

Committee: Development	Date: 16 November 2011	Classification: Unrestricted	Agenda Item Number: 8.1
----------------------------------	-------------------------------------	--	-----------------------------------

Report of: Director of Development and Renewal Case Officer: Pete Smith	Title: Planning Appeals
--	--------------------------------

1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Communities and Local Government. It also provides information of appeals recently received by the Council, including the methods by which the cases are likely to be determined by the Planning Inspectorate.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Development Committee, Strategic Development Committee or by officers under delegated powers. It is also considered appropriate that Members are advised of any appeal outcomes following the service of enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

2. RECOMMENDATION

- 2.1 That Committee notes the details and outcomes of the appeals as outlined below.

3. APPEAL DECISIONS

- 3.1 The following appeal decisions have been received by the Council during the reporting period.

Application No:	PA/11/01186
Site:	17 Duff Street E14 6DL
Development:	Erection of a roof extension along with the installation of three Velux roof lights
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.2 The main issue in this case was the impact of the proposed development on the character and appearance of the Lansbury Conservation Area, having regard to

the scale, bulk and design of the development and the use of materials.

- 3.3 The Planning Inspector was critical of the design of the proposed rear dormer extension. He concluded that the dormer would have appeared visually bulky when viewed from adjoining properties and from Rigden Street. He also observed that the proposed windows would not have properly aligned with other windows found in the property.
- 3.4 Overall, he concluded that the proposal would have appeared visually discordant and would have harmed the character and appearance of the conservation area. He also found that examples of other dormer extensions were generally isolated and did not point to a general acceptance of the approach.
- 3.5 The appeal was DISMISSED.

Application No:	PA/10/02510
Site:	Land Adjacent to Bridge Wharf, Old Ford Road, London, E2 9PR
Site:	Erection of 2x3 storey, 4 bedroom houses
Council Decision:	REFUSE (Development Committee)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.6 The main issues in this case included whether the proposal would have preserved or enhanced the character and appearance of the Victoria Park and Regent's Canal Conservation Areas and whether the proposal would have been detrimental to vehicle and pedestrian safety.
- 3.7 The Planning Inspector acknowledged that the immediate site context was very challenging in terms of securing an appropriate design and he concluded that the proposed design of the 2 houses would have not have been successful in addressing the visual context of the site. He concluded that the proposal would have introduced a new shape and form of building which would not have directly aligned with the road and he felt that the new development would have resulted in an uneasy relationship with the curved horizontal forms of Bridge Wharf and the more stark verticality of Vellutri House. He felt that the development would have resulted in rather cluttered mix of forms and finishes which, he concluded, would have been more emphasised following the crown reduction of the nearby mature weeping willow trees. He felt that the appearance of a small but important part of the conservation area would have been changed to its detriment.
- 3.8 The Planning Inspector recognised the important canal side character (with the Willow trees being prominent within vista when seen from the tow path on the opposite bank). He concluded that the loss of openness, being replaced by a tight infill scheme, would have been unacceptable. Whilst he accepted that the proposed houses had been well designed, they would not have been appropriate to their context. He concluded that the proposed development would not have made a positive contribution to the character and appearance of the conservation area.
- 3.9 In terms of highway safety, the Planning Inspector was not persuaded that just

2 houses would have made a material difference, especially as the front doors would have been set back from back edge of footway and separated by a zone of hard paving. He concluded that the number of pedestrians using the footway would have been increased, only marginally.

3.10 The appeal was DISMISSED.

3.11 This represents a worthwhile decision and will be useful when considering the impact of development of the character and appearance of conservation areas, especially where conservation area character is determined by degrees of openness as well as built character, scale of development and architectural styles.

Application No:	PA/11/00703
Site:	Heckford House, Grundy Street, London, E14 6AE
Development:	Erection of a two storey wing comprising 3x2 bedroom houses together with internal alterations to the existing building and the provision of a cycle storage and landscaped amenity area.
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.12 The main issues in this case were as follows:

- The impact of the development on the provision of open space in the Borough;
- Design considerations and the impact of the development on the character and appearance of the conservation area;
- Effect of the development on the supply of family sized accommodation in the Borough.

3.13 This appeal considered whether a communal rear garden can be treated as open space (which is protected by Policy SP04 of the adopted Core Strategy). The Planning Inspector concluded that Policy SP04 did not apply and was not satisfied that the Council had demonstrated satisfactorily why the rear communal area should be treated as open space. He was satisfied that the applicant had shown adequate garden space for the proposed units as well as retained gardens for the existing 6 flats.

3.14 The Planning Inspector was more concerned about the loss of the open area from a conservation area character point of view. He referred to the Lansbury Conservation Area Appraisal which acknowledges that low rise development, along with the gardens and open land on the estate contributed to the area's character.

3.15 In terms of design, the Planning Inspector was concerned about the proposed form of the extension. He was concerned that the proposed extension would have been presented as an avowedly modern and strident design which would have related poorly to the host building and the surrounding context. He concluded that the character and appearance of the conservation area would

have been permanently harmed.

