

<b>Committee:</b> Development	<b>Date:</b> 9 October 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 8.2
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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. All Members of the Council receive a regular monthly email update of appeals received by the Council.
- 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/13/00776</b>
<b>Site:</b>	<b>49 Vallance Road, London E1 5AB</b>
<b>Proposed Development:</b>	<b>Proposed roof extension and rear extension to an existing town house.</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION</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 effect of the proposed development on the character and appearance of the host property and the surrounding area.
- 3.3 The appeal premises is a three storey end of terrace property and despite some elevational changes to the remainder of the terrace, the Planning Inspector was satisfied that the terrace retained a fairly uniform appearance. As the proposed

roof extension would have taken the form of an additional storey, the Planning Inspector concluded that the extension would have appeared odd and incongruous, giving rise to a harmful visual imbalance, upsetting the proportions and visual unity of the existing terrace. He felt that increases in height would have needed to form part of a more unified approach to the terrace as a whole.

- 3.4 The Planning Inspector concluded that the roof extension would have caused harm to the character and appearance of the area and the host property and the appeal was DISMISSED.

<b>Application No:</b>	<b>PA/12/02824</b>
<b>Site:</b>	<b>Block E, Taylor Place, 5-25 Payne Road, London E3</b>
<b>Proposed Development:</b>	<b>Change of use of Block E from 10 commercial units to 12 residential apartments.</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>ALLOWED</b>

- 3.5 The main issue in this case was the degree to which the proposed change of use was required to deliver affordable housing. Block E previously formed part of a larger redevelopment scheme which comprised 158 flats and 15 commercial units and the Council argued that as the proposed change of use proposed more than 10 residential units, there was a policy requirement to provide a proportion of additional affordable housing.

- 3.6 Whilst the Planning Inspector accepted the Council's arguments that the affordable housing policy applied in this particular case, he agreed with the appellant that it was not appropriate to deliver affordable housing in this particular case. He was persuaded by the developer that as the remainder of the scheme (which was granted planning permission by the Council back in 2004/5) already had a high proportion of affordable housing (61.4 % affordable housing – in excess of the 50% policy levels outlined in SP02), there was no requirement to provide further affordable housing. He accepted the appellant's argument that further private sale units would improve the balance of a mixed neighbourhood and he noted that the Planning Framework emphasised the need for market as well as affordable housing.

- 3.7 The appeal was ALLOWED.

<b>Application No:</b>	<b>ENF/12/00381</b>
<b>Site:</b>	<b>Land at 164 Upper North Street, E14 6BH.</b>
<b>Breach of Planning Control</b>	<b>Use of site as a shisha lounge and the erection of a permanent marquee</b>
<b>Council Decision:</b>	<b>INSTIGATE ENFORCEMENT ACTION (Delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>ENFORCEMENT NOTICE FOUND INVALID</b>

- 3.8 This case involved a breach of planning control in respect of an unauthorised shisha lounge. The Inspector, during the site inspection, questioned whether

the enforcement notice had covered the correct planning unit; whether the enforcement notice should have covered only the part of the site occupied by the shisha lounge or whether it should have included other parts of the site (namely an adjacent cash and carry warehouse – which can be accessed via the shisha lounge).

- 3.9 He concluded that the site identified as part of the enforcement notice should have included the larger site (including the adjacent cash and carry) and therefore found the enforcement notice to be invalid and subsequently quashed the notice.
- 3.10 This is most unfortunate outcome and officers are seeking advice on the legal issues associated with this decision. In any case, officers are now considering a re-draft of the enforcement notice and further service in the future.

<b>Application No:</b>	<b>ENF/12/00353</b>
<b>Site:</b>	<b>11 Chapel House Street, London E14 3AS.</b>
<b>Breach of Planning Control:</b>	<b>Two storey rear extension.</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSON (Delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>APPEAL DISMISSED</b>

- 3.11 This case involved an unauthorised two storey rear extension to the property which the Council considered to be harmful to the character and appearance to the adjacent conservation area and to the amenities of immediate neighbours. The enforcement notice require the removal of the first floor element of the extension and a reduction in size of the ground floor rear extension. The period of compliance was 3 months from the date of the notice.
- 3.12 The Planning Inspector agreed with the Council's position in respect of the character and appearance of the conservation area. He concluded that the extension appears bulky and incongruous with the design lacking coherence, particularly with regard to the first floor element and its relationship with the ground floor. The Planning Inspector was less concerned about the impact of the development on neighbouring amenities (outlook in particular) and he did not consider that the impact of the extensions on 9 Chapel House Street were sufficient for the extension to be considered overbearing.
- 3.13 Notwithstanding this, the Planning Inspector concluded that the appeal should be DISMISSED and the enforcement notice UPHELD. This is a very satisfying decision and the appellant has until 11 December 2013 to comply with the Notice. Officers are seeking to ensure compliance with said Notice.

<b>Application No:</b>	<b>PA/12/02010</b>
<b>Site:</b>	<b>Bridge Wharf, Old Ford Road, London E2.</b>
<b>Proposed Development:</b>	<b>Erection of a 4 bedroom house</b>
<b>Decision:</b>	<b>REFUE PLANNING PERMISSION (Delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>APPEAL DISMISSED</b>

- 3.14 This is the third occasion that a proposed development of this canal side site

has been considered on appeal and like previous Planning Inspectors, the Inspector on this occasion placed significant value on the canal side setting and the contribution the open site makes to the character and appearance of the conservation area, describing the site as almost sylvan in character, despite its un-kept nature. He concluded that the proposed development would have been detrimental to existing character, by reducing the contrast between the canal and its banks and towpaths with the built development beyond. He was also concerned that the proposed development would have removed the green relief that the space currently provides from its urban surroundings.

3.15 The appeal was DISMISSED