



## **Report to Area Plans Sub-Committee**

**Date of meeting: South – 1 June 2016**

**Subject: Probity in Planning – Appeal Decisions, 1<sup>st</sup> October 2015 to 31<sup>st</sup> March 2016**

**Officer contact for further information: Nigel Richardson (01992 564110).  
Democratic Services Officer: Rebecca Perrin (01992 564532)**

### **Recommendation:**

**That the Planning Appeal Decisions be noted.**

### **Report Detail:**

#### **Background**

1. (Director of Governance) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).
2. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.
3. Since 2011/12, there have been two local indicators, one of which measures all planning application type appeals as a result of committee reversals of officer recommendations (GOV08) and the other which measures the performance of officer recommendations and delegated decisions (GOV07).

#### **Performance**

4. Over the six-month period between 1 October 2015 and 31 March 2016, the Council received 57 decisions on appeals (49 of which were planning related appeals, the other 8 were enforcement related).
5. GOV07 and 08 measure planning application decisions and out of a total of 49, 18 were allowed (36.7%). Broken down further, GOV07 performance was 8 out of 27 allowed (29.6%) and GOV08 performance was 10 out of 22 (45.5%).

#### **Planning Appeals**

6. Out of the planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period, the Council was not successful in sustaining the committee's objection in the following cases:

## COMMITTEE REVERSALS - APPEALS ALLOWED:

### Area Committee South

#### **Buckhurst Hill**

- |   |             |   |                     |
|---|-------------|---|---------------------|
| 1 | EPF/2345/14 | Extension of existing building involving retention of existing A1 units at ground floor level together with the creation of 6 flats on upper floors and at rear | 71 - 73 Queens Road |
| 2 | EPF/1309/15 | Proposed third floor extension to form a new dwelling   | 13 Queens Road      |
| 3 | EPF/2773/14 | Demolition of existing three bedroom house with detached garage and erection of two no.four bedroom detached houses.  | 6 Scotland Road     |

#### **Chigwell**

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|---|-------------|---|--------------------------|
| 4 | EPF/1301/15 | Demolish the garage and hall and part of the front wing and build new 2 storey side extension (Resubmission of EPF/0001/15) | Haylands<br>48 High Road |
|---|-------------|---|--------------------------|

#### **Loughton**

- |   |             |  |   |
|---|-------------|--|---|
| 5 | EPF/2600/14 | The demolition of an existing outbuilding and a small section of stairwell to the rear. The erection of a 5 storey building to the rear of the site to provide one commercial unit (Use Class A2) at ground floor and 12 flats (6 x 1 bedroom and 4 x 2 bedroom flats) on upper Floors. The refurbishment and revitalisation of the existing building to the front of the property including the erection of an additional floor to provide 2 x 1 bedroom flats. | Lawlors Property<br>Services, 165 High Road |
| 6 | EPF/0498/15 | Proposed dwelling adjacent to Woodberrie.<br>Woodbury Hill   | Woodberrie                                  |
| 7 | EPF/0645/15 | Residential development comprising 5 no. 2 bed apartments and 2 no. 1 bed apartments.  | 94 Lawton Road                              |

### Area Committee East

#### **North Weald Bassett**

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|---|-------------|-------------------------------------|--------------------------|
| 8 | EPF/1440/15 | Erection of single storey dwelling. | Rear of 21 Princes Close |
|---|-------------|-------------------------------------|--------------------------|

### Area Committee West

#### **Roydon**

- |   |             |  |                             |
|---|-------------|--|-----------------------------|
| 9 | EPF/0995/15 | Change of use of part of the site to a residential Gypsy and Traveller site for a temporary period of four years, involving the siting of two static caravans and two touring caravans, and an extension to, and the change of use of, the office/store building to a utility block. | Sons Nursery<br>Hamlet Hill |
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#### **Waltham Abbey**

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|----|-------------|---|---------------------------------------|
| 10 | EPF/1076/15 | Retrospective application for the change of use from glasshousing to storage of building materials (Sui Generis use). | Park Farm Nursery<br>Sewardstone Road |
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7. The appeal performance for GOV08, committee reversals, was on target at 45.5%, but the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where members are certain they are acting in

the wider public interest and where the committee officer can give a good indication of some success at defending the decision. The 12 cases where the committees were successful are as follows:

