

Committee: Development	Date: 19 October 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/11/00246
Site:	52-56 Brick Lane E1 6RH
Development:	Erection of a rear two storey extension (on top of an existing single storey addition) to provide additional storage.
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.2 The main issues in this case were as follows:

- The impact of the development on the character and appearance of the Fournier Street and Brick Lane Conservation Area.
- The impact of the development on the amenities of the occupiers of 2B Heneage Street.

3.3 The Planning Inspector noted that a number of rear additions to the properties in the vicinity of the site had been previously altered and he was satisfied that the extension would not have appeared as an incongruous addition to the property. He was also satisfied that the roof of the extension of be sympathetic with the host property

3.4 He was more concerned about the impact of the development on the amenities of neighbouring occupiers. In view of inaccuracies in the appellant's daylight and sunlight report, the Planning Inspector afforded it only limited weight. He concluded that in view of the proposed height and scale of the proposed extension, the development would have further reduced daylight and sunlight from reaching the windows of habitable rooms at 2B Heneage Street as well as more general outlook, resulting in increased enclosure.

3.5 The appeal was DISMISSED.

Application No:	PA/11/00214
Site:	61, 63, 65 and 67 Cahir Street, London E14 3QR
Site:	Erection of three storey extensions and dormers extensions and conversion to 8x2 bed flats
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.6 The main issues in this case included the loss of the four existing family dwelling houses and the lack of amenity space for the proposed flatted accommodation

3.7 The Planning Inspector acknowledged that the rear extensions and roof extensions had been previously granted consent and noted that works in relation to this previous planning permission had commenced.

3.8 The Planning Inspector was not satisfied with the loss of family accommodation, with all four units benefitting from outdoor amenity space, albeit relatively small. He found no evidence that there was a specific local need in favour of the proposed units, over the Council's aim to retain appropriate single family units.

3.9 He was similarly concerned that four of the 8 flats would not have access to outdoor amenity space and concluded that this would add to the imbalance within the Borough between existing predominance of flats without gardens against the number of family homes with gardens

3.10 The appeal was DISMISSED.

Application No:	PA/11/00613
Site:	31 Manchester Grove, London E14

Development:	3BG Erection of first floor rear extension above existing kitchen and day rooms area.
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED

3.11 The main issues in this case were the impact of the proposed extension on the character and appearance of the Chapel House Conservation Area and the living conditions of occupiers of 29 Manchester Road.

3.12 The proposed extension would have extended full width of the property (towards the rear) and the Inspector considered that it would have had a noticeable impact on the street scene. He concluded that it would have appeared as a dominant and highly visible feature, especially when viewed from Millwall Park and would have been poorly related to the property's hipped roof and the simple linear form of the terrace. He concluded that it would not have preserved or enhanced the character and appearance of the conservation area.

3.13 Whilst the Inspector noted that the extension would not have breached the 45 degree rule of thumb approach to assessing amenity impacts, he concluded that the combined height and depth of the proposed extension would have had an overbearing impact on the neighbouring dwelling, including the associated rear garden. He felt that this would have led to an unacceptable sense of increased enclosure.

3.14 The appeal was DISMISSED

Application No:	PA/10/02167
Site:	202-208 Commercial Road, London E1 2JT
Development:	Redevelopment of the site to provide a replacement five storey building comprising residential and commercial uses.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.15 The site has been the subject of previous successful appeal outcomes and previous planning permissions. Planning permission exists for a 4 storey building on the site, but a previous scheme proposed a 6 storey building that was previously dismissed on appeal

3.16 The current appeal proposal involved the erection of a five storey building (retail at ground floor and residential accommodation above). The site was defined as an "island site" and holds a prominent position within the streetscene. The Planning Inspector concluded that the 5 storeys would be too tall and would not have been well related to neighbouring buildings and the redevelopment proposals on the opposite site of Richards Street. He concluded that the 5 storey building would have been viewed as an incongruous feature within its immediate context. He also concluded that the scale of the development would have had an overbearing impact on the adjacent Mulberry Secondary School

for Girls.

- 3.17 The Inspector was also critical of the quality of private amenity space with balconies very limited in size. Furthermore, he noted that the balconies would front a very busy road and would not provide an attractive area of amenity space for use by a family.
- 3.18 He was less concerned about lack of space to accommodate storage for recycled waste (which was a reason for refusal) and felt that it could well be secured through the use of conditions.
- 3.19 The appeal was DISMISSED.

Application No:	ENF/08/00006
Site:	29-43 Vyner Street London E2 9DQ
Development:	Appeal against an enforcement notice in respect of the use of the ground first and second floors as 13 self contained flats, erection of a mansard style second floor extension and the unauthorised alterations to windows on the first floor.
Decision:	INSTIGATE ENFORCMENT ACTION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED AND ENFORCEMENT ACTION UPHELD

- 3.20 The appeal premises was previously altered in a number of respects, including a mansard roof extension, alterations to window arrangements and the conversion of the property from business accommodation to 13 flats. The Council had previously granted planning permission for a mansard roof extension (back in 2003) by the mansard undertaken on site was significantly different from that previously approved. The appellant had recently sought retrospective planning permission for the works (including a reduction in the number of residential units, but this was refused planning permission earlier this year.
- 3.21 The Planning Inspector was concerned about a number of aspects of the development the subject of the enforcement notice. The main issues were whether the mansard roof extension and alterations to windows harm the character and appearance of the host building and the setting of the conservation area and whether the residential accommodation is "substandard, having regard to the size and nature of the accommodation, , the provision of amenity space, the provision of cycle storage and provision of affordable housing.
- 3.22 In short, the Planning Inspector agreed with the majority of the Council's arguments. Whilst a previous mansard has been approved by the Council, the Planning Inspector felt that the mansard that had been erected was visually awkward with an imposing "box like" form. He concluded that the mansard as built harmed the character and appearance of the Regents Canal Conservation Area. He also agreed with the Council that the replacement windows and "Juliet" style balconies were visually inappropriate for the design of the building and its commercial/workshop origins.

