

Report to Area Plans Sub-Committee



Date of meeting: South – 16 June 2010

**Epping Forest
District Council**

Subject: Probity in Planning – Appeal Decisions, October 2009 to March 2010

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Recommendation:

That the Planning Appeal Decisions be noted.

Report:

Background

1. (Director of Planning & Economic Development) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful appeals, particularly those refused by committee contrary to officer recommendation. 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.
2. To set the context, a Best Value Performance Indicator (BVPI) for district councils was to aim to have less than 40% of their decisions overturned on appeal. The last available figure for the national average for District Councils was 30.9%. That BVPI was scrapped but replaced by one which records planning appeals only (not advertisement, listed buildings, enforcements, telecommunications or tree related appeals). That too has been dropped as a National Indicator but the Council has created a Local Performance Indicator with a target of 25% of allowed decisions. In recent years the Council performance has been 18% in 2003/04, 29% in 2004/05, 22% in 2005/06, 30% in 2006/07, 29% in 2007/08 and 40.3% for 2008/09.

Performance

3. Over the six-month period between October 2009 and March 2010, the Council received 60 decisions on appeals, 56 of which were planning and related appeals and 4 were enforcement related. Of these, 19 were allowed (31.7%).
5. For LPI 45, which only considers appeals against the refusal of planning permission (so does not include advertisement, listed building, enforcement, CLD's, telecommunications or tree-related appeals, nor appeals against conditions), the 6-

month performance figure is 33.9% allowed (18 of 53 appeals). LPI45 target for this year is 25% and the final total for the whole year is 30.9%.

Planning Appeals

6. The proportion of the 56 appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period was 23% and of the 13 decisions that this percentage represents, the Council was not successful in sustaining the committee's objection in 7 of 13 (53.8%). The 7 lost were:

Area Cttee South:

EPF/2462/08 – Demolition of 2 houses and construction of 13 flats (revised application) at 109 & 111 Manor Road, Chigwell.

EPF/2343/08 - Two storey side extension and rear dormer window to loft room (Revised application) at 27 Doubleday Road, Loughton.

EPF/0518/09 - Conversion of loft space into 2 self-contained one bedroom flats, demolition of derelict store and rebuilding as additional single storey one bedroom flat and construction of a single storey extension to flat 1 at 214 Queen's Road, Buckhurst Hill.

EPF/0822/09 - Demolition of existing property and erection of 2 x 1 bedroom and 8 x 2 bedroom flats with underground parking (Revised application) at 51 Epping new Road, Buckhurst Hill.

Area Cttee East:

EPF/0073/09 - Proposed erection of cattle shelters at Land to the rear of 40-62 Hoe Lane, Abridge.

EPF/1536/09 – Conversion of single dwelling unit into 2 dwellings at 69 High Road, North Weald.

EPF/2441/08 - Two storey rear and side extensions, first floor front extension, new basement to rear and alterations to roof to include loft conversion with dormers to front and rear at 7A Piercing Hill, Theydon Bois.

7. Therefore, 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.
9. Two of the seven cases allowed directly involved redevelopment and a higher density of housing and it is understood that the Inspectorate have been charged to allow appeals for new dwellings whenever possible in order to assist in meeting housing need. