

<b>Committee:</b> Development	<b>Date:</b> 15 May 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/12/02455</b>
<b>Site:</b>	<b>50 Coldharbour Lane E14 9NS</b>
<b>Proposed Development:</b>	<b>Erection of a two storey side extension, loft conversion and a rear roof dormer extension and other external alterations</b>
<b>Decision:</b>	<b>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 appeal property is a simple, modern end of terrace house facing onto a Victorian terrace located on the opposite side of the street. The proposed

development would have modified this modest house from a two bedroom housing into a three storey five bedroom property. The main issues were the effect and the proposed works on the character and appearance of the Coldharbour Conservation Area and the effect of the extensions of the living conditions of neighbours.

- 3.3 The Planning Inspector was concerned that the extensions would have overwhelmed the cottage style terrace and would have struck a discordant presence at this corner of the street. He felt that the alterations and extensions would have appeared more complex and would have been very visible from the street and would have appeared unbalanced. He concluded that the proposal would have been excessive in terms of height, bulk and scale and would have been inappropriate in its local context.
- 3.4 In terms of the effect of living conditions, he concluded that with such small gardens, the scale of the extension would have appeared dominant and oppressive when viewed from 52 Coldharbour and could have reduced sunlight reaching the rear rooms and garden early in the day.
- 3.5 The appeal was DISMISSED.

<b>Application No:</b>	<b>PA/PA/12/00049</b>
<b>Site:</b>	<b>393 Cambridge Heath Road, London E2</b>
<b>Proposed Development:</b>	<b>Formation of a flat to the rear of the buildings at second floor level by way of a proposed roof extension</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.6 The main issue in this case was the effect of the proposed extension works on the character and appearance of the immediate locality and the appearance of the host building (which is locally listed).
- 3.7 The Planning Inspector was concerned that the proposed extension would have introduced a roof extension structure which would have harmed the character of the roof profiles and would have neither respected the established character of the appeal premises nor that of the adjacent property to the south. He felt that the traditional roof form contributes towards the interest of the building which he considered was a positive asset, clearly visible from various viewpoints.
- 3.8 The appeal was DISMISSED.

<b>Application No:</b>	<b>PA/10/01458</b>
<b>Site:</b>	<b>Redundant Railway Viaduct North of Pooley House</b>
<b>Site:</b>	<b>Erection of two blocks (4, 8 and 10 storeys) containing 412 student rooms with shared facilities) along with storage facilities for Queen Mary University.</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (Strategic Development Committee –</b>

**Appeal Method:  
Inspector's Decision**

**Refuse) – (Officer Recommendation –  
GRANT)  
PUBLIC INQUIRY  
ALLOWED**

3.9 The main issues in this case were as follows:

- The effect of the proposed development on the supply mix and balance of housing in the immediate locality and the wide area
- The effect of the development on the character and appearance of the area
- The effect of the development on the living conditions of neighbours.

3.10 In respect of the first issue, it was the Council's position that the site would be better served by providing for general needs housing (instead of student accommodation for which there is limited identified need). The inquiry considered evidence as to the relative merits of student accommodation versus general needs housing and the Inspector concluded that demand for dedicated student accommodation had not been satisfied at either strategic or local level, especially as Queen Mary University had confirmed that if the student accommodation was built, it would be fully occupied. Whilst the Planning Inspector accepted that general needs housing could be put on the site, he was satisfied that such provision would have required a lower density and he felt that the sites close proximity to student accommodation would have had the potential to create an uncomfortable relationship between the occupiers of differing backgrounds and tenures, likely to be exacerbated by the fact that the adjacent railway would have constrained the design. He concluded that the site would not have been suited to general needs housing.

3.11 In terms of character and appearance, the Inspector referred to various comments and consultations with CAGE, Council officers and the GLA. The Council's concern however was in relation to concerns about over-development and the inability of the scheme to provide a suitable relationship with Pooley House (the existing student block to the south) The Planning Inspector accepted that the proposed development would represent a significant quantum of development on a constrained site. He accepted that there would be little room for landscaping between the blocks but was content with the proposed buildings' relationship with the adjacent railway line to the north with considerable separation between the proposed building and Meath Crescent and Suttons Wharf (to the north on the north side of the railway viaduct. Furthermore, he was satisfied with the separation distance between the proposed building and Pooley House, especially as the proposed building would be set at 4 storeys along part of its length and the separation would not be that dissimilar to other relationships elsewhere on the campus.

3.12 Whilst he acknowledged that the site lies to the west of the Regents Park Canal Conservation Area, he concluded that the proposed development would not site uncomfortably close to Pooley House and would not have been harmful to the general townscape and the character of the adjacent conservation area

3.13 Turning to the effect of the development on the living conditions of neighbours, he accepted that the student residents of Pooley House would be likely to have reductions in outlook, light and an increased sense of enclosure. However, as the residents of Pooley House are not permanent residents (being students) he was satisfied that these occupiers were unlikely to be as sensitive a residents

living in general needs housing. He was concerned about daylight penetration into study bedrooms, but again he acknowledged that students were somewhat transitory occupiers and that Queen Mary University had not objected to the application.

