

Committee: Development	Date: 12 September 2012	Classification: Unrestricted	Agenda Item Number:
----------------------------------	--------------------------------------	--	----------------------------

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/11/03912
Site:	pavement at the corner of Whitechapel High Street and Commercial Road.
Proposed Development	Display of a double sided digital portrait advertisement display unit.
Decision:	REFUSE ADVERTISEMENT CONSENT (delegated decision)
Appeal Method:	HEARING
Inspector's Decision	DISMISSED

- 3.2 The main issues in the case were the effect of the advertisement on the visual amenities of the area including the effect on the character and appearance of the adjacent conservation area and the setting of listed buildings.
- 3.3 The Inspector noted that the site occupies a prominent location at a busy junction on a main arterial road, close to the exit of Aldgate East Underground station. He made specific reference to the quality of the adjacent conservation area and the high levels of architectural detailing (the Whitechapel Art Gallery in particular). He was concerned that the signs would be overwhelming for pedestrians and whilst he accepted that there is an opportunity to use the sign part of the time for public information purposes, his overall conclusion was that the sign would have unacceptably harmed the visual amenities of the area, especially the adjacent conservation area and the setting of nearby listed buildings.
- 3.4 The appeal was DISMISSED.

Application No:	PA/11/02156
Site:	1 Whites Row E1 7NF
Site:	Erection of a fourth floor extension to provide a 3 bedroom penthouse apartment to previously approved mixed use conversion.
Council Decision:	REFUSE PLANNING PERMISSION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.5 The main issues in respect of this case involved the effect of the proposal on the character and appearance of the conservation area and the living conditions of future occupiers in terms of the efficiency of the internal layout.
- 3.6 The Inspector noted that the appeal premises comprise a relatively modern four storey brick built property, located within the Artillery Passage Conservation Area. He made specific reference to that character as being relatively fine grained with consistency of height and scale which encloses narrow streets. He was concerned about the principle of an additional storey which would have resulted in a building which would have been noticeably higher than its neighbours. He concluded that there would have been an uncomfortable transition at roof level between the appeal site and adjacent buildings in Whites Row. He was also concerned about the appearance of a proposed lift shaft which would have represented considerable bulk at roof level and concluded that the proposed development would have failed to preserve the character and appearance of the conservation area.
- 3.7 He was less concerned about the unit sizes and whilst he acknowledged the benefits of the development, in terms of the provision of additional residential units, he did not feel that these outweighed the harm caused to conservation area character.
- 3.8 The appeal was DISMISSED.

Application No:	ENF/09/00450
Site:	127-129 Roman Road E2 0QN
Development:	Erection of an outbuilding at the rear

Decision:	of the property. INSITIGATE ENFORCMENT ACTION (delegated decision)
Appeal Method: Inspector's Decision	WRITTEN REPRESENTATIONS DISMISSED AND ENFORCMENT NOTICE UPHELD

3.9 The main issue in this case was the impact of the building on the character and appearance of the Globe Road Conservation Area and as Members may recall, there was a previous appeal against the refusal of restrictive planning permission to retain the outbuilding. The Planning Inspector was in full agreement with the previous Inspectors conclusions in terms of the harm being caused by the outbuilding, in terms of the visual amenities of the area and the harm being caused to conservation area character.

3.10 The appeal was DISMISSED and the Enforcement Notice UPHELD.

Application No:	ENF/11/00170
Site:	115A -117 Roman Road E2 0QN
Development:	change of use of the ground floor from a restaurant to a hotel, the installation of upvc windows and the erection of first second and third floor level, the erection of 2rd and 3rd floor extensions at 115A Roman Road with associated balconies and railings
Council Decision:	INSTIGATE ENFORCMENT PROCEEDINGS (delegated decision)
Appeal Method: Inspector's Decision	WRITTEN REPRESENTATIONS DISMISSED

3.11 The two grounds of appeal were that that the Council went beyond what is necessary to remedy the breaches of planning control and that more time should be allowed to require compliance with the breach.

3.12 On the first issues, as the appellant had accepted that the matters referred to in the enforcement notice were breaches and that no appeal had been made that planning permission should be granted for the works, the Planning Inspector concluded that the steps required to remedy the breach were reasonable and proportionate.

3.13 On the second issue, the Planning Inspector considered that a period of 6 months to comply with the Notice was reasonable.

3.14 The appeal was DISMISSED and the enforcement 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:

Application Nos:	PA/12/01612
Sites:	22 Fournier Street, E1
Development	Retention of existing first floor roof terraces.

Council Decision
Start Dates
Appeal Method

REFUSE (delegated decision)
14 August 2012
WRITTEN REPRESENTATION

- 4.2 The Development Committee had previously granted planning permission for a roof terrace in respect of the above property but unfortunately the occupier did not carry out the works in accordance with approved drawings. This retrospective planning application was refused by officers under delegated powers on grounds of impact on neighbouring occupiers in respect of overlooking and the potential for unacceptable noise and disturbance.

Application No:
Sites:

PA/11/03312
Part of Unit CG-001 Ground Floor Block C Truman's Brewery, 91 Brick Lane E1
Change of use of event space to restaurant with outdoor seating

Development:

Council Decision:
Start Date
Appeal Method

Refuse (delegated decision)
10 August 2012
WRITTEN REPRESENTATIONS

- 4.3 The reason for refusal in this case involved the over-concentration of late night uses in and around Brick Lane and the cumulative impact of such uses on the amenities of neighbouring residential occupiers.