

Committee: Development	Date: 10 January 2012	Classification: Unrestricted	Agenda Item Number: 8.1
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Report of: Director of Development and Renewal Case Officer: Pete Smith	Title: Planning Appeals
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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/11/00641
Site:	88 Waterman Way, London, E1W 2QW
Development:	Erection of a side and rear extension along with excavation of a new basement.
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.2 The main issues in this case were as follows:

- The impact of the development on the character and appearance of the

- area;
 - The impact of the development on the living conditions of the appeal property with regard to the provision of amenity space;
 - The impact of the development on the living conditions of 87 Waterman Way.
- 3.3 The appeal property is an end of terrace 2 storey dwelling and occupies a reasonably prominent position along the approach into Waterman Way. The planning inspector noted a clear and consistent rhythm of the street scene at this point. Whilst he acknowledged that the proposed extensions would utilise similar materials and architectural details, the Planning inspector was concerned that the proposed extensions would appear overly dominant and would have significantly altered the form and appearance of the original dwelling. He concluded that the existing symmetry would have been disrupted and would have failed to respect the local context.
- 3.3 Whilst the Planning Inspector was also concerned about the level of residual amenity space (30sq metres) which he concluded was not adequate for the resulting 4 bedroom dwelling, he was satisfied with the impact of the extension on the immediate neighbour. Whilst he accepted that there would have been some loss of daylight, he did not feel that it would have been so significant as to warrant a refusal of planning permission on that ground.
- 3.4 The appeal was DISMISSED.

Application No:	PA/11/01439
Site:	77 Chambord Street, London E2 7NJ
Site:	Erection of a second floor roof extension (mansard roof).
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.5 This application proposed a second floor roof extension. And the main planning issue was the impact of the proposed development on the character and appearance of the area
- 3.6 The appeal property is a 1980s two storey dwelling, positioned within a staggered terrace of six properties. Despite the variety of neighbouring properties, the Planning Inspector concluded that there was a strong degree of continuity to the horizontal lines of various building groups. He considered that the mansard style of roof extension would have broken through the otherwise consistent ridge line to the terrace in a form that would have been unrelated to the dwelling itself. He concluded that the proposed extension would have appeared incongruous and significantly disruptive to the pattern and reasonably harmonious form of the surrounding development.
- 3.7 The appeal was DISMISSED.

Application No:	PA/11/01494
Site:	605 Commercial Road, London E14 7NT
Development:	Display of an internally illuminated poster display unit.
Decision:	REFUSE (delegated decision)

Appeal Method: WRITTEN REPRESENTATIONS
Inspector's Decision DISMISSED

3.8 This appeal related to the continued display of a 48 sheet hoarding – albeit an internally illuminated advertisement display. The main issue in this case was the effect of the continued display on the amenities of the surrounding area.

3.9 The advertisement is currently being displayed on the wooden structure against the flank wall of 605 Commercial Road. The property lies within the York Square Conservation Area. The Planning Inspector shared the Council's view that the advertisement is out of scale, overly dominant and out of scale with the host building. He concluded that it failed to preserve or enhance the character and appearance of the conservation area

3.10 The appeal was DISMISSED.

Application No: ENF/10/00030
Site: 79 Commercial Street, London E1 6BD
Development: Appeal against service of a Discontinuance Notice in respect of a 48 sheet hoarding.
Council Decision: ISSUE NOTICE (delegated decision)
Appeal Method: WRITTEN REPRESENTATIONS
Inspector's Decision DISMISSED

3.11 The main issue in this case was whether the continued display of the advertisement would have been substantially injurious to amenity. The test in relation to discontinuance action is whether there is substantial injury. The Planning Inspector shared the Council's concern a regards the harmful visual impact. He considered the advertisement to be most obtrusive and visually harmful. He was particularly concerned that the advertisement cut across the window sills to the 2nd floor window and the arched frame art first floor level. He concluded that the advertisement failed to preserve or enhance character and appearance of the Wentworth Street Conservation Area.

