

Committee: Development	Date: 10 th March 2011	Classification: Unrestricted	Agenda Item Number:
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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 appeals 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/10/01705
Site:	580-586 Roman Road, E3 5ES
Development:	Display of internally illuminated fascia signs and projecting box signs
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED

- 3.2 The main issue in this case was the effect of the advertisements on the character and appearance of the Roman Road Market Conservation Area.

3.3 The Inspector commented that advertisement displays were numerous and well established in the Roman Road streetscene and that the projecting sign was not overly large compared to other examples. Whilst he recognised that the fascia sign was more prominent, he was satisfied that the sign did not obscure or cut across any important architectural feature and was not unduly prominent, considering the other signs also displayed at first floor level. He also noted that the form of illumination was restricted to individual lettering which was consistent with the general standards of the area.

3.4 The appeal was ALLOWED and advertisement consent granted.

Application No:	PA/10/01704
Site:	580-586 Roman Road, E3 5ES
Development:	Installation of shop front
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED

3.5 The main issue in this case was the impact of the proposed shop front on the character and appearance of the conservation area.

3.6 The Council's issue in respect of the proposal related to the desire to have greater vertical emphasis of the shop front, through the introduction of a pilaster details. However, the Inspector noted many wide shop fronts with limited subdivision. It was considered that the design of the shop front was consistent with the general standards.

3.7 The Council also refused planning permission on grounds of inappropriate shop front security shutters (which created dead space across the frontage outside normal trading hours). However, the Inspector noted that there were many similar security shutters in the vicinity and that the proposed shutters were not of the "solid" type and comprised metal mesh (integrated into the shop front) which avoided the need for a projecting shutter box housing. The Inspector therefore concluded that the development preserved the character and appearance of the conservation area.

3.8 The Inspector referred to alternative approved designs, but he felt that they had little bearing on his decision, since each proposal must be considered on its merits.

3.9 The appeal was ALLOWED

3.10 This is a disappointing outcome, as the Council has been promoting shop front improvements in Roman Road, in order to enhance the viability and vitality of the shopping/market area and the conservation area. Shop front improvements have received grant assistance and this decision does not suitably recognised the efforts the Council is making in terms of seeking improvements in shop fronts.

Application No:	PA/10/00320
Site:	10 Hanbury Street, E1 6QR
Development:	Installation of new shop
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.11 The main issue in this case was the impact of the proposed shop front on the character and appearance of the Brick Lane/Fournier Street conservation area.
- 3.12 The Planning Inspector recognised that traditionally designed shop fronts were a significant element of conservation area character. The appeal premise is located on a prominent corner and is clearly visible at the junction of Lamb Street and Commercial Street and he concluded that the shop front neither preserved nor enhanced the character and appearance of the conservation area.
- 3.13 The appeal was DISMISSED
- 3.14 This appeal sought to retain an unauthorised shop front that remains in place. Planning enforcement will now be seeking to take action to ensure the installation of a more suitable replacement.

Application No:	PA/10/00464
Site:	616 Roman Road, E3 2RW
Development:	Alterations and extensions to form a retail unit, a studio flat and a 1x3 bedroom (five person) flat.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.15 The main issues with this appeal were as follows:
- The effect on the vitality and viability of the Roman Road market shopping centre;
 - Whether the development would preserve or enhance the character and appearance of the conservation area;
 - The effect of the development on the living conditions of proposed and existing residential properties.
- 3.16 The appellant had proposed to reduce the size of the retail unit (to provide other uses at ground floor level). The Inspector as not convinced that a smaller unit would have been better suited to local market conditions and was concerned that the loss of retail space would have adversely affected the vitality and viability of the Roman Road shopping centre.
- 3.17 Most of the extensions/alterations proposed were to be to the rear part of the property and whilst they would not have been as visible, the Inspector was concerned about the design and form of the extensions which would not have harmonised with the traditional form and proportions of the original building. He was also concerned about the proposed window design, with the size, width and bulk of the new additional creating a cramped and confused composition.
- 3.18 The Inspector was less concerned about the size of the proposed accommodation. He concluded that many people would be willing to trade space for the convenience of living in a central location with immediate access to local shops and services.
- 3.19 The appeal was DISMISSED for reasons of loss of retail space and impact on

conservation area character.

