

Committee: Development Committee	Date: 10 July 2012	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/11/01506

Site:

408 Hackney Road E2 7AP

Development:

Refurbishment and redevelopment of public house comprising a part three, part 5 storey building to provide nine residential units (2x1 bed, 3x2 bed and 4x3 bed flats along with the creation of 145 square metres of office accommodation.

Decision:

REFUSE PLANNING PERMISSION (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 Hackney Road Conservation area
- The impact of the development on the living conditions of the occupiers of 410 Hackney Road, in terms of daylight.

3.3 The site in question comprises a disused public house with enclosed rear yard, situated on the corner of Hackney Road and Teesdale Close. The conservation is characterised by buildings between 3 and 5 storeys in height, with a variety of built designs reflecting different ages of construction. The Inspector concluded that the appeal property makes a positive contribution to the character and appearance of the conservation area.

3.4 The Inspector considered that the scale and height of the proposed additions, particularly along Teesdale Close, as well as the proposed alteration to its roof would have substantially altered the appearance of the building when viewed from both Hackney Road and Teesdale Close. He was also concerned that the extension would link into the existing building to the adjacent block on the return frontage, closing off the pleasant open aspect of the rear of the adjoin terrace, replacing it with a continuous wall sited at the back of the footway. He concluded that this would have formed an oppressive feature reducing the visual variety of the Teesdale Close streetscene.

3.5 He was also concerned about the rather bland elevational treatment which would not have been compatible with the more decorative style of the public house. He concluded that the development would have caused significant harm to the character and appearance of the Hackney Road Conservation Area.

3.6 In terms of the impact of neighbouring occupiers, he concluded that the extension would have impacted detrimentally on the adjacent rooflight, in terms of daylight.

3.7 The appeal was DISMISSED.

Application No:

PA/11/02013

Site:

Flat 5 Arcadia Court, 45 Old castle street, London E1 7NY

Site:

Replacement of timbers windows with energy efficient uPVC double glazed windows

Council Decision:

REFUSE PLANNING PERMISSION (delegated decision)

Appeal Method:

WRITTEN REPRESENTATIONS

Inspector's Decision

DISMISSED

3.8 The main issue in this case as whether the change in windows would preserve or enhance the character and appearance of the conservation area.

3.9 The property is situated on the third floor of a five storey block of flats with an attractive front façade which is enhanced by the uniformity of sliding sash windows, which he concluded enhanced the character and appearance of the

conservation area. Whilst he was satisfied that the mock Georgian glazing bars could be provided to replicate the existing detailing, he concluded that the proposed slim line casement window would be much thicker in profile and would have jarred with the more slender proportions of the surrounding sash windows

3.10 Overall, as a result of the inconsistent appearance and opening style, the Inspector concluded that the proposed windows would have caused material harm to the character and appearance of the appeal property and the surrounding area, failing to preserve the character and appearance of the Wentworth Street Conservation Area.

3.11 The appeal was therefore DISMISSED.

Application No:	ENF/11/00439
Site:	Public payphone outside 29 Commercial Street E1 6DH
Development:	Unauthorised installation of payphone kiosk
Decision:	INSTIGATE ENFORCEMENT ACTION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED (Enforcement Upheld)

3.12 The appeal against the service of the enforcement notice focussed on "Ground c" that the matters stated in the notice did not constitute a breach of planning control. Telephone kiosks are subject to a 56 day prior approval process and the main issue in this case was whether the Council's notification that prior approval was required and was refused was properly served on the application within the 56 day period.

3.13 The Council emailed the decision in respect of the prior approval application within the 56 day period although the appellant argued that they had not received the notification. The Inspector was satisfied, that the Council made the decision within the prescribed period and DISMISSED the appeal and upheld the enforcement notice. The appellant did not seek to argue the planning merits of the proposed kiosk installation

Application No:	ENF/08/00286
Site:	The former Artichoke Public House, 91 Stepney Way, E1 3BG
Development:	Appeals against enforcement notice served in respect of the unauthorised timber fencing/hoarding
Decision:	INSTIGATE ENFORCEMENT ACTION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.14 This appeal related to the unauthorised erection of a relatively high hoarding fence – surrounding the site of the former Artichoke Public House. The enforcement notice required the removal of the hoarding and the removal of all materials. The appellant argued that the complete removal of the hoarding went beyond its powers, as a means of enclosure no higher than 1 metre would not have required planning permission. The Inspector accepted this argument

and ALLOWED the appeal and VARIED the Notice to state that the hoarding should be lowered and remain 1 metre in height.

