

Committee: Development	Date: 10 May 2012	Classification: Unrestricted	Agenda Item Number: 8.2
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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:

Site:

Development:

PA/11/00953

17 Bethnal Green Road E1 6LA

Change of use of the upper two floors from bed and breakfast accommodation to create a 3x2 bed flats above the existing ground floor restaurant along with external alterations including removal of existing stonework and replacement windows and the erection of a new handrail

Decision:

REFUSE (delegated decision)

Appeal Method:
Inspector's Decision

WRITTEN REPRESENTATIONS
DISMISSED

- 3.2 The main issue in this case was the impact of the proposed external alterations on the character and appearance of the Redchurch Street Conservation Area. The Planning Inspector was particularly concerned about the loss of the pedimented gable window, which he considered to be an attractive, interesting and prominent architectural feature. He concluded that the removal of this feature and its replacement with two simple rectangular dormer windows would have significantly reduced the architectural interest of the front elevation.
- 3.3 The appeal was DISMISSED.

Application No:
Site:

PA/10/02666
Claremont Court, 272 Cambridge Heath Road, London E2 9DA

Development:

Creation of 9 residential units (6x1 bed, 2x3 bed and 1x2 bed) split over two blocks

Council Decision:

REFUSE (delegated decision)

Appeal Method:

HEARING

Inspector's Decision

ALLOWED

- 3.5 The main issues in this case were as follows:
1. Whether the appeal proposal could be interpreted as a further phase of development thereby triggering an affordable housing requirement (as collectively, the scheme would have exceeded the 10 unit threshold)
 2. Whether the scheme failed to maximise the potential development opportunity of the wider site – and in so doing, prejudicing the ability to secure affordable housing as part of the development
- 3.6 On the first issue, the Planning Inspector was satisfied that there was a reasonable period of time gap between the original development and the current proposal and found no policy basis to require affordable housing as part of this proposal – even though he found the Council's evidence as to the need for additional affordable housing to be powerful. He noted also that there was no policy which required additional development on the site to be aggregated with earlier development, thereby taking the number of units (as an aggregate) over the threshold.
- 3.7 As regards the second issue, the Inspector was far from convinced that any further development opportunities would come forward on the site – and was not satisfied that affordable housing would be able to be triggered in another way.
- 3.8 The appeal was ALLOWED. The Planning Inspector agreed with the Council that the proposed development would need to be the subject of a car free agreement
- 3.9 This is a disappointing, albeit important decision in terms of how one makes judgements on the degree of incremental development and the extent to which affordable housing policies can be applied in such circumstances

Application No:

PA/11/01929

Site:	61, 63, 65 and 67 Cahir Street, E14 3QR
Development:	Erection of three storey rear extensions, roof extensions and conversion of existing town houses to provide 4x2 bed and 4x3 flats
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.10 Planning permission had previously been granted for the three storey rear extensions. The difference between the current appeal proposal and the previous planning permission involved the conversion of the four town houses into 8 flats. The Council successfully defended a previous refusal of planning permission to convert the extended properties into 2 bed flats. The main issues in this case were as follows:

1. The supply of family accommodation and whether suitable living conditions would be provided for future occupiers in terms of outdoor private amenity space.

3.11 Whether extended or not, the Planning inspector concluded that the four houses make an important contribution to the stock of family housing in the area and he was not at all satisfied that a number of the units would not have access to private amenity space – even though public open space is available nearby. He concluded that this would not replace the need for private outdoor space.

3.12 Although the three bed units would have met internal space standards, the Inspector was concerned that these upper floor flats would not have access to private amenity space and no provision would be made for children's play space and he made strong reference to development plan policy which focusses on the need for family housing with private amenity space and the need to avoid the conversion of houses to flats

3.13 The appeal was DISMISSED.

3.14 This is a worthwhile decision and should hopefully ensure that the original consent be implemented in full and the properties used as single family dwelling houses.

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:	PA/11/03814
Sites:	A12 East Cross Route, Wick Road Bridge underpass, London
Development	Proposed advertisement consent for Digital LED Landscape Display Unit located on Wick Lane Bridge measuring 18 metres x 4 metres.
Council Decision	Refuse (delegated decision)
Start Date	19 April 2012

Appeal Method

WRITTEN REPRESENTATION

- 4.2 The Council refused advertisement consent on grounds of visual amenity and highway safety grounds.

Application No:

PA/11/02653

Sites:

43 Thomas Road, London, E14 7BE

Development:

Retrospective application for the subdivision of the premises and change of use from restaurant and café (Use Class A3) to restaurant and café (Use Class A3) and hot food takeaway (Use Class A5) and installation of extraction system.

Council Decision:

Refuse (delegated decision)

Start Date

16 March 2012

Appeal Method

WRITTEN REPRESENTATIONS

- 4.3 Planning permission was refused in this case on grounds of the impact of the hot food take-away element, contrary to the amenities of neighbouring residential occupiers.

Application No:

PA/11/03710

Site:

Heckford House, Grundy Street, London

Development:

The erection of 2 two storey, two bed residential units and associated landscaping to the rear of Heckford House.

Council Decision:

Refuse (delegated decision)

Start Date

12 March 2012

Appeal Method

WRITTEN REPRESENTATIONS

- 4.4 This appeal has been made against the Council's failure to determine the application within the statutory period.

Application No:

PA/11/03593

Site:

52 Twelvetrees Crescent, London, E3

Development:

Demolition of existing property and erection of a wheelchair accessible 5 bedroom house.

Council Decision:

Refuse (delegated decision)

Start Date

21 April 2012

Appeal Method

WRITTEN REPRESENTATIONS

- 4.5 Planning permission was refused on design grounds (scale, mass and bulk) with inadequate information submitted to enable proper assessment of the proposed development and also on grounds of a poor relationship to the school site to the south.