

Committee: Development	Date: 1 June 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 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/10/00131
Site:	4 Hollybush Lane E2 9QX
Development:	Erection of an additional floor to form a new flat (front section) with pitched roof and address board over the gates.
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.2 The main issues in this case involved the availability of employment opportunities in the Borough generally, the impact of the extension on the character and appearance of the property, the area and the general streetscene and finally, the quality of the living conditions for future occupiers in terms of noise, vibration and outdoor amenity space.

- 3.3 The Council argued that there was potential for further employment use of the property and that the principle of residential use was unacceptable in policy terms. The Planning Inspector noted that there was little if any vacant commercial floorspace in Hollybush Lane and with lack of any marketing evidence submitted by the appellant, he was satisfied the proposed residential use would have been inconsistent with the key objective to promote employment opportunities in such circumstances.
- 3.3 On the second issue, whilst the Inspector supported contemporary forms of design within a more traditional context, he was not satisfied that the scale, height, form and proportions of the new development had been suitably addressed. He felt that the proposed extension would not have related to the host building in any meaningful way.
- 3.4 Regarding the final issue, the Planning Inspector was less concerned by the potential noise and vibration, bearing in mind the property is located close to the elevated railway between Bethnal Green and Cambridge Heath stations. He was also satisfied that outdoor amenity space was not necessarily a requirement in this case, bearing in mind the proposed size of the unit and the close proximity of the property to existing public open space. However, acceptance of the standard of residential amenity for future occupiers did not outweigh his concerns in respect of the other issues.
- 3.5 The appeal was DISMISSED.

Application No:	PA/09/02978/02490
Site:	Crown yard, 47 Temple Street, London E2 6QQ
Development:	Demolition of the existing two storey building and construction of a two bedroom house (Planning Application and Conservation Area Consent).
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.5 The main issues in this case included the impact of the proposed development on the character and appearance of the Old Bethnal Green Conservation Area, the impact on the setting of the listed Keeling House, whether the proposal materially affected the range of employment opportunities within the Borough and finally, the impact of the proposed development on the outlook enjoyed by neighbouring occupiers.
- 3.6 The Planning Inspector noted that the existing two storey building on the site formed part of the planned layout of the estate and concluded that the demolition of the building would have substantially harmed the heritage asset. As a consequence, the appeal against the conservation area consent was dismissed.
- 3.7 As regards the merits of the planning application, the Planning Inspector noted that the character of the area and the make up of the estate provided employment spaces at ground floor and he concluded that the introduction of a residential unit into the core of the street would have altered the pattern of uses, to the detriment of the planned layout of the Winkley Estate. He also concluded

that the modern appearance of the proposed dwelling would have been at odds with the prevailing architectural characteristics.

- 3.8 He was similarly concerned that there had been no marketing of the employment space to determine the level of interest in terms of re-occupation as employment use. He was also concerned about the impact of the two storey building on the outlook of neighbours (with existing windows close by) which would block neighbours outlook and views, detrimental to existing amenity conditions.
- 3.9 The appeal was comprehensively DISMISSED.

Application No:	PA/07/03290
Site:	375 Cable Street, London, E1 0AH
Development:	Change of use from retail to hot food take-away (Class A5)
Decision:	REFUSE (Committee) - Recommendation - Approve
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED (Cost application dismissed)

- 3.10 The main issues in the case were as follows

1. The effect of the proposal on the health and well-being of local residents, having regard to the aims and objectives of promoting healthy eating and lifestyles;
2. The effect of the proposal on parking availability and any impact on highway safety.

- 3.11 The Planning Inspector acknowledged that the impact of the proposed take-away in terms of encouraging healthy lifestyles was a material planning consideration. The Council's Core Strategy seeks to support healthy and active lifestyles.

- 3.12 The issue with the Cable Street case was that the proposed use would not have resulted in an over-concentration of unhealthy eating uses. In this case, officers argued that hot food take-away uses should be located in town and local centres where they can be grouped alongside healthier food outlets, thus giving the public wider choice and encouraging residents to consider healthier options. Officers argued that local residents would have been restricted in terms of choice (with the take-away being the only option). However, the Planning Inspector concluded that there were other nearby facilities (around Shadwell DLR) and that residents would not be restricted solely to the options offered by the proposed take-away.

