

# Hackney Neighbourhoods & Regeneration

Graham Loveland, Interim Assistant Director (Regeneration & Planning), 263 Mare Street, Hackney, E8 3HT

REPORT OF ASSISTANT DIRECTOR OF REGENERATION AND PLANNING		
PLANNING SUB-COMMITTEE  10 June 2009	Classification INFORMATION	Enclosures
	Ward(s) Affected ALL	APPEAL SUMMARY September 2008

## 1. SUMMARY

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

## 2. RECOMMENDATION

That the attached schedule be received for Members' information.



Signed..... Date: 1 June 2009

**STEVE DOUGLAS**

**INTERIM 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:

Description of Document	Location	Date
MVM Panorama Planning System and PINS on-line case search	263 Mare Street, E8	May 09

**MONTHLY APPEAL DECISION INFORMATION BULLETIN**

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

**Statistics for all Planning and Enforcement Appeals**

Planning (Including Listed Building, Conservation Area Consents and Adverts)		Enforcement	
Number of appeals received:	12	Number of appeals received:	2
Number of appeals withdrawn:	0	Number of appeals withdrawn:	0
Number of appeals decided:	9	Number of appeals decided:	3
• Dismissed	3	• Dismissed	0
• Allowed	6	• Allowed	0
• Split	0	• Split	3
Number of cost applications made	2	Number of cost applications made	0

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

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

	BVPI 204 September 2008 (S.78 Determined)	BVPI target 2008/2009	BVPI since 1 <sup>st</sup> April 2008
Number of Appeals Dismissed	2/7	62.0%	17/30 (56.67%)
Number of Appeals Allowed	5/7	38.0%	13/30 (43.33%)
Number of Appeals with Split Decision	0	Forms part of the 'Allowed' statistic above	0

**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: 31 Southwold Road, London E5 9PT**  
**Application and Appeal Reference: APP/U5360/A/08/2075671 & 2007/0774**

**Inspectors Ruling: DISMISSED**

**Development Description:** Amendment to planning permission 2002/2184 involving retention of existing works (increased building height forming a third floor level to provide additional accommodation) and alterations to front and rear elevations including changes to finishing materials; removal of side roller shutter and the provision of obscure glazing to rear upper floor windows.

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

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

**Inspector Considerations and Key Issues:** The effect of the proposed building on the character and appearance of the surrounding area and the effect on living conditions of occupiers of 1 Framlington Close with respect to privacy.

**Brief Assessment:** The Inspector considered that the proposed modifications would not alter the fundamental size of the existing unauthorised building works (see associated appeal APP/U5360/C/07/2036923), the asymmetrical roof being a particularly unattractive feature. The proposed external changes would not overcome the shortcomings of the underlying design or enable the building to integrate satisfactorily with its surroundings. For these reasons the appeal was dismissed.

**Implications:** No new implications.

2. **Site Address: 48 Milton Grove, London N16 8QY**  
**Application and Appeal Reference: APP/U5360/A/08/2069025 & 2007/3014**

**Inspectors Ruling: DISMISSED**

**Development Description:** Roof extension

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

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

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

**Brief Assessment:** The Inspector considered that the height of the proposed extension would unacceptably disrupt the consistency of the roof line of the terrace. The additional floor would therefore appear as an incongruous and obtrusive addition to the prominent end of the terrace property. The Inspector concluded that the proposal would be harmful to the character and appearance of the area, and the appeal was dismissed.

**Implications:** No new implications.

3. **Site Address: 83 Winston Road, London N16 8LN**  
**Application and Appeal Reference: APP/U5360/A/08/2068865 & 2007/2322**

**Inspectors Ruling: ALLOWED**

**Development Description:** Roof extension

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

**Key Policies/ Material Considerations:** UDP Policy EQ1, Draft SPD: Residential Extensions and Alterations

**Inspector Considerations and Key Issues:** The effect of the proposal on the character and

appearance of the surrounding area.

**Brief Assessment:** The Inspector considered that, although the SPD seeks to resist roof extensions that result in the loss of the original butterfly roof, other similar roof extensions were an existing feature in the area; and that the extension was sufficiently set back from the front of the property so as to justify an exception to the SPD requirements.

