

<b>REPORT OF ASSISTANT DIRECTOR OF REGENERATION AND PLANNING</b>		
<b>PLANNING SUB-COMMITTEE</b>  October 2008	<b>Classification INFORMATION</b>	<b>Enclosures</b>
	<b>Ward(s) Affected ALL</b>	<b>APPEAL SUMMARY</b>  <b>April 2008</b>

**1. SUMMARY**

Attached for Members' information is a report summarising all Planning Inspectorate appeal decisions received for the month of April 2008.

**2. RECOMMENDATION**

That the attached schedule be received for Members' information.

Signed..... Date.....

**FIONA FLETCHER-SMITH**  
**CORPORATE DIRECTOR, NEIGHBOURHOODS AND REGENERATION**

Report Originating Officer: Franziska Lang (ph: 0208 356 8291)

**Background Papers**

The following documents have been relied upon in the preparation of this report:

<b>Description of Document</b>	<b>Location</b>	<b>Date</b>
MVM Panorama Planning System and PINS on-line case search	263 Mare Street, E8	September 08

***MONTHLY APPEAL DECISION INFORMATION BULLETIN***

**SUMMARY INFORMATION FOR THE MONTH OF APRIL 2008**

**Statistics for all Planning and Enforcement Appeals**

Planning (Including Listed Building, Conservation Area Consents and Adverts)		Enforcement	
<b>Number of appeals received:</b>	23	<b>Number of appeals received:</b>	1
<b>Number of appeals withdrawn:</b>	0	<b>Number of appeals withdrawn:</b>	0
<b>Number of appeals decided:</b>	6	<b>Number of appeals decided:</b>	3
• Dismissed	5	• Dismissed	2
• Allowed	1	• Allowed	0
• Split	0	• Split	1
<b>Number of cost applications made</b>	2	<b>Number of cost applications made</b>	1

**Best Value Performance Indicator (BVPI) 204 Statistics**

**Number of appeals forming BVPI statistic: 5** (Refer to note below for explanation)

	BVPI 204 April 2008 (S.78 Determined)	BVPI target 2008/2009	BVPI since 1 <sup>st</sup> April 2008
<b>Number of Appeals Dismissed</b>	4/5 (80%)	62.0%	4/5 (80%)
<b>Number of Appeals Allowed</b>	1/5 (20%)	38.0%	1/5 (20%)
<b>Number of Appeals with Split Decision</b>	0/5 (0%)	Forms part of the 'Allowed' statistic above	N/A

**Note:**

Planning appeals for the purposes of the BVPI statistic includes appeals on planning applications where the Council has refused planning permission. It does not include planning appeals against conditions or non-determinations. The calculation also excludes all other application types of appeal, e.g. Advertisement Appeals, Enforcement Appeals and Lawful Development Certificate appeals. A partially allowed appeal must be counted as an allowed appeal (Extract from Best Value Performance Indicators by Audit Commission).

**1. Site Address: 35 Craven Walk, London N16 6BS**

**Application and Appeal Reference: 2007/1750 & APP/U5360/A/07/2059728**

<b>Inspectors Ruling:</b> DISMISSED
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**Development Description:** Erection of a single storey rear extension

**Type of Appeal:** Written representations appeal against the Council's refusal of planning permission

**Key Policies/ Material Considerations:** PPS 1 – requirement for 'good design'

**Inspector Considerations and Key Issues:** Effect of the extension on the character and appearance of the area and of the host building

**Brief Assessment:** The Inspector considered that an extension of such depth would be disproportionate to the original house and unsympathetic to its design. Together with the existing extension at an adjacent property, it would form an incongruous and visually unattractive intrusion into the domestic surroundings and significantly reduce the rear garden area. Similar extensions in the surroundings highlighted by the appellant did not convince the Inspector that a further such extension should be allowed as he considered that the continued construction of numerous large extensions within the rear garden areas would result in over-development having an adverse effect on the living conditions of occupiers.

**Implications:** No new implications

**2. Site Address: 69-71 Lordship Road, London N16 0QX**

**Application and Appeal Reference: 2004/0732/ENF**

<b>Inspectors Ruling:</b> DISMISSED
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**Development Description:** Unauthorised retention of a single storey portable building contrary to Condition 1 of planning permission reference NORTH/594/96/FP.

**Type of Appeal:** Hearing appeal against an enforcement notice served by the Council on 26 June 2007. The appeal was made on Ground (a) – That planning permission should be granted for what is alleged in the notice, and Ground (g) – That the period of compliance stated in the notice is too short.

**Key Policies/ Material Considerations:** PPG15 – Historic Environment, UDP Policies EQ1 & EQ12.

**Inspector Considerations and Key Issues:** Whether or not the subject development detracts from the established pattern of surrounding development; and whether it would preserve the setting of the adjacent Lordship Park Conservation Area.