## **COMMITTEE REVERSALS - APPEALS DISMISSED:**

### **Area Committee East**

#### **Epping**

- |   |             |   |             |
|---|-------------|---|-------------|
| 1 | EPF/1324/15 | Two storey extension over existing building, ground floor extension (porch) and internal alterations. (Revised application) | 3 Bury Road |
|---|-------------|---|-------------|

#### **Moreton, Bobbingworth and the Lavers**

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|---|-------------|---|------------------------------|
| 2 | EPF/2514/14 | Change of use of land from agricultural to residential garden land, and remodelling and extension including basement and associated landscaping. (Revised application to EPF/1970/14) | Tilegate Lodge<br>High Laver |
|---|-------------|---|------------------------------|

#### **Theydon Bois**

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|---|-------------|---|---------------------------------------|
| 3 | EPF/0180/15 | Demolition of existing two storey dwellinghouse and construction of a new two storey building, with accommodation in the roof, to provide 5 x 2 bedroom apartments, with associated car and cycle parking. Resubmission following refusal of EPF/2751/14. | 47A Theydon Park Road<br>Theydon Bois |
| 4 | EPF/2040/14 | Demolition of existing Public House and associated buildings and erection of thirteen residential apartments with parking and communal garden.  | Sixteen String Jack<br>Coppice Row    |

### **Area Committee South**

#### **Chigwell**

- |   |             |  |               |
|---|-------------|--|---------------|
| 5 | EPF/0073/15 | The demolition of a large existing dwelling and the erection of a replacement building of 5 luxury apartments with associated parking. | 152 High Road |
|---|-------------|--|---------------|

#### **Loughton**

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|----|-------------|---|---|
| 6  | EPF/0749/15 | Erection of a front boundary wall with railing metal above with a combined height of 1.8m. Metal automated sliding gate. (Amended design to EPF/2973/14).   | 2A Summerfield Road                     |
| 7  | EPF/2608/14 | Demolition of three existing properties and associated buildings to be replaced with 10 no. new dwellinghouses, new access road, parking and landscaping.   | Trevelyan House<br>Arewater Green       |
| 8  | EPF/0163/15 | Demolition of garage and single storey side extension, erection of two bedroom house at end of resulting terrace. New vehicular crossover for existing house.   | 61 Deepdene Road                        |
| 9  | EPF/0530/15 | Demolition of single storey flat and redevelopment to provide 3 flats in a three storey building with accommodation within the roof and provision of 1 parking space at the rear and 3 off street parking spaces at the front with one space allocated to the adjoining dwelling at number 36 (amended scheme to EPF/2526/14) | 34 Barrington Green                     |
| 10 | EPF/0097/15 | Demolish church and hall, erection of 7 flats and 7 houses.   | St Elisabeth Church,<br>Chestnut Avenue |

## Area Committee West

### **Waltham Abbey**

11	EPF/1058/15	Retrospective application for the use of land for open storage of building materials (Sui Generis use).	Park Farm Nursery Sewardstone Road
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## District Development Committee

### **North Weald**

12	EPF/2670/14	Demolition of Restaurant. Erection of 3 town houses and 2 detached houses. Resubmission following withdrawn application EPF/1810/14.	Former Carpenters Arms High Road Thornwood
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8. Out of 8 **ENFORCEMENT NOTICE APPEALS** decided, 6 were dismissed, 1 allowed with variation of conditions and the other quashed for invalidity. These are as follows:

### **Dismissed**

1	ENF/0103/14	Without planning permission the erection of brick wall and metal railings around the front garden of the land	108 - 110 High Street Epping
2	ENF/0241/14	Without planning permission the erection of a pergola situated to the front of the principal elevation of the dwelling house	Lambourne Park Farm Hoe Lane Lambourne
3	ENF/0298/12	Building to be demolished as per EPF/2562/11 and Notice 1.	Chase Farm Vicarage Lane North Weald Bassett
4	ENF/0496/14	Without Planning Permission the change of use of protected woodland to a mixed use of woodland and the stationing of a mobile home	Breach Barns Caravan Park Galleyhill Road Waltham Abbey
5	ENF/0499/12	Without planning permission the erection of a building for residential purposes	Moor Hall Lodge Moor Hall Road Harlow
6	ENF/0630/12	Without planning permission the erection of a building described as "Barn"	Lambourne Park Farm Hoe Lane Lambourne

### **Enforcement Appeal - Invalid, Notice Quashed**

7	ENF/0504/13	Without planning permission the stationing eight of mobile homes/caravans for residential purposes on the land	Logic Travel - Ricotta Transport Tylers Cross Nursery Epping Road Roydon
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### **Enforcement Appeal: Allowed with Conditions, but Varied**

8	ENF/0721/10	Without planning permission the material change in the use of the land from a mixed use for leisure and residential occupation of a caravan to the use of the land as a gypsy and traveller caravan site	Plot 38 Roydon Lodge Chalet Estate, High Street Roydon
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## Costs

9. During this period, there were no award of costs against the Council in respect of a refusal of planning permission and the Council officers successfully defended against 5 claims for costs.

