

<b>REPORT OF ASSISTANT DIRECTOR OF REGENERATION AND PLANNING</b>		
<b>PLANNING SUB-COMMITTEE</b>	<b>Classification INFORMATION</b>	<b>Enclosures</b>
	<b>Ward(s) Affected</b> <b>ALL</b>	<b>APPEAL SUMMARY</b> <b>December 2008</b>
<b>1 July 2009</b>		

**1. SUMMARY**

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

**2. RECOMMENDATION**

That the attached schedule be received for Members' information.

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

**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:

<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	May 2009

**MONTHLY APPEAL DECISION INFORMATION BULLETIN**

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

**Statistics for all Planning and Enforcement Appeals**

Planning (Including Listed Building, Conservation Area Consents and Adverts)		Enforcement	
Number of appeals received:	10	Number of appeals received:	0
Number of appeals withdrawn:	0	Number of appeals withdrawn:	0
Number of appeals decided:	6	Number of appeals decided:	4
• Dismissed	2	• Dismissed	2
• Allowed	4	• Allowed	2
• Split	0	• Split	0
Number of cost applications made	0	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 December 2008 (S.78 Determined)	BVPI target 2008/2009	BVPI since 1 <sup>st</sup> April 2008
Number of Appeals Dismissed	1/3	62.0%	28/47 (59.57%)
Number of Appeals Allowed	2/3	38.0%	19/47 (40.43%)
Number of Appeals with Split Decision		Forms part of the 'Allowed' statistic above	

**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: 77 Kynaston Road, London N16 0EB**  
**Application and Appeal Reference: APP/U5360/A/08/2079960 & 2008/0033**

**Inspectors Ruling: Allowed**

**Development Description:** Loft 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:** Effect of the development on the appearance of the surroundings.

**Brief Assessment:** The Inspector considered that the Council had allowed a wide range of roof extensions in the surrounding area and that the proposed extension closely followed the Council's design guidance. The Inspector was not persuaded by the Council's arguments that the proposal would be discordant or obtrusive.

**Implications:** No new implications.

2. **Site Address: 152 Clarence Road, London E5 8DY**  
**Application and Appeal Reference: APP/U5360/A/08/2081630 & 2007/2669**

**Inspectors Ruling: Allowed**

**Development Description:** Retention of existing fire escape route and obscured panelling at first and second floor.

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

**Key Policies/ Material Considerations:** UDP Policies EQ1 and HO3

**Inspector Considerations and Key Issues:** The effect of the proposal on residential amenities.

**Brief Assessment:** The Inspector considered that the primary use of the balconies was now as a fire escape route rather than a sitting-out area. He was further satisfied that the measures proposed to screen the balconies would overcome and overlooking issues. Accordingly the appeal was allowed.

**Implications:** No new implications.

3. **Site Address: 98 Dalston Lane, London E8 1NG**  
**Application and Appeal Reference: APP/U5360/A/08/2080033 & 2008/1101**

**Inspectors Ruling: Dismissed**

**Development Description:** Conversion of four bedsit apartments to four self-contained flats, replacement of rear two-storey extension, existing roof and front and rear windows (retrospective permission sought).

**Type of Appeal:** Written representations appeal against the Council's failure to determine within the prescribed time frame and application for planning permission

**Key Policies/ Material Considerations:** UDP Policies EQ1, EQ12 and EQ14; site is within Graham Road and Mapledene Conservation Area

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

**Brief Assessment:** The Inspector found the proposed rear extensions to be acceptable. However, he considered that the rear dormer window is prominent and at high level above the skyline of the block. The Inspector concluded that the roof extension would not preserve or enhance the appearance of the conservation area and would adversely affect the look of the building and its

surroundings contrary to the objectives of the relevant policies.

**Implications:** No new implications.

**4. Site Address: 147 Goldsmith Row, London E2 8QR**

**Application and Appeal Reference: APP/U5360/A/08/2078238 & 2007/1065**

**Inspectors Ruling:** Allowed

**Development Description:** The matters referred to in conditions 2 (dustbin enclosures), 3 (materials) and 6 (modifications to the façade facing Goldsmiths Row) of planning permission 2004/1276 (Erection of four-storey building to provide 3 x 2-bed and 1 x 3-bed flats, demolition of existing building).

**Type of Appeal:** Written representations appeal against the Council's failure to determine within the prescribed time frame and application for planning permission

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

**Inspector Considerations and Key Issues:** There were no issues issued between the parties.

**Brief Assessment:** In this appeal the Council accepted that Condition 6 of the original planning permission was vague as to what modifications were being sought to the front facade. The condition was therefore more or less unenforceable. The details submitted to discharge the relevant conditions were considered acceptable by the Council.