- 3.13 In terms of the close proximity to Bishop Challenor Secondary School and primary schools, whilst the Planning Inspector acknowledged that all schools promoted healthy eating and that a wealth of health-related documents had been produced by various professional bodies which recognised the role town planning can play in promoting health in local communities, he concluded that in the case of Cable Street, no evidence had been produced which clearly indicated that the location of a single take-away within easy walking distance of schools had a direct correlation with childhood obesity. He concluded that the presence of the use would not harm or undermine school healthy eating

policies. The Planning Inspector referred to the many third party letters submitted in relation to the appeal, but none was sufficient to alter the considerations that led to his conclusions.

- 3.14 Officers suggested a condition should be imposed (if the appeal was allowed) requiring the take-away to be closed during school lunchtimes and at the end of the school day. The Planning Inspector felt that the condition put forward would have been unduly restrictive.
- 3.15 As regards highways impact, the Planning Inspector concluded that the modest sized operation would not have a material harmful effect.
- 3.16 The appeal was ALLOWED
- 3.17 The appellant applied for an award of costs against the Council (which the Planning Inspector DISMISSED). He was satisfied that when Members refused planning permission, they gave a different weight to the impact of fast food outlets on community health than officers and he concluded that the Council had reasonable planning grounds, supported in the evidence in the Council's statement to come to that conclusion. Similarly, the Planning Inspector was satisfied that the Council had adequately explained its objections in relation to highway safety. Overall, the Planning Inspector was satisfied that the Council had adequately substantiated both reasons for refusal, based on the development plan and all other material considerations.
- 3.18 This appeal decision, in itself, does little to progress the debate in respect of the link between fast food take-away uses and the prevalence of obesity and unhealthy eating.
- 3.19 Whilst healthy eating is clearly material consideration and will need to be considered in relation to all similar applications for planning permission in the future, the current Core Strategy is relatively non specific and there is a need to focus a future Development Management policy to deal with this specific issue.
- 3.20 There is also a need to develop a robust evidence basis to provide a clear link between hot food take-away uses and childhood obesity. The Council should think very carefully before refusing planning permission on health grounds alone, until such time as a detailed Development Management policy is in place, following detailed examination of the "soundness" of an eventual policy.
- 3.21 An initial Development Management DPD (Engagement Document) is currently out for consultation and the issue is highlighted as part of this process. Officers are reviewing work undertaken in the States, which appears to be defining the scale of linkage. There are also UK specific studies which have identified a high correlation between the lack of available fresh food and areas of social deprivation. However, the evidence is somewhat contradictory – with other studies suggesting there is no causal link. Consequently, it might be necessary to focus purely on overconcentration of hot food take-away uses, linked to vitality and viability and indices of deprivation, rather than to focus explicitly on the linkage between fast food take-away uses and obesity.
- 3.22 The benefit of developing the policy through the Development Management DPD process is that it provides an opportunity to properly test the evidence base and develop a more robust policy position. This will enable the Council to determine these proposals in the future more effectively and with a more limited

threat of appeal or challenge through the courts.

Application No:	PA/10/01604
Site:	Cabinet adjacent to 465 Bethnal Green Road E2 9QW
Development:	Display of a temporary, laminated, non illuminated, anti-graffiti sticker on an existing telecommunications cabinet.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	HEARING
Inspector's Decision	ALLOWED

3.23 This is the first of many pending appeal decisions against the display of small scale advertisements on telecommunications equipment cabinets across the Borough.

3.24 In this case, the main issue was the effect of the proposed advertisement on the amenities of the area.

3.25 The cabinet is located within Bethnal Green Town Centre. Whilst the Planning Inspector noted that the proposed advertisement would be displayed close to 465 Bethnal Green Road which he accepted was a "handsome, classical building" he noted that the cabinet was located towards the front edge of the pavement and would face away from the footway. He felt that the proposed arrangement of the display would avoid harm.

3.26 The Planning Inspector recognised that the Council was inaugurating a programme of street scene improvement, including the removal of unauthorised advertisements. However, he was satisfied that the proposed advertisement display would not prejudice the programme in place.

3.27 The appeal was ALLOWED

Application No:	PA/10/01603
Site:	Cabinet outside 267-269 Bethnal Green Road, London E2
Development:	Display of a temporary, laminated, non illuminated, anti-graffiti sticker on an existing telecommunications cabinet.
Decision:	REFUSE (delegated decision)
Appeal Method:	HEARING
Inspector's Decision	ALLOWED

3.28 Similar to the appeal outcome listed above, the Planning inspector did not feel that the proposed advertisement display would have an unacceptable impact on the amenities of the area. He concluded that low level posters, was a particular feature of the town centre (with low level displays forming part of existing window displays).

