

PLANNING COMMITTEE – 30 JUNE 2016

PART 5

Report of the Head of Planning

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Decisions by County Council and Secretary of State, reported for information

- **Item 5.1 – Land Adjoining 58 Wells Way, Faversham**

APPEAL ALLOWED

Observations

DELEGATED REFUSAL:

This application was refused under delegated powers on the basis that Members had rejected the original recommendation of approval on a similar site, and because it was felt that the small differences between the sites might be enough to carry Members' original concerns. This was partly on the basis that the first Inspector specifically stated that the decision then should not set a precedent for the development of other sites locally. However, the second Inspector on this slightly smaller site did not agree that the character and appearance of the area was distinguished by a notable spaciousness or a sensitive relationship between dwellings and Wells Way. Furthermore he considered that in view of the similarities and proximity between this site and the one opposite, which was the subject of the previous 2015 appeal decision that this was a material consideration to which he attached considerable weight. On this basis he allowed the appeal.

- **Item 5.2 – Land adjoining Driftwood, Imperial Drive, Warden Bay**

APPEAL ALLOWED & PARTIAL AWARD OF COSTS

Observations

COMMITTEE REFUSAL:

The inspector considered that whilst the development which included a terrace of 3 properties at right angles to the road which would undoubtedly change the appearance of the site that due the topography of the area and diversity of building style in the area ,that the proposal would not cause unacceptable harm . He further noted the specific site circumstances and the flexible approach of the former Kent Design guide and therefore concluded that there would be no unacceptable effect on the living conditions of the neighbouring occupiers with particular regard to overlooking and that the proposal would not conflict with Policies E1 and E19 of the Local Plan.

A costs claim was partially awarded to the developer as the Inspector considered that whilst the Council provided appropriate evidence and analysis to defend the first reason for refusal, the Council in his opinion relied heavily on the extent of local opposition without the support of objective appraisal and substantial evidence in relation to the second reason for refusal.

On this basis the Inspector considered that the Council had behaved unreasonably and that the developer had been put to unnecessary expense.