

<b>Committee:</b> Development	<b>Date:</b> 13 February 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Pete Smith	<b>Title:</b> 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.

<b>Application No:</b>	<b>PA/12/02469</b>
<b>Site:</b>	<b>73 Driffield Road, E3 5NE</b>
<b>Proposed Development Decision</b>	<b>Erection of a first floor rear extension REFUSE PLANNING PERMISSION (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.2 The main issue in this case was the extent to which the proposed development preserved or enhanced the character and appearance of the conservation area and its impact on the living conditions of occupiers of neighbouring properties.

- 3.3 The proposed first floor extension would have extended the property to the same depth as the existing single storey addition and the Planning Inspector was concerned about the proposed width of a rear facing window and the proposed cedar cladding. He concluded that the combined effect of the extension would have served to heighten the prominence and visual incongruity of this feature in this location.
- 3.4 The Planning Inspector was less concerned about the amenity effects of the extension with the proposed extension being set back from neighbouring windows. Notwithstanding this, the appeal was DISMISSED in view of the detrimental effect of the character and appearance of the conservation area.

**Application No:** PA/12/01161  
**Site:** James Hammett House, Ravenscroft Street, E2 7QH  
**Site:** Installation 6 antennas to façade of building and rooftop equipment.  
**Decision:** REFUSE PLANNING PERMISSION (delegated decision)  
**Appeal Method:** WRITTEN REPRESENTATIONS  
**Inspector's Decision:** ALLOWED

- 3.5 The main issue in this case was the impact of the proposed installation on the character and appearance of the appeal premises and the Hackney Road Conservation Area.
- 3.6 James Hammett House is a 11 storey block of flats, dating from the late 1950s and the Planning Inspector felt that in view of the size of the appeal premises would serve to diminish the impact of the proposed antennas. He concluded that the installation would not be prominent or conspicuous in any views, nor would the antennas draw attention to themselves. He therefore did not agree with the Council that they would have been detrimental to the character and appearance of the property and the conservation area.
- 3.7 The appeal was ALLOWED.

**Application No:** PA/12/00354 and EV/10/00106  
**Site:** 369A Roman Road and land at 369 Roman Road, E3 5QR  
**Development:** Change of use from commercial to 2x1 bed flats and the unauthorised installation of a shop front comprising wooden slat hoardings.  
**Decision:** REFUSE PLANNING PERMISSION AND INSTAIGATE PLANNING ENFORCEMENT ACTION (delegated decision)  
**Appeal Method:** WRITTEN REPRESENTATIONS  
**Inspector's Decision:** DISMISSED AND ENFORCEMENT NOTICE UPHELD

- 3.8 This property was constructed back in 2009 following a grant of planning permission for use of basement and ground floor for commercial purposes, with three flats above. The ground floor had been completed to shell and core and the shopfront was not constructed in accordance with the approved plans. The

ground floor and basement has also never been occupied and the appeal against the refusal of planning permission relates to the proposed use of the previously approved commercial space as two self-contained flats.

3.9 There were three main issues relevant to these appeals:

- The implications of the proposed change of use of the vitality and viability of the District Centre;
- The effect of the works on the character of the Driffield Road Conservation Area;
- Whether the proposed residential accommodation s of a satisfactory standard in terms of amenity space

3.10 On the first issue, the Planning Inspector concluded that the change of use to residential would have unacceptably diluted the retail and commercial offer within this part of Roman Road. He was also concerned about the ground floor treatment (linked to the proposed flats) and referred back to the traditional shop front approved as part of the original grant of planning permission. He concluded that the external alterations would have significantly harmed the rhythm and continuity of the parade and would have harmed the character and appearance of the Driffield Road Conservation Area.

3.11 On the third issue, the Planning Inspector was not persuaded that the modest sized amenity areas for each of the flats (especially as family sized accommodation had not been proposed). The Planning Inspector modified the Planning Enforcement Notice (which required the removal of the wooden slatted hoarding and the installation of the approved shop front) by extending the period of compliance from 4 months to 6 months.

<b>Application No:</b>	<b>ENF/10/00603</b>
<b>Site:</b>	<b>21-22 Gillender Street, E3 2QA</b>
<b>Development:</b>	<b>Appeal against the enforcement notice in respect of the unauthorised use of the property as 6 residential units along with the unauthorised rear roof extension and external alterations.</b>
<b>Decision:</b>	<b>INSTIGATE ENFORCMENT ACTION (delegated decision)</b>
<b>Appeal Method:</b>	<b>PUBLIC INQUIRY</b>
<b>Inspector's Decision</b>	<b>ALLOWED AND ENFORCEMENT NOTICE QUASHED</b>

3.12 This case involved the unauthorised use of the property as 6 residential units along with the unauthorised rear roof extension and external alterations. The Council had serious concerns about the appearance of the rear roof extension and the various external works undertaken (including the installation of UPVC windows) in view of the sites location adjacent to listed buildings and within the Limehouse Cut Conservation Area. The Council was also concerned about the failure of the scheme to provide the required family unit (3+ bedrooms as part of the scheme).

3.13 During the Inquiry, the appellant submitted a drawing which indicated how they might provide the required family unit at ground floor level (which they had

previously offered to the Council prior to the commencement of proceedings). In response, the Council was not prepared to accept the compromise solution, as it was also concerned about the appearance of the rear roof extension, which was included as part of these submitted compromise plans. The appellant also submitted drawings indicating how they would improve and modify the external appearance of the building through the removal of pipework and the installation of timber windows more in keeping with the appearance of the building.