- 3.14 The Inquiry debated the effect of students returning to their rooms late at night through the Longnor Estate as well as the effect of noisy or otherwise anti-social activities on the proposed roof terraces. He was satisfied that if not properly controlled, students returning late at night would disturb residents of Lognor Estate but felt that it could be controlled through the use of conditions governing later night access to the development from Bradwell Street. He concluded that noise from the terraces could be controlled through the use of an Estate Management Plan.
- 3.15 The Inspector referred to objections raised by the East End Waterways Group concerning the loss of the viaduct which had historic associations with “coal drops” which they considered an asset of high historic significance. Notwithstanding this, the Inspector saw no reason to set aside the findings of a Museum of London Report on the matter which found that the viaduct had only medium evidential historical, communal and aesthetic value.
- 3.16 The appeal was ALLOWED. There was no application for costs.
- 3.17 This is a significant decision in respect of the relative value between general needs housing and the need to provide for student accommodation. The close proximity to Queen Mary University campus and potential limitations of general needs housing in this particular case weighed heavily in favour of the proposed development. Officers worked hard when justifying the stated reasons for refusal and the Inspector accepted the potential noise nuisance associated with additional student accommodation and the issues associated with potential access through the Longnor Estate. However, these issues were satisfied by the use of planning conditions.

#### **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 Nos:</i></b>	<b><i>PA/13/00059/00060</i></b>
<b><i>Site:</i></b>	<b><i>35 Coborn Street, E3 2AB</i></b>
<b><i>Development</i></b>	<b><i>Planning permission and listed building consent for installation of 3 replacement windows, the installation of glazed doors, rendering to the lower ground floor and the installation of a shower into the garden room.</i></b>
<b><i>Council Decision</i></b>	<b><i>REFUSE (delegated decision)</i></b>
<b><i>Start Dates</i></b>	<b><i>15 April 2013</i></b>
<b><i>Appeal Method</i></b>	<b><i>WRITTEN REPRESENTATION</i></b>

- 4.2 These applications for planning permission and listed building consent were refused as it was considered that the replacement windows and the frameless replacement doorway would have been an unsympathetic and incongruous modern addition to the listed building, resulting in the loss of old fabric, undermining the special architectural and historic interest of the listed building.

**Application No:** PA/12/02757  
**Sites:** 504 Roman Road E3 5LU  
**Development:** Erection of a ground, first and second floor extension in connection with the use of the continued use of the ground floor for retail purposes with a 1x2 bed flat on the enlarged first floor and 2 studio units proposed at second floor level.  
**Council Decision:** REFUSE (delegated decision)  
**Start Date:** 4 April 2013  
**Appeal Method:** WRITTEN REPRESENTATIONS

- 4.3 The reason for refusal in this case was related to the effect of the extensions on neighbouring residential occupiers (overdevelopment of the site) resulting in increased overshadowing and an increased sense of enclosure, with the proposed residential units being cramped and lacking required amenity space.

**Application No:** ENF/10/00317  
**Sites:** 566-568 Mile End Road E3 4PH  
**Development:** Use of first floor as a self-contained flat  
**Council Decision:** INSTIGATE ENFORCMENT PROCEEDINGS (delegated decision)  
**Start Date:** 9 April 2013  
**Appeal Method:** WRITTEN REPRESENTATIONS

- 4.4 The enforcement notice was served on grounds that the residential accommodation resulted in the loss of commercial foorspace and failed to provide adequate amenity space. There was also concern about the failure to provide adequate refuse storage arrangements for the flats as well as space for cycle storage. The owner has appealed on grounds that planning permission should be granted for the conversion.

**Application No:** ENF/10/00319  
**Sites:** 260 Canton Street, E14 6EP  
**Development:** Extension of ground floor front extension to dwelling house  
**Council Decision:** INSTIGATE ENFORCMENT PROCEEDINGS (delegated decision)  
**Start Date:** 17 April 2013  
**Appeal Method:** WRITTEN REPRESENTATIONS

- 4.5 The enforcement notice was issued on grounds that the extension to the property does not respect of appearance of the host building, neighbouring properties and the character and appearance of the Lansbury Conservation Area. The owner feels that planning permission should be granted and has questioned whether a breach of planning control has in fact taken place.

**Application No:** ENF/10/00659  
**Sites:** 504 Roman Road E3 5LU  
**Development:** Appeal against a discontinuance notice served in respect of a high level pole hanging advertisement.  
**Council Decision:** SERVE DISCONTINUANCE NOTICE

<b>Start Date</b>	<b>(delegated decision)</b>
<b>Appeal Method</b>	<b>4 April 2013</b>
	<b>WRITTEN REPRESENTATIONS</b>

- 4.6 Discontinuance action was taken in respect of this sign, as it was considered that the high level sign detracts for the appearance of the property, the Victorian terrace and the character and appearance of the Medway Conservation Area.