## Conclusions

12. Whilst performance in defending appeals at 36.7% appears high, there is no national comparison of authority performance. Members and Officers are reminded that in refusing planning permission there needs to be justified reasons that in each case must be not only relevant and necessary, but also sound and defensible so as to avoid paying costs. This is more important now than ever given a Planning Inspector or the Secretary of State can award costs, even if neither side has made an application for them. Whilst there is clearly pressure on Members to refuse in cases where there are objections from local residents, these views (and only when they are related to the planning issues of the case) are one of a number of relevant issues to balance out in order to understand the merits of the particular development being applied for.

13. Finally, appended to this report are the appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees, 10 of which were allowed and 12 which were dismissed and therefore refused planning permission. Only those appeals relevant to the relevant Area Plans Sub-Committee are attached.

14. A full list of appeal decisions over this six month period appears below.

### **Total Planning Application Appeal Decisions 1<sup>st</sup> October 2015 to 31<sup>st</sup> March 2016**

#### **Allowed With Conditions**

##### **Buckhurst Hill**

- |   |             |   |                     |
|---|-------------|---|---------------------|
| 1 | EPF/2345/14 | Extension of existing building involving retention of existing A1 units at ground floor level together with the creation of 6 flats on upper floors and at rear | 71 - 73 Queens Road |
| 2 | EPF/1309/15 | Proposed third floor extension to form a new dwelling   | 13 Queens Road      |
| 3 | EPF/2773/14 | Demolition of existing three bedroom house with detached garage and erection of two no.four bedroom detached houses.  | 6 Scotland Road     |

##### **Chigwell**

- |   |             |   |                          |
|---|-------------|---|--------------------------|
| 4 | EPF/1301/15 | Demolish the garage and hall and part of the front wing and build new 2 storey side extension (Resubmission of EPF/0001/15) | Haylands<br>48 High Road |
| 5 | EPF/1873/15 | Prior notification for change of use of agricultural barn to residential.   | Barn off Millers Lane    |

##### **Epping**

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|---|-------------|--|--|
| 6 | EPF/1827/15 | Alterations to existing building incorporating part single, part first floor infill extension, increase in height at rear wing to accommodate room in roof space, removal of rear dormer windows and replace with single | The Stables<br>Houblons Hill<br>Coopersale |
|---|-------------|--|--|

dormer window.

### **Lambourne**

7 EPF/3000/14 Prior Approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3). Land to rear of 42 -62 Hoe Lane

### **Loughton**

8 EPF/2600/14 The demolition of an existing outbuilding and a small section of stairwell to the rear. The erection of a 5 storey building to the rear of the site to provide one commercial unit (Use Class A2) at ground floor and 12 flats (6 x 1 bedroom and 4 x 2 bedroom flats) on upper Floors. The refurbishment and revitalisation of the existing building to the front of the property including the erection of an additional floor to provide 2 x 1 bedroom flats. Lawlors Property Services, 165 High Road

9 EPF/0498/15 Proposed dwelling adjacent to Woodberrie. Woodbury Hill Woodberrie

10 EPF/0645/15 Residential development comprising 5 no. 2 bed apartments and 2 no. 1 bed apartments. 94 Lawton Road

11 EPF/2422/14 Two storey side extension. 246 Willingale Road

12 EPF/2039/15 Erection of first floor rear extension (as an amendment of previously approved EPF/1718/14 by way of full length doors and windows and juliet balcony) 1A Baldwins Hill

### **North Weald Bassett**

13 EPF/1440/15 Erection of single storey dwelling. Rear of 21 Princes Close

14 EPF/1291/15 First floor side extension above existing ground floor side extension 70 Weald Bridge Road

### **Roydon**

15 EPF/0995/15 Change of use of part of the site to a residential Gypsy and Traveller site for a temporary period of four years, involving the siting of two static caravans and two touring caravans, and an extension to, and the change of use of, the office/store building to a utility block. Sons Nursery Hamlet Hill Roydon