3.12 He felt that the only thing that would resolve the issue was to remove the hoarding.

3.13. The appeal was DISMISSED and the Discontinuance Notice re-instated.

Application No: PA/11/01890
Site: 24 Marshfield Street, London E14 3HQ
Development: Erection of a single storey rear extension
Decision: REFUSE (delegated decision)
Appeal Method: WRITTEN REPRESENTATIONS
Inspector's Decision DISMISSED

3.14 This appeal related to a retrospective application for planning permission for a single storey rear extension. The main issues involved the impact of the development on the character of the area and the living conditions of the neighbouring property (23 Marshfield Street) in terms of daylight and visual impact.

- 3.15 The appeal premises is a three storey end of terrace property and the rear extension extends the full width of the property with a shallow mono-pitched. Whilst the Planning Inspector was generally content with the elevational treatment and design of the extension, he was concerned with the overall depth of the extension and its proximity to the boundary with 23 Marshfield Street which he considered to be overly dominant, creating an unacceptable sense of enclosure. Furthermore, whilst he felt that the loss of light was only slight, he concluded that this further added to his concerns over the un-neighbourly impact of the single storey rear extension.
- 3.16 The appeal was DISMISSED. The Council's planning enforcement team are now in the process of seeking to instigate enforcement action against the unauthorised structure.

Application No:	PA/11/01409
Site:	Former St Andrews Hospital site – Block D – Devas Street, London, E3 3NT
Development:	Display of 2 shroud hoardings (30mx15m) with external lighting for a period of 24 months.
Council Decision:	REFUSE (Delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.17 This advertisement relates to the Barratts redevelopment of St Andrews Hospital. The main issue in this case was the impact of the two advertisements, displayed on the two PVC scaffold shrouds, on the visual amenities of the area. The Planning Inspector considered that insufficient consideration had been afforded to the positioning of the shrouds and he was concerned that they will be perceived as massive and unattractive billboards, inappropriately positioned on the face of scaffolding. He was even more concerned about the form of illumination and the effect of the illumination of the residential amenities of neighbouring occupiers.

- 3.18 The appeal was DISMISSED.

Application No:	PA/11/00879/00878
Site:	27A Mile End Road, E1 4TP
Development:	Applications for planning permission and listed building consent for the erection of a first and second floor rear extension and alterations to provide 5x1 bed flats and 2x2 bed flats and use of the ground floor for retail, professional services, restaurant or business use.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED (partial award of costs against the Council)

- 3.19 The main issues in this case were as follows:

- The impact of the proposed extensions on the appearance of the listed

- building and the character and appearance of the wider conservation area;
 - Whether the proposed development would result in an over-concentration of restaurants, bars and take-aways in the locality and its effects upon the health of local people;
 - The effects of the development on the living conditions of nearby residents.
- 3.20 The Planning Inspector referred to a previous planning permission and listed building consent for a very similar form of development and he was satisfied that the extensions proposed would not harm the historic value of the listed building. He was also satisfied with the proposed flue arrangements, especially as it was proposed to be clad in matching brickwork.
- 3.21 As regards the issue of over-concentration of restaurants and the encouragement of healthy eating strategies, the Planning Inspector was not persuaded that the creation of a restaurant would unbalance the mix of uses within the street or lead to an over-concentration of restaurants such that harm would result in terms of the mix of uses in the vicinity. Furthermore, he considered that there was no substantive evidence to support the Council's concern that the appeal scheme would affect the ability of local people to adopt healthy lifestyles.
- 3.22 The Planning Inspector noted that most activity associated with the ground floor uses would taken place onto Mile End Road and he was satisfied that with the imposition of hours of use conditions, there will be limited scope for disturbance in the locality. He was also satisfied that with the imposition of appropriate conditions, the proposed ventilation system should not materially harm the amenities of neighbouring residents.
- 3.23 The appeal was ALLOWED.
- 3.24 As regards the costs application, the Planning Inspector concluded that the Council raised no substantive evidence to demonstrate why the proposed restaurant should have an adverse impact upon local people, particularly in terms of their ability to adopt healthy lifestyles. He felt that the council had acted unreasonably in this regard. However, in awarding a partial award of costs, the Planning inspector noted that the appellant only addressed the Council's concerns briefly and that this was not an unduly onerous task. It is therefore likely that the cost awarded against the Council will be very limited.