3.29 The appeal was ALLOWED

Application No:	PA/10/01605
Site:	Cabinet in Hague Street – outside 340

Development:	Bethnal green Road, London E2
	Display of a temporary, laminated, non illuminated, anti-graffiti sticker on an existing telecommunications cabinet.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	HEARING
Inspector's Decision	DISMISSED

3.30 The relevant consideration in this case was that the character of the area was not one where one would expect to find advertisements not related to an existing business trading in the street. The Planning Inspector commented that there was already an ill matched assortment of signs on the property.

3.31 There is currently a large advertisement hoarding above the existing cabinet – which the Council is currently seeking to remove and the Inspector felt that with the removal of the existing sign (if successful) would leave a handsome, competent, classical design. If the Council failed to secure the removal of the hoarding, he still felt that the proposed advertisement would have resulted in advertisement clutter. He concluded that the proposed sign in these circumstances would not be acceptable.

3.32 The appeal was DISMISSED.

Application No:	PA/10/010199
Site:	11, Gibraltar Walk, London E2
Development:	proposed refurbishment of former light industrial unit to live/work
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED (Costs application Dismissed)

3.33 The main issue in this case was the supply of employment floorspace in the area. The Council refused planning permission on the grounds of loss of employment floorspace

3.33 The proposal involved the use of the basement accommodation as two offices with the remainder of the property used residentially – with a new first floor mezzanine to provide additional residential space. The property was last used as a photographic studio.

3.34 The Planning Inspector made specific reference to the London Plan policies which specifically support live work units as a sustainable form of urban living and he referred to Government Policy which supports enterprise and facilitates housing, economic and other forms of sustainable development necessary to support economic growth.

3.35 In conclusion, whilst he acknowledged that the scheme did result in the loss of some employment floorspace which EMP1 of the Unitary Development Plan seeks to retain, more recent policy considerations weighed in favour of the scheme. Conditions were imposed to control the nature of the live-work use – to ensure that the business element was retained and not overtaken by the residential element.

3.36 The appeal was ALLOWED subject to conditions.

3.37 As regards the cost application, the Planning Inspector felt that the Council had not been unreasonable in refusing planning permission in the first instance. The application for costs was therefore DISMISSED

Application No:	PA/10/00037
Site:	Rochelle Canteen, Arnold Circus, London, E2
Development:	Continued use of Rochelle Canteen (use Class A3) independent from the Rochelle Centre with ancillary off site catering operation
Council Decision:	REFUSE (Committee)
Appeal Method:	Recommendation – Approve
Inspector’s Decision	WRITTEN REPRESENTATIONS ALLOWED (Cost Application – Allowed)

3.38 The main issues in this case were as follows:

- The impact of the development on the living conditions of neighbours – in terms of privacy, noise and disturbance and anti social behaviour
- Whether the development preserved or enhanced the character and appearance of the Boundary Estate Conservation Area

3.39 As regards living conditions, the Planning Inspector noted that the Canteen had operated ancillary to the Rochelle Centre – and in fact attracted custom from beyond the Centre. He noted that the external areas of the Rochelle Centre are separated from the nearby blocks of flats by walls, providing a high incidence of screening and that windows of several flats look down across the external area. The Inspector was not convinced that the use has a harmful impact on the levels of privacy experienced by residents. He did not feel that the change in the nature of the canteen use, irrespective of the increase in the number of customers, would be materially greater than its use in compliance with the earlier planning permission (when the canteen was used ancillary to the Rochelle Centre use).

3.40 The Planning Inspector highlighted that the Council’s environmental health department had not received any complaint about the conduct of the canteen use since it was first established. The Inspector also witnessed the use in operation during the day, which he was satisfied with. He felt that nuisance during the evening could be suitably controlled through the use of conditions.

3.41 The Inspector made specific reference to the Council’s fourth reason for refusal – relating to anti-social behaviour, prevalent in this part of the Borough. The Inspector was not convinced with this reason and concluded that there was no evidence to suggest that the canteen use contributed to such behaviour

3.42 As regards impact on the character of the conservation area, the Inspector noted that whilst the site is located in a predominantly residential area, commercial elements are found elsewhere in and around Arnold Circus. He concluded, at worst, that the canteen would have a neutral impact on the character of the conservation area.