Application No:	PA/11/01710
Site:	Western corner of Butchers Row and Commercial Road, E1 OHY
Development:	Appeal against the imposition of a condition on a grant of advertisement consent (requiring the advertisement to be removed by 29 September 2016
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED

3.15 This appeal site comprises a small surfaced yard located on a prominent street corner in the York Square Conservation Area. In imposing the condition, the Council has argued that the area was in transition and was concerned that after a period of 5 years the nature of the area would have changed and that it would have been necessary and reasonable to retain control of the sign and re-assess the impact after that time.

3.16 Whilst the Inspector accepted that there was potential for redevelopment of the site in the future, he noted that the Council had not put forward any evidence of any approved or potential scheme and also acknowledged that if a scheme did come forward, the hoarding would be removed as part of the redevelopment. He was not convinced with the Council's argument that the sign would be unacceptable for the foreseeable future and concluded that the disputed condition was unjustified and unreasonable.

3.17 The appeal was ALLOWED.

Application No:	PA/12/00458
Site:	15 Tredegar Terrace E3 5AH
Development:	Erection of an L Shaped dormer to the rear roof slope to facilitate a loft conversion
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED

3.18 The main issue in this case was the impact of the proposed dormer on the character and appearance of the Tredegar Square Conservation Area.

3.19 A critical issue in this case and why the Inspector was more supportive of the proposed development was that the appeal property different from the traditional Tredegar terrace properties (not having a traditional butterfly roof). As a consequence, the Inspector did not agree that the proposed dormer extension would have affected a roofline of predominantly uniform character. The Inspector referred to a similar form of development at 8 College Grove – also granted on appeal as part of his reasoning to allow the appeal

3.20 The appeal was ALLOWED.

Application No:	PA/11/03671
Site:	Blackwall Tunnel Northern Approach

	– by junction with Lochnagar Street E14 0LA
Development:	Internally illuminated 48 sheet advertisement hoarding
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.21 Despite the commercial profile in the approach to the site, the Inspector was concerned that the proposed advertisement would occupy and exposed corner at a junction – sensitively screened by trees. He concluded that the proposed advert would have detracted from the softening effect of this tree belt – especially in the context of existing commercial character. He was concerned that the sign would be prominent and would be unacceptable in such an exposed location. He also felt that the illumination would emphasise its presence, especially when viewed from the non commercial surroundings to the west of the main road

3.22 The Inspector was not as concerned about the highways safety aspects of the proposed sign.

3,23 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/10/01458
Sites:	Redundant Railway North of Pooley House, Westfield Way
Development:	The erection of two separate four storey podium blocks of Student Apartments – the easterly block flanked by two eight storey towers rising from the podium level and the western block by an eight storey block and a ten storey tower at the western end terminating the view along the Campus Access Road to the south to provide 412 student rooms.
Council Decision	Refuse (SDC Committee – August/September 2011) – Officers Recommendation Grant
Start Dates	10 May 2012
Appeal Method	WRITTEN REPRESENTATION

4.2 The Council refused planning permission on the grounds of overconcentration of student accommodation with an inappropriate balance between student accommodation and housing opportunities (including family housing), loss of amenities to neighbouring occupier through late night activity and finally, over-development of a restricted site with buildings of excessive scale and bulk, with impacts associated with loss of daylight and very limited opportunities for any meaningful landscaping as part of the proposed development.

Application No:	PA/11/00163
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Sites: *38-40 Trinity Square, London*
Development: *Erection of a 9-storey building with basement, comprising a 370-room hotel (Use Class C1) with associated ancillary hotel facilities along with the formation of a pedestrian walkway alongside the section of Roman Wall to the east of the site; the creation of a lift overrun to facilitate a lift shaft from ticket hall level to platform level within the adjacent London Underground station and associated step free access works; works of hard and soft landscaping and other works incidental to the application*