Application No:	ENF/11/00010
Site:	27-29 Westferry Road, London E14 8JH
Development:	Appeal against an enforcement notice in respect of the use of the land as a motor vehicle park
Council Decision:	INSTIGATE ENFORCEMENT ACTION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED AND ENFORCMENT NOTICE UPHELD

- 3.25 The main issue in this case was the effect of the unauthorised use on the free flow of traffic and highway safety and on the living conditions of neighbouring residents. The site was being used for the parking of coaches without the necessary planning permission.

- 3.26 The Planning Inspector noted that there was insufficient space for the coaches to turn on site and the vehicles would be required to reverse either onto or off the highway. He also noted that the site had no formal access onto the highway in the form of a dropped kerb.
- 3.27 Whilst he acknowledged that the number of vehicle movements would not be substantial, he agreed with the Council that these movements would disrupt the free flow of traffic and would not be in the interest of highway and pedestrian safety. The Inspector was less concerned about the amenity impacts of the use – as the use of the site could be satisfactorily controlled through the use of conditions. However, it was clear that the use was unacceptable from a highway safety point of view.
- 3.28 The appeal was DISMISSED and the Enforcement Notice UPHELD.

4. NEW APPEALS

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

<i>Application Nos:</i>	<i>PA/11/02645</i>
<i>Sites:</i>	<i>83-89 Mile End Road London E1 4JU</i>
<i>Development:</i>	<i>Display of a illuminated fascia sign and projecting box sign.</i>
<i>Council Decision:</i>	<i>Refuse (delegated decision)</i>
<i>Start Dates</i>	<i>7 December 2011</i>
<i>Appeal Method</i>	<i>WRITTEN REPRESENTATIONS</i>

- 4.2 This application was refused on grounds that the proposed adverts were out of scale with other advertisements found within the terrace and failed to preserve or enhance the character and appearance of the Stepney Green Conservation Area.

<i>Application No:</i>	<i>PA/11/02736</i>
<i>Sites:</i>	<i>land bounded by Commercial Road, Braham Street, Whitechapel High Street, Colchester Street and Leman Street, London, E1</i>
<i>Development:</i>	<i>Retention of six poster panel advertisement hoardings for a 24 month period.</i>
	<i>1. Standard 96 Sheet (12m by 3m) located on Commercial Road elevation.</i>
	<i>2. Standard portrait size (7.5m by 5m) located on Commercial Road elevation.</i>
	<i>3. Standard 96 Sheet (12m by 3m) located on corner of Commercial Road and Whitechapel High Street elevation.</i>
	<i>4. Standard 96 Sheet (12m by 3m) located on Whitechapel High Street elevation.</i>

**5. Standard 48 Sheet (6.3m by 3.3m)
located on Whitechapel High Street
elevation.**

**6. Standard portrait size (7.5m by 5m)
located on Lemn Street elevation.**

Refuse (delegated decision)

7 December 2011

WRITTEN REPRESENTATIONS

Council Decision:

Start Date

Appeal Method

- 4.3 Advertisement consent was refused on grounds of overall, advertisement clutter and the over-dominant and visually obtrusive nature of the advertisements, failing to preserve or enhance the character of the Whitechapel High Street Conservation Area.

Application No:

PA/11/00953

Site:

**17 Bethnal Green Road London E1
6LA**

Development:

**Change of Use from bed and
breakfast accommodation to 3x2 bed
flats with external alterations**

Council Decision:

Refuse (delegated decision)

Start Date

7 December 2011

Appeal Method

WRITTEN REPRESENTATION

- 4.4 In this case, officers were concerned about the loss of historic features, which would have been to the detriment of the character and appearance of the property and the Redchurch Street Conservation Area.

Application No:

PA/11/01710

Site:

**Western corner of Commercial Road
and Butchers Row, E1**

Development:

**Removal of existing hoardings and
replacement with the installation of 1
large scrolling internally illuminated
LED display panel measuring 10m x
5m (facing Commercial Road) only.**

Council Decision:

Refuse (delegated decision)

Start Date

6 December 2011

Appeal Method

WRITTEN REPRESENTATIONS

- 4.5 Whilst advertisement consent was granted in this particular instance, it was for a purely limited period and the appeal relates to the temporary nature of the advertisement display.