

Committee: Development	Date: 10 October 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/11/03710
Site:	Land to the rear of Heckford House, Grundy Street E14 6AE.
Proposed Development	Erection of 2x2 storey, two bed residential units with associated landscaping along with minor alterations to two of the existing openings to Heckford House.
Decision:	APPEAL AGAINST NON-DETERMINATION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.2 This proposed development followed on from a previous refusal of planning permission and subsequent appeal (Dismissed) in respect of extensions to Heckford House to provide additional residential. Instead of electing to extend the building, the appeal proposal was to propose a free standing residential building within the grounds of Heckford House, which comprises a currently overgrown garden (adjoining a playground which forms a network of public spaces within the post war housing estate). The main issue in the case was whether the proposed development would preserve or enhance the character of the Lansbury Conservation Area.
- 3.3 The Planning Inspector noted that the design of Heckford House was somewhat different from the more planned post war estate within which it is located. However, he was concerned that whilst the proposed building would have appeared subservient to surrounding buildings (especially as it was proposed to be sunken into the ground) he did not feel that the building would have sat comfortably within the open space and between the surrounding buildings. He concluded that the development would have appeared cramped within the relatively small garden space and would have been at odds with the relatively uniform layout and planned pattern of buildings surrounding it. He was not satisfied that the development would have preserved the character of the Lansbury Conservation Area.
- 3.4 The appeal was DISMISSED.

Application No:	PA/11/02653
Site:	43 Thomas Road E14 7BE
Site:	Subdivision of the existing premises and change of use from restaurant and café to café and a hot food takeaway use (along with the installation of rear kitchen extract
Decision:	REFUSE PLANNING PERMISSION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.5 This appeal relates to works that have already taken place along with the commencement of the hot food take-away use. The main issue in this case is the impact of the use of the living conditions of neighbouring residential occupiers.
- 3.6 The property is located on the corner of Thomas Road and Burgess Street and the immediate properties to the site are in residential use with modern industrial and warehouse uses opposite.
- 3.7 The Planning Inspector was concerned about the principle of the hot food take-away use, especially the evening operation of the use and the general expectation that residents should expect a reduction in activity into the evening he was concerned that the hot food take-away use causes unacceptable noise disturbance during the evening hours (unlike the former café uses which tended to close around 2pm every day). He concluded that the hot food take-away use was harmful to the amenities of neighbours. The matter has now been referred back to the Council's Planning Enforcement Team, in order to commence enforcement proceedings.

3.8 The appeal was DISMISSED.

Application No:	PA/11/03488
Site:	548 Roman Road E3 5ES
Development:	Erection of a single storey rear extension and the installation of an air conditioning unit.
Decision:	REFUSE PLANNING PERMISSION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.9 The main issues in this case were the impact of the development on the character and appearance of the Roman Road Market Conservation Area and the effect of the development on the living conditions of adjoining residential occupiers. This retrospective application sought to regularise a breach of planning control.

3.10 The single storey rear extension is sited in the rear yard of the building which has a gated access off Ewart Place. The Inspector concluded that whilst the extension (which resembles a large timber shed) links well with the existing café, he was concerned that the extension appears as an incongruous addition and does not complement the design of the existing building. He concluded that the development failed to reflect the particular character and distinctiveness of the locality and failed to preserve the character and appearance of the conservation area.

3.10 The Planning Inspector was less concerned about the impact of the café extension on the amenities of neighbours, bearing in mind that the development is located within a commercial centre. He felt that the extension could be appropriately insulated to limit noise break-out. However, he felt that the design of the extension was in conflict with development plan policies.

3.11 The appeal was DISMISSED and the case has now been referred back to Planning Enforcement to further progress planning enforcement proceedings.

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/11/03312
Sites:	Part of Unit cG-001, Block C, Trumans Brewery, 91 Brick Lane E1
Development	Change of Use of part of unit from events space to restaurant with external seating area to the south and west.
Council Decision	REFUSE (Development Committee)
Start Date	30 August 2012
Appeal Method	WRITTEN REPRESENTATION

4.2 The Development Committee refused planning permission on grounds of the over-concentration of night-time uses in and around Brick Lane and the detrimental impact of further restaurant activity of the amenities of neighbouring residential occupiers and the area in general.