- 3.43 The appeal was comprehensibly ALLOWED.
- 3.44 As regards the application for costs, the Planning Inspector did not feel that the Council's statement adequately supported any of the four reasons for refusal. He felt that the statement contained little more than unsubstantiated assertions or expressions of concerns in support of each reason for refusal. The Planning Inspector did not consider the Council's decision to be reasonable, particularly since planning conditions could have adequately controlled the conduct of the use. He also felt that the Council did not afford sufficient weight to the existing planning permission – which allowed the canteen to operate ancillary to the Rochelle Centre
- 3.45 The Inspector awarded a full award of costs in favour of the appellant
- 3.46 The outcome of this appeal process is not surprising, bearing in mind that the differences between the existing canteen operation (ancillary to the use of the Rochelle Centre) and the proposed separate A3 use are limited in terms of noise and disturbance. Night time activity can be adequately be controlled through the use of conditions. Your officers worked hard to prepare and submit a comprehensive statement which sought to defend the Council's stated reasons for refusal. Unfortunately, there was little evidence available to substantiate the stated reasons for refusal.

Application No:	PA/09/01380
Site:	600 Roman Road E3 2RW
Development:	Appeal against imposition of conditions (4 and 6) of planning permission dated 17 May 2010 relating to analysis of historical fabric and adequate recording and ensuring that the development is "car free"
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.47 The Planning Inspector considered that there are a number of features, both internally and externally which justified the imposition of the condition which required proper recording. Similarly, the Planning Inspector considered it to be entirely reasonable to require the imposition of conditions limiting the availability of on street car parking to future residents in this particular case. He noted that this part of Roman Road is currently suffering from on street car parking stress.
- 3.48 Both planning conditions were considered reasonable and in compliance with Circular advice. The appeal was DISMISSED.

Application No:	PA/10/01849/01850
Site:	Dockmasters House, 1 Hertsmere Road E14 8JJ
Development:	Extension at the rear and side alley to provide a night-watchman's flat at 1st and 2nd floor level with a store under the access stairs
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.49 The issues in this case involved the impact of the extension works on the special architectural and historic interest of the listed Dockmasters House and whether the proposed development preserved or enhanced the character and appearance of the conservation area.

3.50 The Dockmasters House is Grade II listed and is located within the West India Dock Conservation Area. The Inspector felt that the proposed extension would have had an uncompromisingly modern appearance which would have been unrelated to the scale and classical detailing of the host building. He concluded that the proposal, in view of its scale and position would have been too strident. He also concluded that the proposed development would have failed to preserve or enhance the character and appearance of the conservation area.

3.51 The appeal was therefore DISMISSED

Application No:	ENF/09/00558
Site:	396 Manchester Road E14 3ES
Development:	Appeal against enforcement action – erection of an unauthorised extension and wooden fence to the rear of the property and use of the property as a house in multiple occupation
Council Decision:	AUTHORISE ENFORCEMENT ACTION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.52 The issues associated with this appeal centred on whether the development undertaken required a planning application (in other words, was permitted development) and whether the extension works were acceptable. The Council had previously accepted that with changes to the Use Classes Order, a change from a dwelling house to a small house in multiple occupation was permitted.

3.53 As regards the merits of the extension, the Inspector considered the extension to be over bulky and over-dominant, out of scale with the original house. He concluded that it is an unattractive and incongruous addition to the house and the terrace which it forms part. He was also concerned about the fence and gate which are also a rusty red colour which he considered to be visually dominant and inappropriate in the context of the rear of the terrace or seven modest houses. He also concluded that the extension impacted detrimentally on neighbouring properties with increased overshadowing and an increase sense of enclosure.

3.54 The appeal was DISMISSED and the enforcement notice UPHELD.

Application No:	PA/10/01479
Site:	60-61 Squirries Street (52 Florida Road) E2 6AJ
Development:	The erection of 2x2 bed duplex units on the roof of the existing 4 storey block of flats
Council Decision:	REFUSE – (Committee)
Appeal Method:	Recommendation – Approve WRITTEN REPRESENTATIONS

Inspector's Decision**ALLOWED (Award of Costs – Allowed)**

3.55 The main issues with this proposed development were as follows:

- The impact of the development on the character and appearance of the area;
- The impact on the living conditions of residents of neighbouring properties with particular reference to privacy, sunlight and daylight.