Application No:	PA/09/02273
Site:	Regents Wharf, Wharf Place, London, E2
Development:	Erection of two dwellings
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.20 The main issues in this appeal were as follows:

- The impact of the development on the living conditions for the occupiers of Regents Wharf with regard to communal amenity space;
- The quality of living conditions for future occupiers of on of the proposed units in terms of outlook and light;
- Issues around vehicle parking and highway safety.

3.21 The scheme the subject of this appeal involved the formation of two additional units within the basement car park of Regents Wharf, which is a substantial 3 storey building in residential use, lying adjacent to the Regents Canal. On top of the basement area is a outdoor amenity area, the use of which is shared by residents of Regents Wharf. Adjacent to the canal is a smaller lower terrace that is also used for informal sitting out and barbecues and is accessed from the upper terrace and the basement car park by a short flight of steps. The lower terrace also forms part of a route from the basement car park to the entrances to Regents Wharf.

3.22 The Inspector noted that one of the proposed units would have required direct access off this lower terrace and he concluded that the proposed arrangement would have created an awkward relationship with the lower terrace area which could well have made people reluctant to gather together on the lower terrace bearing in mind the noise and disturbance that could have resulted from these activities. He concluded that the reluctance could have led to the loss of some, if not all of the lower terrace which would have been a significant reduction in its amenity value. However, he did not feel that the development would have resulted in a serious loss of privacy for existing Regents Wharf occupiers.

3.23 A bedroom in one of the proposed units would not have received natural light and whilst the Inspector acknowledged that the proposed unit (in view of its size) would have been unsuitable for family use, he concluded that the bedroom would have felt claustrophobic and uninviting. He considered the living conditions to be unsatisfactory.

3.24 The Inspector was less concerned about the loss of car parking within the basement car park, especially as the basement appeared to be underused.

3.25 Even though he considered the loss of car parking to be acceptable, he DISMISSED the appeal on grounds of loss of communal amenity space and poor living conditions for future residents

Application No:	PA/09/02719
Site:	2121 Hind Grove, E14
Development:	Conversions, extensions and

Council Decision:	alterations to property to form 2x1 bed flats and 3 studio flats
Appeal Method:	REFUSE (delegated decision)
Inspector's Decision	WRITTEN REPRESENTATIONS DISMISSED

3.26 The main issues with this appeal were as follows:

- The effect of the proposal on the appearance of the appeal premise, the streetscene and the Lansbury Conservation Area;
- The living conditions of future residents, especially in terms of the quality of internal accommodation and external amenity space;
- The contribution the development will make in terms of overall housing supply;
- The adequacy of bicycle provision.

3.27 The Inspector referred to the proposed second floor extension and the provision of residential accommodation in the roof space. He was concerned that the development would have raised the height of the building above that of the adjoining block, which would have introduced a much more dominant and discordant appearance. He concluded that the extension would have detracted significantly from the character and appearance of the conservation area. He noted that there were higher buildings in the vicinity but noted that these were located outside the conservation area.

3.28 With the additional flats proposed and with limited amenity space available, the Inspector was concerned about the lack of useable amenity space for future residential occupiers and he was critical of the proposed room sizes (even though they would have only marginally failed to comply with the Council's standards).

3.29 The scheme also proposed a spiral staircase, located to the rear of the building. Your officers were concerned that this staircase would have led to overlooking of windows to the rear. Whilst the Inspector acknowledged that there would be further overlooking, he noted the presence of an existing roof terrace which already overlooked these windows. With this in mind, he did not feel that the spiral staircase would have made the situation significantly worse.

3.30 The Inspector noted that the proposed conversion would not have catered for larger family housing and highlighted the appellant's inability to provide evidence of the need for housing for single people. Finally, the Inspector accepted the appellant's suggestion that details of bicycle storage could be provided by condition.

3.31 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:	PA/10/01317
Site:	Unit Fg-014, Block F, Trumans Brewery, 91 Brick Lane, E1

Development: *Application to replace extant planning permission in order to extend the time limit for implementation of planning permission PA/05/00665 for a change of use to a restaurant (Use Class A3)*
Council Decision: *Refuse (delegated decision)*
Start Date *February 2011*
Appeal Method *WRITTEN REPRESENTATIONS*

- 4.2 The Council previously granted planning permission for change of use of this property to retail use back in 2005. However, since that time your officers are of the opinion that circumstances have changed following the development of a clearer vision in respect of restaurant/night-time activity in and around Brick Lane.

