APPEAL ALLOWED**

## **2 Recommendation**

- 2.1 It is recommended that the report be **NOTED**.

**Keith Holland**  
**Head of Planning**