**Implications:** No new implications.

4. **Site Address: 102 Stoke Newington Road, London N16 7XBN**

**Application and Appeal Reference: APP/U5360/A/08/2071075 & 2007/1466**

**Inspectors Ruling: ALLOWED**

**Development Description:** Ground floor rear extension.

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

**Key Policies/ Material Considerations:** None quoted.

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

**Brief Assessment:** The extension that is the subject of this appeal has already been constructed. The Inspector found that there is no established building line facing that part of Stoke Newington Road that lies in the vicinity of the appeal site. Although he acknowledged that the extension projected forward of both the neighbouring buildings, he did not consider that the addition was overly bulky as a result of its size or position. The appeal was allowed on the basis that there would be no harm to the character or appearance of the surrounding area.

**Implications:** No new implications.

5. **Site Address: 24 Lavers Road, London N16 0DT**

**Application and Appeal Reference: APP/U5360/A/08/2068790 & 2007/2971**

**Inspectors Ruling: ALLOWED**

**Development Description:** Roof extension to the rear.

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

**Key Policies/ Material Considerations:** None quoted

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

**Brief Assessment:** The Inspector noted that because of its flat roof and the fact that it would cover the entire rear roof slope, the addition would be relatively unsympathetic in relation to the host building. However, he considered that it would not be out of keeping with the character and appearance of the area as both properties either side of the appeal site have very similar rear extensions. He considered that in this specific context the proposal would not appear obtrusive or incongruous.

**Implications:** No new implications.

6. **Site Address: 21 Allerton Road, London N16 5UJ**

**Application and Appeal Reference: APP/U5360/A/08/2072174 & 2007/3221**

**Inspectors Ruling: ALLOWED**

**Development Description:** Demolition of existing single storey rear extension and erection of a new single storey rear and side extension,

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

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

**Inspector Considerations and Key Issues:** The effect of the proposal on the living conditions of the occupiers of 22 Allerton Road; and the effect on the character and appearance of the dwelling and the surrounding residential area.

**Brief Assessment:** The Inspector found that the new building would cut out little, if any, additional area of sky so there would be no significant loss daylight or sunlight. He therefore concluded that neighbours were not adversely affected. He further considered that the proposal would not be visible from the public domain and that it would sit comfortably with the rear elevation of the terrace in terms of its scale, massing and design features.

**Implications:** No new implications.

**7 & 8 Site Address: 82-84 and 86-88 Holmleigh Road, London N16 5PY**

**Application and Appeal Reference: 2004/0023/ENF & APP/U5360/C/08/2062899,**

**APP/U5360/C/08/2062901 and APP/U5360/C/08/2064118.**

<b>Inspectors Ruling: SPLIT</b>
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**Development Description:** Appeal A: Without planning permission, (1) the erection of a single storey rear extension and (2) a lean-to extension at first floor level to the rear of the property at 82-84 Holmleigh Road; Appeal B: (1) the erection of a single storey rear extension, (2) railings enclosing the flat roof over the single storey rear extension and (3) a timber structure at first floor level over the single storey rear extension at 86-88 Holmleigh Road.

**Type of Appeal:** Public inquiry appeals against an enforcement notice served by the Council on 27 November 2007. Appeal A was made under Ground (a) – That planning permission should be granted for what is alleged in the notice; Ground (c) – That there is no breach in planning permission as a matter of fact; and Ground (f) – That the steps set out in the notice are excessive. Appeal B was made under Ground (a) – that planning permission should be granted for what is alleged in the notice; Ground (d) – That the alleged development is immune from enforcement action; Ground (f) – That the steps set out in the notice are excessive and Ground (g) – That the period for compliance is too short.

**Key Policies/ Material Considerations:** UDP Policy EQ1, SPG – Residential conversions, extensions and alterations, SPD – Residential extensions and alterations.

**Inspector Considerations and Key Issues:** In terms of the Ground (a) appeals, this is the effect of the extensions on the living conditions of neighbours and on the character and appearance of the surrounding area.