### **Waltham Abbey**

16 EPF/1076/15 Retrospective application for the change of use from glasshousing to storage of building materials (Sui Generis use). Park Farm Nursery Sewardstone Road

## **Allowed Without Conditions**

### **Loughton**

17 EPF/0064/15 Certificate of lawful development for proposed library extension in rear of building at ground floor level. 15A Carroll Hill Loughton

18 EPF/0072/15 Certificate of lawful development for a proposed single storey rear extension. 15 Carroll Hill

## **Dismissed**

**Buckhurst Hill**

19 EPF/0097/15 Demolition of existing church and hall and erection of 7 new 3 storey flats and 7 new houses with associated car parking and small community facility. Saint Elisabeths Church Chestnut Avenue

**Chigwell**

20 EPF/0069/15 Conversion of existing dwelling into three self contained flats, erection of front and rear dormer windows and rear and side extensions. 1 Chigwell Park Drive

21 EPF/0632/15 New front boundary wall and gates (already built) Millers Lodge Millers Lane

22 EPF/0073/15 The demolition of a large existing dwelling and the erection of a replacement building of 5 luxury apartments with associated parking. 152 High Road

**Epping**

23 EPF/0892/15 A new two storey, 2 bedroom dwelling with parking. 93 Sunnyside Road

24 EPF/1620/15 Proposed two storey front and rear extension. 10 Bridge Hill

25 EPF/1324/15 Two storey extension over existing building, ground floor extension (porch) and internal alterations. (Revised application) 3 Bury Road

26 EPF/0340/15 Retention of illuminated front and side fascia signs. 42 High Street

27 EPF/2865/14 Extension at first floor level to increase floor space for existing approved flatted scheme plus associated external alterations, new set back second floor to provide 2 x 2 bedroom flats, associated refuse storage for all flats. 144 High Street

**Loughton**

28 EPF/2186/15 Single storey side, rear and front extensions. First floor side and rear extensions. Rear dormer window. (Amendment to previously approved EPF/1489/14 by way of provision of rear dormer window at second floor level). 57 Church Lane

29 EPF/2313/15 Revised application for a hip to gable roof extension with 1 no. rear dormer window and 2 no. front dormer windows to facilitate a loft conversion. New window on first floor side elevation. 36 Queens Road

30 EPF/0749/15 Erection of a front boundary wall with railing metal above with a combined height of 1.8m. Metal automated sliding gate. (Amended design to EPF/2973/14). 2A Summerfield Road

31 EPF/2608/14 Demolition of three existing properties and associated buildings to be replaced with 10 no. new dwellinghouses, new access road, parking and landscaping. Trevelyan House Arewater Green

32 EPF/0163/15 Demolition of garage and single storey side extension, erection of two bedroom house at end of resulting terrace. New vehicular crossover for existing house. 61 Deepdene Road

33 EPF/2764/14 Change of use from use as a dwelling house 20 Ollards Grove

(Use Class C3) to use for purposes as a residential institution as an Approved Premises for the management and supervision of offenders or defendants (Use Class C2).

- |    |             |   |                     |
|----|-------------|---|---------------------|
| 34 | EPF/0530/15 | Demolition of single storey flat and redevelopment to provide 3 flats in a three storey building with accommodation within the roof and provision of 1 parking space at the rear and 3 off street parking spaces at the front with one space allocated to the adjoining dwelling at number 36 (amended scheme to EPF/2526/14) | 34 Barrington Green |
|----|-------------|---|---------------------|

**Moreton, Bobbingworth and the Lavers**

- |    |             |  |  |
|----|-------------|--|--|
| 35 | EPF/0355/15 | (i) Raising height of existing dwelling to facilitate a loft conversion with two front dormers<br>(ii) side and rear extension with rooms in roof, 3 x rooflights and french doors with Juliet balcony to rear<br>(iii) front porch extension. | 8 The Glebe<br>Tilegate Road<br>Magdalen Laver |
| 36 | EPF/2514/14 | Change of use of land from agricultural to residential garden land, and remodelling and extension including basement and associated landscaping. (Revised application to EPF/1970/14)  | Tilegate Lodge<br>High Laver                   |

**Nazeing**

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|----|-------------|--|--|
| 37 | EPF/0206/14 | Demolition of existing garden centre/commercial buildings and erection of 43 dwellings with associated parking and landscaping | Chimes Garden Centre<br>Old Nazeing Road |
| 38 | EPF/2000/15 | Erection of single dwelling and demolition of existing agricultural buildings  | Hillside Nursery<br>Hoe Lane             |
| 39 | EPF/0962/15 | Prior approval application for change of use from Agricultural building to residential.  | Osborne<br>Nazeing Road                  |