3.56 The Planning Inspector made specific reference of an earlier grant of planning permission in respect of the same site (for the erection of a two storey roof top development to provide two residential units) dated 24 March 2010 – which signified in his view, the Council's recent acceptance of the addition of a further two floors to the building.

3.57 The Inspector was not surprised by this earlier planning permission as he saw that buildings in the area had varying heights and he felt that an additional two storeys to the appeal premises would not have introduced an uncharacteristic element to the locality. Whilst he accepted that the amount of floorspace provided would be greater than that previously permitted, he did not feel that the enlarged addition would have materially affected the comparative massing, scale, height and bulk. He concluded that the scheme would sit comfortably in its visual context.

3.58 The Inspector was satisfied that the BRE daylight and sunlight study indicated conclusively that neighbouring properties would not suffer a loss of daylight and sunlight to the extent that living conditions would be harmed. He was also satisfied that any issues of privacy could be suitably controlled through the use of conditions. He also noted that the previous permitted scheme would have had similar consequences for the residents of nearby properties.

3.59 The appeal was ALLOWED.

3.60 In allowing an award of costs against the Council, the Planning Inspector made particular reference to the previous grant of planning permission and he considered that the Council, in deciding to refuse planning permission, gave insufficient weight to the existence of the previous planning permission which remains capable of implementation.

3.61 The Inspector also concluded that the Council presented little empirical evidence to substantiate the daylight/sunlight reason for refusal. Furthermore, he again felt that the Council gave insignificant weight to the existence of the 2010 planning permission. On the privacy point, the Inspector noted that the Council had not produced significant or relevant evidence relating to loss of privacy and did not consider whether conditions could have overcome its privacy objections.

Application No:

PA/10/00742

Site:

71A Fairfield Road, London E3 2QA

Development:

proposed amendments to the façade of the façade, to rectify variations to the original consent.

Council Decision:

REFUSE – (Delegated Decision)

Appeal Method:

HEARING

Inspector's Decision

DISMISSED

- 3.62 The background to this case is that the Council granted planning permission back in 2006 for a part 3, part 5 storey building comprising 8 flats. During the course of the construction, it became clear that the development was being implemented not in accordance with approved drawings. The Council served a temporary stop notice and a subsequent enforcement notice. The application the subject of this appeal sought retrospective planning permission for the works undertaken (the "as built scheme"). The main difference between the originally permitted scheme and the "as built" scheme relates to the mass and scale of the building.
- 3.63 In terms of character and appearance, the Planning Inspector concluded that whilst the visual relationship with 71 and 73 Fairfield Road is fairly poor, he acknowledged that the previous planning permission was also for a part 3, part 5 storey building (which would not have been subservient to the neighbouring properties). Overall he concluded that the design of the building as altered was not detrimental to the character and appearance of the area.
- 3.64 Similarly, he was satisfied that the amended scheme would adequately deal with neighbour amenity – subject to the imposition of conditions. Whilst he accepted that there would be some loss of sunlight/daylight to 71/73 Fairfield Road, he acknowledged that the BRE Sunlight and Daylight Report confirmed that the loss was within acceptable limits.
- 3.65 The area that the Inspector was not content with was the quality of the accommodation (even though the amended scheme proposed more family sized units). He found internal space standards inadequate, with the layout of some units contrived with awkward room shapes. He was also concerned about outlook from some of the rooms. He agreed with the Council's view that the deficiencies in both the internal and external space was symptomatic of the over development of the block. Irrespective of the amended scheme providing one further family unit, he concluded that the living conditions for future occupiers would be unacceptable
- 3.66 On balance, the appeal was DISMISSED.
- 3.67 This is a welcome outcome and your officers are now in discussions with the developer, in relation to compliance with the enforcement notice. It is possible that further application might be submitted to seek to further amend the scheme – in order to deal with the quality of internal space standards and the inadequacy of amenity space

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/11/00214

Sites:

61-67 Cahir Street, E14

Development

Conversion of four single family dwelling to provide 8x2 bed flats with associated three storey extensions and roof extensions

Start Dates

9 May 2011

Appeal Method**WRITTEN REPRESENTATION**

- 4.2 The Council refused planning permission on the grounds of loss of family accommodation and the poor standards of external amenity space to support the proposed units.

