

Committee: Development	Date: 14 September 2011	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:	PA/11/00517
Site:	91 Harford Street, London, E1 4RL
Development:	Loft conversion involving a full width rear roof extension (including balcony) and two small windows in front roof slope
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.2 The main issue in this case was the impact of the proposal on the character and appearance of the area and potential loss of privacy to neighbouring residential occupiers.
- 3.3 The Planning Inspector felt that as the property was visually distinct from other properties in the immediate vicinity (with the proposed extension having some similarities with others extensions found elsewhere) the works would not appear inappropriate.
- 3.4 However, he was more concerned about the further overlooking (from the bedroom formed by the proposed loft conversion) across a number of gardens in Essian Street and White Tower Way. Therefore, whilst he concluded that the proposed development was acceptable from a design point of view, he felt that the harm caused by potential overlooking justified the refusal of planning permission
- 3.5 The appeal was DISMISSED.

Application No:	PA/11/00265
Site:	47 Mile End Road. London, E1 4TT
Site:	Change of use of ground floor from travel agents to an A3/A5 restaurant
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.6 The main issue in this case were as follows:
- The effect of the proposed development on the living conditions of neighbouring residents (noise and odour)
 - The implications of the proposed development for the character and appearance of the appeal property and the surrounding area(including whether the development would preserve or enhance the character and appearance of the Stepney Green Conservation Area.
- 3.7 The appeal premises is a three storey property (including basement) situated on the north side of Mile End Road and the proposed change of use involved part of the ground floor and basement only.
- 3.8 On the first issue, the Inspector noted that the property was not within a recognised town centre where one would expect there to be a relatively high level of on street activity at lat hours. He also noted that there was a great deal of residential accommodation nearby, including the appeal premises itself. He concluded that a restaurant/take-away (with opening hours into the early morning) would have had serious potential to disrupt the peace and quiet that local residents are entitled to enjoy at night. He found that the intense grouping of A3/A5 uses in the immediate vicinity of the appeal premises to indicate that a further establishment of this kind, opening well into the early hours, would have substantially exacerbated what may already be a level of commercial activity incompatible with residential accommodation.
- 3.9 As regards the proposed ventilation system, he concluded that in the absence of reliable and cogent evidence to the contrary, the proposed ducting arrangements would have been harmful to residential amenity by reason of noise and smell nuisance. Environmental Health colleagues had previously

- objected to the proposed arrangements.
- 3.10 He was less concerned about the impact of the development on the character and appearance of the adjoining Stepney Green Conservation Area.
- 3.11 Finally, he attached less weight than the Council to health related concerns with a general failure to demonstrate that the concentration of restaurant and take-away establishments in the locality was so great as to discourage significantly the pursuance of a healthy lifestyle.
- 3.12 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:

<i>Application No:</i>	<i>PA/11/01162</i>
<i>Sites:</i>	<i>341-343 Roman Road</i>
<i>Development:</i>	<i>Retention on an internally illuminated fascia sign</i>
<i>Start Dates</i>	<i>24 August 2011</i>
<i>Appeal Method</i>	<i>WRITTEN REPRESENTATION</i>

- 4.2 The Council refused advertisement consent on grounds of visual amenity, with the sign not in keeping with the appearance of the host building (in terms of the size, appearance and proportions of the fascia sign).

<i>Application No:</i>	<i>PA/11/01156</i>
<i>Site:</i>	<i>341-343 Roman Road</i>
<i>Development:</i>	<i>Retention on an aluminium shop front</i>
<i>Start Dates</i>	<i>24 August 2011</i>
<i>Appeal Method</i>	<i>WRITTEN REPRESENTATION</i>

- 4.3 The Council refused planning permission on the grounds that the aluminium framed full glazed shop front is of a modern design that is an insensitive addition to the host building and the street scene, failing to preserve or enhance the character and appearance of the Driffield Road Conservation Area.

<i>Application No:</i>	<i>PA/11/01527</i>
<i>Site:</i>	<i>117-121 Devons Road, London E3</i>
<i>Development:</i>	<i>Erection of a second floor mansard roof extension and its use as 1x1 bed and 1x2 bed flat, with an extension to the tyre workshop</i>
<i>Council Decision:</i>	<i>Refuse (delegated decision)</i>
<i>Start Date</i>	<i>23 August 2011</i>
<i>Appeal Method</i>	<i>WRITTEN REPRESENTATIONS</i>

- 4.4 The Council refused planning permission for this proposed development on grounds of the inappropriate design and the failure of the development to provide adequate refuse storage arrangements for the future residential occupiers.

Application No: PA/11/01451
Site: Vacant Site 97-99 Whitechapel High Street, London
Development Appal against condition (giving temporary consent) in respect of a proposed installation of screen hoarding incorporating public art and one scrolling LED advertisement panel
Council Decision: Condition Imposed under delegated authority
Start Date 19 August 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.5 Whilst the Council granted advertisement consent, in view of the vacant nature of the site, consent was granted on a temporary basis (until 1 August 2016). On or before the end of this period the sign must be removed. The reason for the condition was linked to the vacant nature of the site (with the advertisement not being suitable to be displayed permanently)

Application No: PA/11/01121
Site: Land Bounded by Commercial Road, Braham Street, Whitechapel High Street and Leman Street
Development: retention of 6 poster advertisements (surrounding the site (mixture of 96. 48 sheet adverts and portrait adverts)
Council Decision: Refuse (delegated decision)
Start Date 17 August 2011
Appeal Method HEARING

- 4.6 This application was refused on grounds of visual amenities of the area, failing to preserve and enhance the character and appearance of the Whitechapel High Street Conservation area (linking with High Street 2012 initiatives).

Application No: PA/11/01571
Site: Land at corner of Whitechapel High Street and St Botolphs Street, Aldgate
Development: Display of two illuminated poster panels
Council Decision: Refuse (delegated decision)
Start Date 22 August 2011
Appeal Method HEARING

- 4.7 This application was refused on grounds of visual amenities of the area, failing to preserve and enhance the character and appearance of the Whitechapel High Street Conservation area (linking with High Street 2012 initiatives).