Application No: *PA/10/01957*
Sites: *Unit 6 525 Cambridge Heath Road, E2*
Development: *Certificate of Lawfulness in respect of the existing use of the property as a 5 bedroom flat*
Council Decision: *Refuse (delegated decision)*
Start Date *26 January 2011*
Appeal Method *WRITTEN REPRESENTATIONS*

- 4.3 This application emerged out of planning enforcement investigations – following allegations regarding a breach of planning control in respect of the use of a live work unit for residential purposes.

Application No: *PA/10/01518*
Site: *33 Old Nichol Street, London*
Development: *Erection of 3rd floor rear extension with loft floor and dormer windows and conversion into 9 residential flats (1x2 bed and 8x1 bed)*
Council Decision: *Refuse (delegated decision)*
Start Date *17 February 2011*
Appeal Method *WRITTEN REPRESENTATIONS*

- 4.4 The reasons for refusal related to the unacceptable mix of accommodation (with lack of family sized dwellings) lack of amenity space and poor residential standards in terms of daylight and sunlight to habitable rooms (especially at the lower floors).

Application No: *PA/10/00037*
Site: *Rochelle School, Arnold Circus, London E2*
Development: *Continued use of Rochelle Canteen for A3 purposes, independent from the Rochelle Centre with ancillary off site catering operations*
Officers Recommendation *Grant planning permission*
Council Decision: *Refuse (Development Committee)*
Start Date *27 January 2011*
Appeal Method *WRITTEN REPRESENTATIONS*

- 4.5 This appeal follows on from the Development Committee's refusal of planning permission back in October 2010. The reasons for refusal related to overlooking and loss of privacy, detrimental to the amenities of neighbours, the impact of noise and disturbance, adverse impact on the character and appearance of the Boundary Estate Conservation Area and increased anti-social behaviour in the vicinity of the site.

Application No: PA/10/02190
Site: The Bungalow, 131A Tredegar Road, London
Development: Demolition of an existing bungalow and the erection of a three bedroom single family dwelling.
Council Decision: Refuse (delegated decision)
Start Date 31 January 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.6 A similar proposal was refused planning permission back in 2009 and the subsequent appeal was dismissed. This scheme is very similar to the previous appeal proposal and the reasons for refusal focus on overdevelopment by virtue of excessive mass, bulk, height and scale of development viewed against the site's backland location, impact on neighbouring residential amenity, through increased overlooking and poor standard of amenity for future occupiers by way of lack of outlook and light.

Application No: PA/09/00549
Site: Holiday Inn Express, 469-475 The Highway E1W 3HN
Development: Appeal against Display of two internally illuminated poster signs and associated forecourt boundary landscaping
Council Decision: Refuse (delegated decision)
Start Date 9 February 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.7 Advertisement consent was refused on grounds of visual amenity with the signs being of excessive height and width which would appear overbearing from the adjacent pavement.

Application No: ENF/10/02450
Site: Pavement outside 32-38 Leman Street
Development: Installation of public payphone (Application for Prior Approval)
Council Decision: Prior Approval Required and Refused (delegated decision)
Start Date 11 February 2011
Appeal Method WRITTEN REPRESENTATION

- 4.8 Prior approval was refused as it was considered that the proposed payphone would have been overly prominent to the detriment of the street scene and highway safety, being located close to the junction with Alie Street and traffic signals.

Application No: PA/10/01479
Site: 60-61 Squirries Street and 52 Florida

Development:	Street Erection of 2x2 bed duplex residential units on existing flat roof of existing four storey building
Officer Recommendation	Grant planning permission.
Council Decision:	Refuse (Development Committee)
Start Date	26 January 2011
Appeal Method	WRITTEN REPRESENTATIONS

- 4.9 This application was refused planning permission by the Development Committee on 15 December 2010 on grounds of overdevelopment (by virtue of height, scale and bulk), loss of daylight and sunlight to nearby residential properties and increase overlooking and loss of privacy.