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| Committee: Development | Date: 19 June 2013 | 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.

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| Application No: | PA/12/02901 |
| Site: | 52 Twelvetrees Crescent E3 |
| Development: | Demolition of existing dwelling and the erection of a 4 bedroom wheelchair accessible family house |
| Decision: | REFUSE PLANNING PERMISSION (delegated decision) |
| Appeal Method: | WRITTEN REPRESENTATIONS |
| Inspector's Decision | DISMISSED |

- 3.2 This is the third time that a planning application for a single family dwelling house has been refused planning permission in respect of this site and has

been the subject of subsequent planning appeal proceedings. As with the previous two appeal cases (both of which were previously dismissed by the Planning Inspectorate) the main issues with this were whether the proposed development:

- would have appeared incongruous with its surroundings by reason of height, scale, bulk and design;
- would have adversely affected the character and appearance of the adjacent conservation area and the setting of the adjacent listed building;
- would have been detrimental to highway safety within Twelvetrees Crescent, due to poor sightlines at and adjacent to the site entrance.

3.3 The Planning Inspector noted that whilst the appeal site occupies a wide frontage, it is narrow and comprises a relatively steep embankment. He concluded that the height of the proposed building would have been substantial for a single family dwelling. He agreed with the previous Planning Inspectors' conclusions that the size of the proposed building would have been disproportionate to the restricted size of the site.

3.4 In terms of the effect on designated heritage assets, the Planning Inspector concluded that the proposed development would have appeared conspicuous and with the proposed retaining walls, would have commanded visual prominence when viewed from the conservation area and the listed bridge. He felt that even with the amendments made, these would not have overcome the harmful effect of the development on the listed building and the setting of the wider surroundings

3.5 Finally and in terms of highway safety, whilst the Planning Inspector was generally satisfied with vehicle inter-visibility and highway safety issues generally, especially as vehicles tend to travel along Twelvetrees Crescent at slower speeds, he was concerned that there would have been inadequate space on site to allow a vehicle to turn and exit the site in forward gear. He recognised that this might have been possible to resolve through modifications to the siting of the building, but there was no basis to require this as part of this appeal process or through the imposition of conditions.

3.6 The appeal was DISMISSED. This is a very worthwhile decision and comprehensively supported your officers' consistent approach in respect of this site.

4. NEW APPEALS

4.2 4.1 The following appeals have been lodged with the Secretary of State following decisions made by the The reason for refusal focussed on the loss of the characteristic valley gutter roof and the inappropriate design of the mansard roof, failing to preserve or enhance the character and appearance of the Clinton Road Conservation Area.

local planning authority:

Application No:

Sites:

Development:

PA/12/02637

Ability Place, 37 Millharbour

Two storey extension to the 13th floor to form 7 duplex apartments with the provision of additional brown and green

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| Council Decision | roofs. |
| Start Dates | Refuse (delegated decision) |
| Appeal Method | 24 May 2013 |
| | WRITTEN REPRESENTATIONS |

4.3 This proposed development is very similar to that which was previously refused planning permission by Development Committee last year and was successfully defended on appeal. The delegated decision to refuse planning permission for this subsequent amended scheme was made prior to the Planning Inspector's decision to dismiss the previous appeal and interestingly, the Planning Inspector went further that the Council's reason for refusal..

4.4 The reasons for refusal in respect of this subsequent amended scheme were similar to those sited in the previous scheme, focussing on over-development and loss of amenity space – although the previous appeal was also dismissed on grounds of loss of daylight to upper floor flats in Ability Place and the inconvenience of construction taking place (provision for cranes etc.) on such a tight site occupied intensively by existing residential occupiers.

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| Application No: | PA/12/02893 |
| Sites: | Flat 14 Chandlery House, 40 Gowers Walk E1 8BH |
| Development: | Alterations to doors on first floor of listed building. |
| Council Decision: | Refuse (delegated decision) |
| Start Date | 9th April 2013 |
| Appeal Method | WRITTEN REPRESENTATIONS |

4.5 This case was refused on grounds of the inappropriate loss of original features of the listed building without justification.

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| Application No: | PA/12/02554 |
| Site: | 91 Fieldgate Street E1 1JU |
| Development: | Alterations to shop front including the removal of a roller shutter. |
| Council Decision: | Refuse (delegated decision) |
| Start Date | 8 May 2013 |
| Appeal Method | WRITTEN REPRESENTATIONS |

4.6 The Council refused planning permission on grounds that the replacement shop front was poorly proportioned and failed to re-introduce original design features, failing to preserve the character and appearance of the Myrdle Street Conservation Area. There was also concern that the replacement shop front failed to provide step free access into the unit. This development has previously been the subject of planning enforcement investigations.

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| Application No: | PA/12/03355 |
| Site: | 61 Clinton Road E3 4QY |
| Development: | Erection of a mansard roof extension. |
| Council Decision: | Refuse (delegated decision) |
| Start Date | 15 May 2013 |
| Appeal Method | WRITTEN REPRESENTATIONS |

4.7 The reason for refusal focussed on the loss of the characteristic valley gutter roof and the inappropriate design of the mansard roof, failing to preserve or

enhance the character and appearance of the Clinton Road Conservation Area.

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| <i>Application No:</i> | <i>PA/12/03350</i> |
| <i>Site:</i> | <i>63 Clinton Road E3 4QY</i> |
| <i>Development:</i> | <i>Erection of a mansard roof extension</i> |
| <i>Council Decision:</i> | <i>Refuse (Delegated decision)</i> |
| <i>Start Date</i> | <i>1 May 2013</i> |
| <i>Appeal Method</i> | <i>WRITTEN REPRESENTATIONS</i> |

- 4.8 The reason for refusal focussed on the loss of the characteristic valley gutter roof and the inappropriate design of the mansard roof, failing to preserve or enhance the character and appearance of the Clinton Road Conservation Area.