Application No: PA/10/02698
Sites: 7-8 Manningtree Street E1 1LG
Development: Erection of a third floor addition – to provide additional accommodation as 4x1 bed flats.
Council Decision: Refuse (delegated decision)
Start Date: 1 April 2011
Appeal Method: WRITTEN REPRESENTATIONS

- 4.3 Only limited information was submitted as part of this application to properly assess the impact of the development on daylight and sunlight. The application was refused on this basis. It is unclear how the appeal will progress at this stage – as the appellants have not provided clear grounds of appeal. It is understood that the appellants are preparing a fresh planning application submission, accompanied by a daylight and sunlight report.

Application No: PA/11/00265
Site: 47 Mile End Road, London E1 4TT
Development: Change of use for an existing travel agents (Class A1) to a restaurant/take-away (Class A3/A5)
Council Decision: Refuse (delegated decision)
Start Date: 19 April 2011
Appeal Method: WRITTEN REPRESENTATIONS

- 4.4 The Council refused planning permission for this proposed change of use for a number of reasons including an over-concentration of restaurant/take-away uses, inappropriate design of the proposed extract ducting/flue, amenity impacts (noise, smells and inadequate details for the storage of refuse and recyclables).

Application No: PA/10/02723/02722
Site: Units 110, 120 and 122, 100-136 Cavell Street E1 2JA
Development: Unit 116 110-136 Cavell Street
Change of use of commercial (B type) employment floorspace to non residential institutional use (Class D1)
Council Decision: Refuse (delegated decision)
Start Date: 3 May 2011
Appeal Method: WRITTEN REPRESENTATIONS

- 4.5 These properties are currently being used for educational purposes without the benefit of planning permission. The reason for refusal in both instances was based on the loss of employment floorspace and the general lack of marketing evidence to demonstrate the loss of the commercial accommodation.

Application No: PA/10/02510
Site: Land adjacent to Bridge Wharf, Old Ford

Development: *Road*
Council Decision: *Erection of 2x3 storey, 4 bed houses*
Start Date: *Refuse (Development Committee)*
Appeal Method: *16 March 2011*
WRITTEN REPRESENTATIONS

- 4.6 This application was refused on grounds of excessive scale and mass of building and loss of open space, failing to preserve or enhance the character and appearance of the Regent Canal and Victoria Park Conservation Areas and on grounds of highway safety in the vicinity of the site.

Application No: *PA/10/01376*
Site: *81 Watney Street, E1 2QE*
Development: *Change of use for retail to cafe/restaurant (Use Class A3) including the erection of a kitchen extract system.*
Council Decision: *Refuse (delegated decision)*
Start Date: *29 March 2011*
Appeal Method: *WRITTEN REPRESENTATIONS*

- 4.7 This appeal was refused on the grounds of inadequate kitchen ventilation which was likely to cause noise, disturbance and smell nuisance to neighbouring residential occupiers.

Application No: *PA/10/02813*
Site: *7 Teesdale Close E2 6PH*
Development: *Demolition of existing house and the erection of a 5 storey (plus basement) building to provide 1x1 bed basement flat and 4x2 bed flats*
Council Decision: *Refuse (delegated decision)*
Start Date: *5 April 2011*
Appeal Method: *WRITTEN REPRESENTATIONS*

- 4.8 This application was refused on grounds of excessive height and unsympathetic design and resultant massing, failing to respect the character of the immediate area and the Hackney Road Conservation Area.

Application No: *ENF/10/00315*
Site: *54 Westferry Road e14 8LW*
Development: *Appeal Against Enforcement Notice – Unauthorised extension of single storey rear extension*
Council Decision: *Instigate Enforcement Action (delegated decision)*
Start Date: *4 April 2011*
Appeal Method: *WRITTEN REPRESENTATIONS*

- 4.9 The reason for issuing the enforcement notice related to the impact of the ground floor extension in terms of design, bulk, scale and use of materials, detrimental to the character of the area. It was also considered that the extension constituted over-development of the site and the loss of amenity space. The enforcement notice required the removal of the structure.

Application No: *ENF/10/00315*

Site:	566-568 Mile End Road E3 4PH
Development:	Change of use from retail (Class A1) to use as a hot food take-away (Class A5)
Council Decision:	Refuse (delegated decision)
Start Date	11 April 2011
Appeal Method	WRITTEN REPRESENTATIONS

- 4.10 This appeal was refused on the grounds of the loss of a retail unit, an over-concentration of A5 uses, the cumulative impact and levels of disturbance associated with these uses and lack of details as to how kitchen ventilation might be provided on site.