Council Decision: *Refuse (SDC – March 2012) – Officers Recommendation Grant*

Start Date *May 2012*
Appeal Method *PUBLIC INQUIRY*

- 4.3 Planning permission was refused on grounds of inappropriate height, bulk, scale and elevational treatment, failing to preserve or enhance the character and appearance of the Tower Conservation Area, the setting of neighbouring listed buildings and the Tower of London World Heritage Site. Further reasons referred to the failure to comply with policies guiding the established view management framework and the failure of the development to adequately deal with and manage coach drop off and servicing, with conflict between vehicle manoeuvring and pedestrian safety in the vicinity of the site.
- 4.4 It is anticipated that this public inquiry will taken place around September/October 2012

Application No: *PA/11/03154*
Site: *419-437 Hackney Road, London E2 8PP*
Development: *Erection of a fourth, fifth and six floor extension to existing hotel to provide a further 28 bedrooms*

Council Decision: *Refuse (delegated decision)*
Start Date *29 may 2012*
Appeal Method *WRITTEN REPRESENTATIONS*

- 4.5 Planning permission was refused on grounds of design – with the extensions being excessively bulky, detrimental to the Hackney Road streetscene, the character and appearance of the Hackney Road Conservation Area and the setting of the neighbouring listed building (2 Pritchard Road).

Application No: *PA/11/033226*
Site: *Site adjacent to the bar/restaurant at the north east junction of Corbet Place /Elys Yard E1*

Development: *Retrospective application for planning permission from use of a car park to ancillary space in connection with the use of an adjoining site as a restaurant bar.*

Council Decision: *Refuse (delegated decision)*

Start Date 14 May 2012
Appeal Method WRITTEN REPRESENTATIONS

- 4.6 Planning permission was refused on grounds of impact of the ancillary use on the amenities of neighbouring occupiers – leading to an over-concentration of restaurant/bar activity in and around the Brick Lane/Trumans Brewery complex.

Application No: PA/11/03311
Site: Unit FG-012A Block F Trumans Brewery, 91 Brick Lane
Development: Change of use of maintenance workshop to restaurant (Class A3)
Council Decision: Refuse (DC decision 8 Feb 2012) – Officer Recommendation Refuse
Start Date 14 May 2012
Appeal Method WRITTEN REPRESENTATIONS

- 4.7 Planning permission was refused on grounds of impact of the ancillary use on the amenities of neighbouring occupiers – leading to an over-concentration of restaurant/bar activity in and around the Brick Lane/Trumans Brewery complex.

Application No: PA/11/03813
Site: A12, Blackwall Tunnel Approach – adjacent to the A13 junction
Development: Display of a freestanding single sided portrait digital display (.8 metres by 5.5 metres positioned on a stand measuring 2.58 metres
Council Decision: Refuse (delegated decision)
Start Date 17 May 2012
Appeal Method WRITTEN REPRESENTATIONS

- 4.7 Advertisement consent for this advertisement display was refused on grounds of highway safety, especially as the moving display would be likely to distract drivers along a stretch of fast moving traffic.

Application No: PA/11/03801
Site: 317 Whitechapel Road E1 1BY
Development: Display of a portrait backlit advertisement display (6 metres by 3 metres)
Council Decision: Refuse (delegated decision)
Start Date 17 May 2012
Appeal Method WRITTEN REPRESENTATIONS

- 4.8 The Council refused advertisement consent on grounds that the advertisement, in view of its size and location on a flank wall of the property, would have been visually intrusive, over dominant and a discordant feature, failing to preserve or enhance the character and appearance of the Whitechapel Market Conservation Area

Application No: PA/11/03912
Site: Pavement at the corner of Whitechapel Road and Commercial Street
Development: Display of a double sided portrait advertisement unit.

Council Decision: *Refuse (delegated decision)*
Start Date *17 May 2012*
Appeal Method *HEARING*

- 4.9 The Council refused advertisement consent on grounds that the advertisement, with its changing digital display would have been detrimental to the visual amenities of the immediate locality.

Application No: *PA/12/00458*
Site: *15 Tredegar Terrace E3 5AH*
Development: *Erection of an L shaped dormer to the rear roof slope to facilitate a loft conversion*

Council Decision: *Refuse (delegated decision)*
Start Date *17 May 2012*
Appeal Method *HEARING*

- 4.10 The Council refused planning permission on grounds of inappropriate design, excessive bulk and scale of development and inappropriate window detailing which would have resulted in an incongruous form of development, failing to respect the predominant roof line, whilst failing to preserve the character and appearance of the Tredegar Square Conservation Area.