**Brief Assessment:** In terms of Ground (a) the Inspector considered that the 'portacabin' is substantial in volume and, as it stands slightly forward of the adjacent synagogue building, is a noticeable feature in the street scene. Despite the appellants' claim that the building is screened by trees along the site frontage, the Inspector was of the opinion that it can be seen from the other side of Lordship Road some 135m south of the site. The Inspector considered that the building had no architectural merit and that its size, form and style presented an uncomfortable contrast to its surroundings. The Inspector concluded that the building was therein contrary to parts (a), (b), (c) and (d) of UDP policy EQ1. The Inspector further considered that the mass, form and general appearance of the building presents a stark contrast which fails to reflect the traditional form, style and design of the houses in the adjacent conservation area; and that the building severely detracts from the setting of and views into the conservation area contrary to PPG15 and UDP Policy EQ12. The appeal under Ground (a) therefore failed. The appeal under Ground (g) was also unsuccessful, as the appellant sought an extension from 3 months to 12 months. The Inspector agreed that 3 months was too short to find suitable replacement accommodation and extended the period to 6 months. There was also an application for costs by the appellant, stating that the

Council had acted unreasonably by serving the enforcement notice; introducing an additional reason for refusal (Policy EQ12) at a late stage; and failing to renew an extant planning permission without good reason. The inspector considered that the late reply by the Council to pre-application advice on a redevelopment proposal for the site was a matter detached from its decision to take enforcement action in relation to failure to comply with a condition imposed on a temporary planning permission. In terms of the late introduction of Policy EQ12, the Inspector considered that this had no real bearing on the outcome of the appeal as he had a duty to consider the proposal's impact on the Conservation Area under national guidance (in this case PPG15) anyway. Accordingly there was no award of costs.

**Implications:** This decision implies that development proposals that have not advanced beyond the pre-application stage do not prevent the Council from taking appropriate enforcement action.

**3. Site Address: 50 Lynmouth Road, London N16 6XL**

**Application and Appeal Reference: 2006/1567 and APP/U5360/A/07/2037906**

<b>Inspectors Ruling: DISMISSED</b>
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**Development Description:** Loft conversion

**Type of Appeal:** Inquiry appeal of Council's refusal of planning permission

**Key Policies/ Material Considerations:** UDP Policy EQ1 and SPG2 – Residential Extensions, London Plan, PPS1 – Sustainable Development, SPD Residential Extensions and Alterations, PPS12 – Local Development Frameworks.

**Inspector Considerations and Key Issues:** The effect of the development on the character and appearance of the dwelling and surrounding area.

**Brief Assessment:** The Inspector observed that the proposed dormer appeared as a box-like addition of a crude design subsuming much of the attractive front gable and being unsympathetic to the character and design of the original house; as well as disrupting the uniformity and rhythm of the terrace and being visually intrusive to the street scene. Accordingly he concluded that the proposal was contrary to UDP policy EQ1 and SPG2 – Residential Conversions, Extensions and Alterations. The Inspector was not swayed by arguments put forward by the appellant that related to precedent, emerging policy and personal circumstances. Accordingly the appeal was dismissed. There was an application for costs by the Council on the basis that the appellant had failed to comply with the proper inquiry procedure and that an inquiry was an unnecessary and expensive procedure for this type of small-scale development. However the application for costs failed, with the Inspector stressing the appellants' right to choose the procedure.

**Implications:** No new implications

**4. Site Address: 52 Cazenove Road, London N16 6BJ**

**Application and Appeal Reference: 2007/0061 & APP/U5360/A/07/2054228**

<b>Inspectors Ruling: ALLOWED</b>
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**Development Description:** Rear extension to a single family dwelling

**Type of Appeal:** Hearing appeal against Council's refusal to grant planning permission.

**Key Policies/ Material Considerations:** UDP Policy EQ1

**Inspector Considerations and Key Issues:** The effect of the development on the character and appearance of the host building and its surroundings and its effect on the occupiers of 50 Cazenove Road.

**Brief Assessment:** The Inspector considered that there would be very limited views of the proposed extension from the public realm and that the extension would not represent a disproportionate addition to the existing building. The adjacent property was not considered affected as the room that would suffer loss of light is served by a second window which faces

south. Accordingly the Inspector did not consider that that property was adversely affected by the proposal.

**Implications:** No new implications

**5. Site Address: 70-72 Cazenove Road, London N16 6AA**

**Application and Appeal Reference: 2006/0263/ENF & APP/U5360/C/07/2049620**

<b>Inspectors Ruling:</b> DISMISSED
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**Development Description:** Without planning permission, the installation of matching barrel-vaulted canopies at the front of the property.