- 3.23 As regards substandard residential accommodation, the Inspector was very critical of the development in terms of its failure to provide affordable housing, external amenity space and a suitable mix of residential accommodation. He concluded that the development was substantially deficient and did not fulfil the proper requirements of the development plan.
- 3.24 Finally, The Planning Inspector considered that the Council had been entirely reasonable in respect of the steps to be taken to comply with the requirements of the enforcement notice
- 3.25 The appeal was DISMISSED and the enforcement notice UPHELD
- 3.26 This is a very satisfying appeal outcome. We now have the ammunition to finally resolve these long standing breaches of planning control. It is hoped that a much improved development offer might emerge in the future and this appeal decision.

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/11/01363</i>
<i>Sites:</i>	<i>28 Invicta Close, London E3 3RZ</i>
<i>Development</i>	<i>Erection of a single storey rear extension</i>
<i>Council Decision</i>	<i>Refuse planning permission (delegated decision)</i>
<i>Start Dates</i>	<i>30 September 2011</i>
<i>Appeal Method</i>	<i>WRITTEN REPRESENTATION</i>

- 4.2 The Council refused planning permission on the grounds of impact of neighbouring amenity through excessive bulk, scale, height and depth of extension and quality of accommodation (in terms of inadequate outlook from a proposed habitable room).

<i>Application No:</i>	<i>PA/11/01186</i>
<i>Site:</i>	<i>17 Duff Street E14 6DL</i>
<i>Development:</i>	<i>Erection of a rear dormer extension together with the installation of three conservation area roof lights</i>
<i>Council Decision:</i>	<i>Refuse planning permission (delegated decision)</i>
<i>Start Date</i>	<i>7 September 2011</i>
<i>Appeal Method</i>	<i>WRITTEN REPRESENTATIONS</i>

- 4.3 The Council refused planning permission in this case on grounds of an over-bulky and inappropriate form of development, failing to respect the uniformity of the terrace and the character and appearance of the conservation area.

<i>Application No:</i>	<i>PA/11/01469</i>
<i>Site:</i>	<i>189-193 Whitechapel Road, London E1</i>
<i>Development:</i>	<i>Retention of single, internally illuminated advertisement display for a temporary three year period</i>
<i>Council Decision:</i>	<i>Refuse (delegated decision)</i>

Start Date 5 September 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.4 The site the subject of this appeal is currently vacant and located within the Whitechapel Market Conservation Area. The Council refuse advertisement consent on grounds of its excessive size, detracting from the character and appearance of the conservation area and the visual amenities of the area (linked to the Council's High Street 2012 initiative).

Application No: PA/11/01409
Site: Block D Former St Andrews Hospital (Phase 1a) Devas Street.
Development: Display of 2 advertisement hoardings with external overhead floodlights on the north and south elevation of Block D St Andrews Walk
Council Decision: Refuse (delegated decision)
Start Date 26 September 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.5 Barratt Housing are currently constructing the next phase of the St Andrews Hospital redevelopment and these proposed adverts are proposed to be displayed on the north and south elevations of the building – as it building is constructed. Advertisement consent was refused on grounds of visual impact, due to its excessive scale, not appropriate to the character of a predominantly residential area.

Application No: PA/11/01494
Site: 605 Commercial Road London E14 7NT
Development: Retention of internally illuminated 48 sheet advertisement hoarding
Council Decision: Refuse (delegated decision)
Start Date 23 September 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.6 Advertisement consent was refused on grounds of visual impact, with the advert being over dominant, introducing a discordant feature into the street scene, detracting from the York Square Conservation Area.

Application No: PA/11/01324
Site: 75 Commercial Street
Development: Continued display of an advertisement hoarding
Council Decision: Refuse (delegated decision)
Start Date 23 September 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.7 Advertisement consent was refused on grounds of visual amenity.

Application No: PA/11/01324
Site: 159-161 Bethnal Green Road
Development: Change of use of 161 Bethnal Green Road to hot food take-away, including new shop front, extract flue and space for the parking of delivery mopeds.

Council Decision:
Start Date
Appeal Method

Refuse (delegated decision)
9 September 2011
WRITTEN REPRESENTATIONS

- 4.8 Planning permission was refused on grounds of over-concentration of A5 uses, detrimental to the impact on neighbouring residential occupiers (linked to the desire to adopt healthy lifestyles), inappropriate ducting arrangements, failing to reflect the design of the host building and detracting from the conservation area and amenity issues associated with moped parking and delivery activities associated with home delivery service. The application also provided insufficient details as regards servicing arrangements.