**North Weald Bassett**

- |    |             |  |  |
|----|-------------|--|--|
| 40 | EPF/2670/14 | Demolition of Restaurant. Erection of 3 town houses and 2 detached houses. Resubmission following withdrawn application EPF/1810/14. | Former Carpenters Arms<br>High Road<br>Thornwood |
|----|-------------|--|--|

**Roydon**

- |    |             |  |              |
|----|-------------|--|--------------|
| 41 | EPF/1676/15 | Proposed roof extension and conversion | 17 Barn Hill |
|----|-------------|--|--------------|

**Theydon Bois**

- |    |             |   |                                       |
|----|-------------|---|---------------------------------------|
| 42 | EPF/0180/15 | Demolition of existing two storey dwellinghouse and construction of a new two storey building, with accommodation in the roof, to provide 5 x 2 bedroom apartments, with associated car and cycle parking. Resubmission following refusal of EPF/2751/14. | 47A Theydon Park Road<br>Theydon Bois |
| 43 | EPF/0845/15 | Single storey rear extension with a roof lantern  | 42 Morgan Crescent                    |
| 44 | EPF/0800/15 | Certificate of Lawful Development for proposed attached front conservatory  | Granville<br>119 Theydon Park Road    |
| 45 | EPF/0799/15 | Certificate of Lawful Development for proposed detached front garage.   | Granville<br>119 Theydon Park Road    |
| 46 | EPF/2040/14 | Demolition of existing Public House and associated buildings and erection of thirteen residential apartments  | Sixteen String Jack<br>Coppice Row    |



with parking and communal garden.

### **Waltham Abbey**

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|----------------|---|---------------------------------------|
| 47 EPF/0637/15 | Application for proposed demolition of existing balcony and retain ancillary garage, cart lodge and games room. | The Dower House<br>Manor Road         |
| 48 EPF/1058/15 | Retrospective application for the use of land for open storage of building materials (Sui Generis use).         | Park Farm Nursery<br>Sewardstone Road |

### **Willingale**

- |                |   |                             |
|----------------|---|-----------------------------|
| 49 EPF/1522/15 | New utility, study, shower room and garage, with a playroom above. Building is to be thatched and part tiled. New detached carport. | Quires Green<br>Walls Green |
|----------------|---|-----------------------------|

## **Enforcement Appeals**

### **Dismissed**

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|---------------|--|--|
| 1 ENF/0103/14 | Without planning permission the erection of brick wall and metal railings around the front garden of the land                      | 108 - 110 High Street<br>Epping                                  |
| 2 ENF/0241/14 | Without planning permission the erection of a pergola situated to the front of the principal elevation of the dwelling house       | Lambourne Park Farm<br>Hoe Lane<br>Lambourne                     |
| 3 ENF/0298/12 | Building to be demolished as per EPF/2562/11 and Notice 1.   | Chase Farm<br>Vicarage Lane<br>North Weald Bassett               |
| 4 ENF/0496/14 | Without Planning Permission the change of use of protected woodland to a mixed use of woodland and the stationing of a mobile home | Breach Barns Caravan<br>Park<br>Galleyhill Road<br>Waltham Abbey |
| 5 ENF/0499/12 | Without planning permission the erection of a building for residential purposes  | Moor Hall Lodge<br>Moor Hall Road<br>Harlow                      |
| 6 ENF/0630/12 | Without planning permission the erection of a building described as "Barn"   | Lambourne Park Farm<br>Hoe Lane<br>Lambourne                     |

### **Enforcement Appeal - Invalid, Notice Quashed**

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|---------------|--|--|
| 7 ENF/0504/13 | Without planning permission the stationing eight of mobile homes/caravans for residential purposes on the land | Logic Travel -<br>Ricotta Transport<br>Tylers Cross Nursery<br>Epping Road<br>Roydon |
|---------------|--|--|

### **Enforcement Appeal: Allowed with Conditions, but Varied**

- |               |  |   |
|---------------|--|---|
| 8 ENF/0721/10 | Without planning permission the material change in the use of the land from a mixed use for leisure and residential occupation of a caravan to the use of the land as a gypsy and traveller caravan site | Plot 38<br>Roydon Lodge Chalet<br>Estate, High Street<br>Roydon |
|---------------|--|---|