**Type of Appeal:** Hearing appeal against Council's enforcement notice; - the appeal was made under Ground (a) – that planning permission should be granted for what is alleged in the notice; and Ground (f) – that the steps required by the notice to rectify the breach are excessive.

**Key Policies/ Material Considerations:** UDP Policy EQ1

**Inspector Considerations and Key Issues:** The effect of the development on the character and appearance of the building and the surrounding area.

**Brief Assessment:** The Inspector considered that the canopies have little affinity with the host building; that they fail to respect its overall architectural composition; and that their adverse visual impact is accentuated by their barrel vaulted roof profile and overall depth, the extensive use of polycarbonate sheeting in their construction, and by their prominence above the raised podium. He noted that they seriously disrupt the overall form and rhythm of the terrace and appear incongruous within the street scene, contrary to Policy EQ1. The ground (a) appeal therefore failed. The ground (f) appeal also failed because the Inspector was not convinced by the appellant's arguments that use of alternative materials on the canopies would overcome the harm identified. In any case, no proposed alternative materials or design plans were submitted by the appellant for the Inspector to consider.

**Implications:** No new implications

**6. Site Address: 70-72 Cazenove Road, London N16 6AA**

**Application and Appeal Reference: 2006/2875 & APP/U5360/A/07/2039383**

<b>Inspectors Ruling:</b> DISMISSED
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**Development Description:** Retrospective submission for the erection of barrel vaulted roof canopies (2 No) to entrance steps to main elevation and erection of lean-to metal frame to rear elevation.

**Type of Appeal:** Hearing appeal against the Council's refusal of planning permission – which was subsequently linked to the enforcement appeal discussed at 4 above.

**Key Policies/ Material Considerations:** UDP Policy EQ1

**Inspector Considerations and Key Issues:** The effect of the development on the character and appearance of the building and the surrounding area.

**Brief Assessment:** See discussion of the Ground (a) appeal at 4 above.

**7. Site Address: 7/7A Shepherdess Place, London N1 7LJ**

**Application and Appeal Reference: 2007/1226 & APP/U5360/A/08/2063169**

<b>Inspectors Ruling:</b> DISMISSED
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**Development Description:** Conversion of ground floor areas from B1 to residential with the

retention of B1 areas to lower ground floor with the inclusion of a porter/caretaker office.

**Type of Appeal:** Written representations appeal against the Council's refusal of planning permission.

**Key Policies/ Material Considerations:** Within Defined Employment Area, Policy 3B.1 of the London Plan.

**Inspector Considerations and Key Issues:** Whether a loss of employment generating floorspace is acceptable in this location.

**Brief Assessment:** The Inspector was not satisfied from the evidence presented by the appellant that every reasonable effort had been made over the last six years to dispose of the leasehold/freehold interest in the premises at a realistic rent/price reflecting its condition and location. Accordingly she was unable to conclude that there is no demand for the employment generating floorspace. The proposal would therefore be contrary to London Plan policy 3B.1.

**Implications:** No new implications.

**8. Site Address: 22 Leweston Place, London, N16 6RH**

**Application and Appeal Reference: 2007/1724 & APP/U5360/A/07/2057801**

<b>Inspectors Ruling:</b> DISMISSED
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**Development Description:** First floor rear extension and second floor front, side and rear dormer extension.

**Type of Appeal:** Written representations appeal against the Council's refusal of planning permission.

**Key Policies/ Material Considerations:** UDP Policy EQ1, SPD – residential Extensions & Alterations.

**Inspector Considerations and Key Issues:** The effect of the proposal on the character appearance of the property and surrounding area.

**Brief Assessment:** The Inspector considered that a number of dormer extensions have been constructed in the surrounding area. However the proposed extension would be one of the largest. It would fail to meet the requirements of Policy EQ1 of the UDP.

**Implications:** No new implications.

**9. Site Address: Nelson House, 362-364 Old Street, London EC1V 9LT**

**Application and Appeal Reference: 2007/1840 & APP/U5360/H/07/1202327**

<b>Inspectors Ruling:</b> DISMISSED
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**Development Description:** Temporary (10 months) display, during refurbishment works, of an externally illuminated, scaffold-mounted, open-weave mesh (banner) advertisement, within a replica façade.

**Type of Appeal:** Hearing appeal against the Council's refusal to grant express advertisement consent.

**Key Policies/ Material Considerations:** Amenity & Road Safety

**Inspector Considerations and Key Issues:** The effect of the proposal on the amenity of the surrounding area, including the South Shoreditch Conservation Area and the setting of nearby listed buildings.

**Brief Assessment:** The Inspector considered that the display, even for a temporary period, would unduly obtrude into the street scene, spoil the setting of the nearby listed buildings and harm the character and appearance of the conservation area. There was also a related costs application by the appellant. However, no costs were awarded.

**Implications:** No new implications.