3.16 With only a small reduction in the number of three bedroom units (as part of this proposal) and with the use of this existing bedroom to provide secure on site cycle facilities, the Inspector concluded on balance that this, in itself, was not a significant scheme deficiency.

3.17 The appeal was DISMISSED

4. NEW APPEALS

4.1 The following appeals have been lodged with the Secretary of State following a decision by the local planning authority:

Application No:	ENF/11/00034
Sites:	Seth Court, Parmiter Industrial Centre, Parmiter Street, London
Development	Erection of a five storey building comprising 98 studio flats without the necessary planning permission
Council Decision	Instigate Enforcement Action (delegated decision)
Start Date	10 October 2011
Appeal Method	HEARING

4.2 The Council had previously granted planning permission in June 2008 for the demolition of the former industrial buildings and the redevelopment of the site consisting of 4 blocks providing 106 studio apartments, 1,969 sq metres of student accommodation, 2,629 sq metres of commercial floorspace and an 80 sq metres café. Seth Court (known at the time as Block D) was approved as commercial at 1st and 2nd floors with student accommodation on the 3rd, 4th and 5th floors. The first and second floors are being used as 44 residential studio units (instead of commercial floorspace) and the 3rd, 4th and 5th floors are being used as 54x1 bedroom self contained units available for rent to private tenants. There are a number of conditions attached to the initial planning permission that have not been complied with.

4.3 The planning enforcement notice requires the permanent cessation of the use of the building as residential flats, the removal of the building from the land and the removal of all debris and materials from the land and making good.

4.4 The developer has appealed on the grounds that the requirements specified in the notice are excessive and the times given to comply with the notice (between 4 months and 12 months depending upon the notice requirements) are too short. It is possible that a further application for planning permission may be received in the future for an alternative form of development.

Application No:	ENF/09/00507
Site:	572-574 Roman Road E3 5ES
Development:	Installation of a unauthorised shop front
Council Decision:	Instigate Enforcement Action (delegated decision)
Start Date	5 October 2011
Appeal Method	WRITTEN REPRESENTATIONS

- 4.5 The Council previously refused planning permission for a replacement shop front (to the Iceland Store in Roman Road). This refusal of planning permission was appealed some time ago and the Council was successful in its defence that the shop front design was inappropriate, failing to preserve or enhance the character and appearance of the conservation area.
- 4.6 The subsequent enforcement notice required the removal of the shop front and perforated roller shutter and the re-instatement of the traditional art deco shop front. The notice also required the removal of the unauthorised air conditioning units. The developer has appealed the enforcement notice on the grounds that the requirements specified in the notice are excessive and the time given to comply with the notice (6 months) is too short a period.

Application No: PA/11/01439
Site: 77 Chambard Street E2 7NJ
Development: Extension of property to provide an additional floor to the existing two storey property
Council Decision: Refuse (delegated decision)
Start Date 24 October 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.7 This planning application was refused on grounds of design, failing to accord with the uniform roof scape, local character and local distinctiveness.

Application No: PA/11/00490
Site: 5 Mile End Road E1 4TP.
Development: Change of use from A1 to A5 (hot food takeaway) use with the installation of rear ducting
Council Decision: Refuse (delegated decision)
Start Date 26 October 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.8 This application was refused on grounds of loss of local shopping facilities and the over-concentration of A3-A5 uses in the immediate vicinity.

Application No: PA/11/01376
Site: 477, The Highway E1W 3HY
Development: Display of an internally illuminated 48 sheet advertisement hoarding
Council Decision: Refuse (delegated decision)
Start Date 14 October 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.9 Advertisement consent was refused on grounds of visual impact, with the advert being over dominant, introducing a discordant feature into the street scene and leading to visual clutter.

Application No: PA/10/02666
Site: Claremont Court, 272 Cambridge Heath Road E2 9DA
Development: Erection of two four storey buildings providing space for 9 residential apartments (6x1 bed, 2x3 bed and 1x2

Council Decision: *bed)*
Start Date *Refuse (delegated decision)*
Appeal Method *4 October 2011*
WRITTEN REPRESENTATIONS (although officers have requested a HEARING)

- 4.10 The planning policy issues associated with this case involve the failure to deliver affordable housing (with some questions over incremental delivery) and the failure to maximise the development potential of the site and, in doing so, the failure to deliver further affordable housing capacity.
- 4.11 This will be an interesting appeal – and will help determine approaches in respect of affordable housing delivery where development is progressed on a more piecemeal basis.

Application No: *PA/11/01038*
Site: *71 Columbia Road E2 7RG*
Development: *Removal of two timber framed sash windows and the replacement with two folding doors.*

Council Decision: *Refuse (delegated decision)*
Start Date *3 October 2011*
Appeal Method *WRITTEN REPRESENTATIONS*

- 4.12 Planning permission was refused on grounds of failing to preserve or enhance the character and appearance of the conservation area and concerns over highway safety with increased pedestrian congestion in the vicinity of the property.