**Brief Assessment:** In terms of Appeal A, the Inspector considered that the single storey rear extension results in no material harm to the character and appearance of the area or on the living conditions of neighbours. Accordingly planning permission was granted for the extension. However, the appeal in relation to the lean-to extension at first floor level failed and planning permission for this element was denied. With respect to Appeal B, the Inspector considered that the appellant's evidence was sufficiently precise and unambiguous for her to conclude on the balance of probability that both the extension and the railings were substantially complete more than four years prior to the issue of the enforcement notice. As the appeal under Ground (d) was successful the other grounds did not need to be considered.

**Implications:** No new implications.

**9, 10 & 11 Site Address: Crown & Manor Club, 1 Wiltshire Row, London N1 5TH**

**Application and Appeal Reference: 2006/3139, 2007/2004 & 2008/0196 and**

**APP/U5360/A/07/2051913 (Appeal A), 2064494 (Appeal B) & 2070362 (Appeal C)**

**Inspectors Ruling: APPEAL 'A' DISMISSED, APPEALS 'B' AND 'C' ALLOWED**

**Development Description/Types of Appeal:** Appeal A: Public inquiry appeal against Council's non-determination for outline planning permission for the re-provision of the Crown & Manor Club facilities and residential development above; Appeal B: Public inquiry appeal against the Council's refusal of planning permission for demolition of the existing building and the erection of a mixed use development comprising a part 1/ part 5/ part 6 storey building containing 84 residential units together with new club facilities and parking for 4 cars and 59 bicycles; Appeal C: Public inquiry appeal against Council's non-determination of an application for conservation area consent for the demolition of the buildings on the site.

**Key Policies/ Material Considerations:** UDP Policies EQ1, EQ12 and CS3; Hackney Draft Core Strategy; Hackney SPD – Planning Contributions; London Plan Policies 3A.9, 3A.10, 3A.18, 6A.4, 4B.1 and 4B.12; Mayor of London SPG – Affordable Housing.

**Inspector Considerations and Key Issues:** The Inspector looked at whether schemes A & B were of appropriate design, scale and character (particularly in terms of the Regent's Canal Conservation Area); and whether the offered acceptable proportions of affordable housing. He also looked at housing mix, residential amenity, transport implications and infrastructure contributions.

**Brief Assessment:** Firstly the Inspector considered that the existing club building has little relationship with the industrial heritage making up the character of the Conservation Area. In terms of Scheme A, he considered the height (eight stories) and design to be inappropriate and harmful to the character of the Conservation Area. However he raised no objection to the height and design of Scheme B; for a building of six stories. Turning to affordable housing, the Inspector accepted the financial limitations of the appellants in terms of the build cost of the scheme and that the financial gain from the scheme would allow retention and upgrading of the club's facilities. He dismissed the Council's assertions that the value of the club premises and new flats should be factored into this financial toolkit appraisal. The Inspector felt that the Council gave insufficient recognition to the club's role and contribution in serving the local community. The Inspector concluded that the schemes would enable the club's facilities to be brought up to date in line with UDP Policy CS3 which seeks to retain community facilities. He considered that given the community benefits the scheme circumstances warrant provision of affordable housing at substantially lower levels than the strategic targets set out in the London Plan. Turning to housing mix, the Inspector did not agree with the Council's rigid application of the London Mayor SPG standards. The Council also raised concerns regarding the provision of disabled parking for both the flats and the club. The Inspector imposed a condition requiring the provision of two on-site disabled parking spaces. The Inspector considered it unnecessary to impose a condition prohibiting future occupiers from applying for a parking permit. The Inspector did uphold the Council's request for an open space contribution as he recognised that the proposed 84 flats could be expected to generate a material additional need for leisure and open space facilities. However, the Inspector did not agree that an open space maintenance contribution met the tests of Circular 05/05. In conclusion, the Inspector dismissed Appeal A (due to inappropriate height & design) and allowed Appeals B & C subject to conditions. An application for costs was made by both parties. A partial award of costs was granted to the appellants. The costs application by the Council failed.

**Implications:** No new implications.