**Implications:** No new implications.

**5. Site Address: 38 Jessam Avenue, London E5 9DU**

**Application and Appeal Reference: APP/U5360/A/08/2076401 & 2008/0096**

**Inspectors Ruling:** Dismissed

**Development Description:** A front and rear side dormer extension

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

**Key Policies/ Material Considerations:** UDP Policy EQ1, London Plan Policy 3A.4 and 3A.17

**Inspector Considerations and Key Issues:** The effect of the proposal on the character and appearance of the area in light of the needs of the particular local community.

**Brief Assessment:** The development proposed was submitted after a previous application (ref. 2006/1024) was refused by the Council, this refusal being upheld at a previous appeal (ref. APP/U5360/A/06/2019825). The Inspector considered that several large roof extensions have been constructed along Jessam Avenue and that these are now an established component of the character and appearance of the street scene and form part of the context of the appeal proposal. The Inspector considered that the revised roof extension proposal was more acceptable than that previously refused at appeal. However, he identified three errors within the submitted plans. Whilst he was satisfied that the first two errors could be dealt with via a condition, the third could not. Accordingly the appeal was dismissed as the front elevation drawings were not consistent with the side elevation drawings.

**Implications:** No new implications.

**6. Site Address: Herder House Hotel, Gloucester Drive, London N4 2LE**

**Application and Appeal Reference: APP/U5360/C/08/2072674 & 2007/0087/ENF**

**Inspectors Ruling:** Dismissed

**Development Description:** Without planning permission, the erection of a single storey side

extension fronting Adolphus Road and blocking up of 4 windows on the rear north-east facing elevation at first and second floor levels.

**Type of Appeal:** Written representations appeal against the Council's serving of an enforcement notice; the appeal was made under grounds (a) – that planning permission should be granted, 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

**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 unauthorised single storey side extension has little affinity with the main building and fails to respect its overall architectural composition, and that this would have a negative effect on the streetscene of Adolphus Road. He further considered that the blocked up windows detract from the architectural composition and detailing of the building; accentuated by the crude manner in which it has been carried out. The Inspector concluded that the development harms the character and appearance of the building and the surrounding area and the ground (a) appeal was therefore dismissed. The Inspector did not accept the ground (f) appeal, reasoning that all steps set out in the notice were required to address the breach. The Inspector accepted the ground (g) appeal and varied the notice to extend the period for compliance from three months to six months.

**Implications:** No new implications.

**7, 8 & 9 Site Address: 28 Denver Road, London N16 5JH**

**Application and Appeal Reference: Appeal A: APP/U5360/C/07/2056801, Appeal B: APP/U5360/C/07/2057373, Appeal C: APP/U5360/X/08/2083464 & 2006/0068/ENF and 2008/1498**

<b>Inspectors Ruling: Allowed</b>
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**Development Description:** Appeal A: Material change of use of the premises from use as a single dwelling house to use as four self-contained flats; Appeal B: A roof conversion and erection of a dormer window at the front of the premises and the erection of a dustbin enclosure at the front of the premises; Appeal C: Alterations and additions to existing building including the insertion of dormer windows into roof and use as four self-contained flats (Use Class C3).

**Type of Appeal:** Public inquiry appeals against Council's serving of two enforcement notice (made under ground (d) – that the breach 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); and against the Council's refusal of an application for a Certificate of Lawful Use.

**Key Policies/ Material Considerations:** Not relevant to this appeal

**Inspector Considerations and Key Issues:** Whether the use has achieved immunity from enforcement action

**Brief Assessment:** The appellants were able to present sufficient written and oral evidence to persuade the Inspector that, on the balance of probabilities, the change of use had occurred five years prior to the serving of the enforcement notice. Given his decision to allow the ground (d) appeal, the Inspector did not consider it necessary to determine the ground (g) appeal.

**Implications:** No new implications.

**10. Site Address: 5-9 Luke Street, London EC2A 4PX**

**Application and Appeal Reference: APP/U5360/C/08/2079611 & 2007/0209/ENF**

<b>Inspectors Ruling: Dismissed</b>
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**Development Description:** Without planning permission, the installation of air-conditioning units

on the south elevation at first floor level of the property and the retention of an air conditioning unit, wall bracket and piping at ground floor level on the elevation of the property fronting Christina Street.

**Type of Appeal:** Written representations appeal against the Council's serving of an enforcement notice; the appeal was made under grounds (a) – that planning permission should be granted, ground (e) – that the enforcement notice was not properly served.

**Key Policies/ Material Considerations:** UDP Policy EQ1, EQ12; London Plan Policies 4B.1, 4B.11

**Inspector Considerations and Key Issues:** The effect of the development on the street scene and whether it would serve to protect or enhance the character and appearance of the conservation area.

**Brief Assessment:** The Inspector considered the ground (e) appeal first and concluded that there was no evidence to indicate that the Council failed to serve copies of the notice on all those parties with an interest in the land. Accordingly the ground (e) appeal failed. In terms of the ground (a) appeal the Inspector found that by reason of their size, siting and appearance all of the air conditioning units would draw the eyes as unattractive features of the façade. Accordingly the appeal was dismissed.

**Implications:** No new implications.