Application No: PA/12/00234
Sites: 5 Tarling Street, London E1 2PU
Development Change of use of retail units to restaurant and take-away and the installation of a electrostatic extractor system.
Council Decision APPEAL AGAINST NON DETERMINATION
Start Date 18 September (appeal received)
Appeal Method WRITTEN REPRESENTATION

Application No: PA/12/00460
Sites: 10 Heneage Street, E1 5LJ
Development Retrospective application for display of shop sign comprising fascia and projecting box sign with frosted writing on shopfront glazing
Council Decision REFUSAL OF ADVERTISEMENT CONSENT (delegated decision)
Start Date 31 August 2012
Appeal Method WRITTEN REPRESENTATION

- 4.3 This application was refused on grounds of the detrimental impact of the signs on the visual amenities of the area and the character and appearance of the Brick Lane/Fournier Street Conservation Area.

Application No: PA/12/00696
Sites: 56 Hutchings Wharf, 1 Hutchings Street E14 8JY
Development Application for a Certificate of Lawful Development in respect of an existing storage container for bicycles, sited in an existing car parking space.
Council Decision REFUSAL (delegated decision)
Start Date 31 August 2012
Appeal Method WRITTEN REPRESENTATION

- 4.3 The Certificate was not issued and the original planning permission for the development imposed conditions requiring the retention of car parking spaces as approved.

Application No: PA/12/01042
Sites: 31 Fairfield Road, London E3 2QA
Development Erection of a first floor rear extension with replacement windows to front elevation (with uPVC windows).
Council Decision REFUSAL (delegated decision)
Start Date 14 September 2012 (appeal received)
Appeal Method WRITTEN REPRESENTATION

- 4.4 This application was refused on grounds that the extension would be an over-bulky and incongruous addition to the locally listed building with the proposed replacement windows failing to preserve the character and appearance of the Fairfield Road Conservation Area. Officers were also concerned about the impact of the extension in terms of the amenities of neighbouring occupiers.

Application Number PA/12/01161
Sites: James Hammett House, Ravenscroft Street, London E2
Development Installation of 6 antennae and installation of roof top equipment cabinet and ancillary apparatus.
Council Decision REFUSAL (delegated decision)
Start Date 14 September 2012 (appeal received)
Appeal Method WRITTEN REPRESENTATION

- 4.5 The planning permission was refused on grounds that the telecommunications apparatus would have been detrimental to the visual amenities of the building, the Dorset Estate and the Hackney Road Conservation Area.

Application Number PA/12/01208
Sites: 127 Leman Street, London E1 8EY
Development Change of use from A2 use to restaurant with the installation of extract ducting to the rear
Council Decision REFUSAL (delegated decision)
Start Date 9 September 2012 (appeal received)
Appeal Method WRITTEN REPRESENTATION

- 4.6 Officers were concerned in this case about the over-concentration of restaurants in the vicinity and the inadequacy of the proposed extract duct system, with lack of details to properly mitigate potential smell and noise nuisance to accommodate refuse storage and collection arrangements.

Application Number PA/12/01677
Sites: 78 Virginia Road E2 7NQ
Development: Erection of a three storey extension to front of the existing dwelling house
Council Decision REFUSAL (delegated decision)
Start Date 12 September 2012
Appeal Method WRITTEN REPRESENTATION

- 4.7 Officers were concerned about the scale, mass and location of the proposed extension, failing to respect the predominant staggered front building line, thereby detracting from the visual characteristics of the building and the immediate locality.

Application Number PA/12/0778
Sites: 52 Cannon Street Road E1 0BH
Development: Certificate of Lawful Development in respect of continued use of basement and ground floor as residential (form the previous retail use) in connection with the existing three storey dwelling
Council Decision REFUSAL (delegated decision)
Start Date 12 September 2012
Appeal Method WRITTEN REPRESENTATION

- 4.8 Officers did not consider there had been sufficient evidence submitted to prove, in terms of balance and probability that the ground and basement had been in continuous use for in excess of four years.

Application Number ENF/12/00054
Sites: 80 Brick Lane, E1
Development: Unauthorised shop front
Council Decision INSTIGATE ENFORCEMENT ACTION
(delegated decision)
Start Date 12 September 2012
Appeal Method WRITTEN REPRESENTATION

- 4.9 In this case, officers were concerned about the design and appearance of the shop front which fails to preserve the character and appearance of the conservation area and the host building.

Application Number PA/12/00023
Sites: Ability Place, 37 Millharbour E1
Development: Two storey extension at 13th floor level to provide seven duplex apartments (1 x 1 bed, 4 x 2 bed and 2 x 3 bed) and replacement private amenity space at roof level (16th floor).
Council Decision REFUSE PLANNING PERMISSION
(Development Committee Decision)
Start Date 20 September (appeal received)
Appeal Method WRITTEN REPRESENTATION

- 4.10 As Members will recall, this was refused planning permission on grounds of overdevelopment and the impact of the development on the provision of on-site amenity space.