- 3.14 The Planning Inspector accepted that the external alterations that had been undertaken were not acceptable and also agreed with the Council that a family unit (on the ground floor) was a requirement of the scheme, even though the site is located adjacent to the A12. However, as the appellant had submitted drawings to indicate how the ground floor could be converted into a family unit and had agreed to improve the external appearance of the building, the Planning Inspector granted planning permission with these alternative drawings, quashed the Planning Enforcement Notice and required the implementation of the works pursuant to this planning permission by condition and in accordance with the amended drawings submitted and debated at the Public Inquiry. The conditions require the works to be clarified and carried out within a specified period.
- 3.15 The appeal was ALLOWED. This is a disappointing decision in respect of the roof extension but it is satisfying that the Planning Inspector accepted the Council's position in terms of the requirement for a family sized unit and the requirement for significant improvements to be made to the external appearance of the building.
- 3.16 There was a partial award of costs against the Council as a number of the issues raised in respect of the previous use (or lack of) as part of the Council's pre inquiry submission pointed towards the need for a public inquiry, which the Planning Inspector considered was not necessary.

#### **4. NEW APPEALS**

- 4.1 The following appeals have been lodged with the Secretary of State following a decision by the local planning authority:

<b><i>Application No:</i></b>	<b><i>PA/12/02726</i></b>
<b><i>Sites:</i></b>	<b><i>Unit 1, Pump House Mews, Hooper Street, London, E1 8AG</i></b>
<b><i>Development</i></b>	<b><i>Erection of an additional storey with mono pitched roof to create a third floor to the existing two-storey single dwelling house to provide an additional 1 bedroom with en-suite bathroom.</i></b>
<b><i>Council Decision</i></b>	<b><i>REFUSE (delegated decision)</i></b>
<b><i>Start Date</i></b>	<b><i>unconfirmed</i></b>
<b><i>Appeal Method</i></b>	<b><i>WRITTEN REPRESENTATION</i></b>

- 4.2 The proposed development was a re-submission of an earlier scheme (PA/11/03805) which was refused by the Council. Similar to the earlier scheme, this revised scheme was found to have an unacceptable impact on the amenity of adjoining properties virtue of its height, bulk and depth of extension.

**Application No:** PA/12/01209  
**Sites:** 3-4 Vine Court, London, E1  
**Development** Demolition of former light industrial building and erection of a part 2, part 3 storey (plus basement) row of terraced houses comprising 5 dwelling units (2 x 2 Bed and 3 x 3 Bed).  
**Council Decision** REFUSE (delegated decision)  
**Start Date** Unconfirmed  
**Appeal Method** Unconfirmed

- 4.3 This case was refused planning permission by reason of its scale, mass, excessive plot coverage, detailed design and use of materials, which failed to preserve or enhance the appearance of the Myrdle Street Conservation Area, provide poor outlook for future residents and fail to preserve the amenity of existing residents by an increase sense of enclosure.

**Application No:** PA/12/02723  
**Sites:** 16 Milligan Street, London, E14 8AU  
**Development** Erection of two storey rear extension  
**Council Decision** REFUSAL (delegated decision)  
**Start Date** 3 December 2012  
**Appeal Method** WRITTEN REPRESENTATION

- 4.4 This planning permission was refused on grounds that the proposed two-storey extension would be detrimental to the amenities of the neighbouring occupiers by reason of its excessive height, scale and bulk which was considered to have an adverse impact on the amenities of its neighbouring occupiers and result in an unacceptable addition to the terrace. Lastly, the extension was not considered to either preserve or enhance the character and appearance of the Narrow Street Conservation Area.

**Application No:** PA/12/02901  
**Sites:** 52 Twelvetrees Crescent, London, E3 3GT  
**Development** Demolition of the existing development and erection of a 4 bedroom house; 3 storeys above the adjacent road level.  
**Council Decision** REFUSAL (delegated decision)  
**Start Date** 24/01/2013  
**Appeal Method** WRITTEN REPRESENTATION

- 4.5 The proposal to erect a three storey house at the appeal site was refused on grounds of height, scale, bulk and design, which was considered excessive for the site and adversely impacting on the character and appearance of the Limehouse Cut Conservation Area as well as the setting of the adjacent Grade II Listed Twelvetree's Bridge. The proposed development was also refused on highway safety grounds with poor vehicular access onto the site, with poor vehicle indivisibility and sight lines onto Twelvetrees Crescent.

- 4.6 This site has been the subject of previous planning refusals and enforcement investigations with subsequent dismissed appeals.

**Application No:** PA/12/02495  
**Sites:** 4 Wilkes Street, London, E1 6QF

***Development***

***Erection of roof extension to provide office space including the creation of a roof terrace together with timber screening to perimeter of roof terrace.***

***Council Decision***

***REFUSAL (committee decision)***

***Start Date***

***23/01/2013***

***Appeal Method***

***WRITTEN REPRESENTATION***

4.7 This planning permission was refused planning permission by development Committee for the following reasons:

- The development by reason of its proximity to neighbouring properties, in particular 6-10 Princelet Street and the garden of 6 Wilkes Street, would result in a loss of light and outlook to the occupiers of these properties.
- The proposal by virtue of its elevated position and the provision of a roof terrace would result in an increase in the perception of overlooking to neighbouring residential properties. The provision of a roof terrace serving an office development would cause harm to the amenities of neighbouring occupiers without delivering any significant benefits for the users of the office building or other surrounding residents.
- The proposal by virtue of the elevated position and size of the roof terrace would result in an unacceptable impact on the residential amenity of surrounding residents, due to the noise and disturbance, and the potential for smoke and odours, which would arise from its use in conjunction with the office use of the building.
- The timber screen to the roof terrace, proposed to mitigate the otherwise unacceptable impacts of overlooking and loss of privacy to surrounding residential dwellings, itself results in a loss of outlook and has an adverse impact on the visual amenity currently enjoyed by those dwellings.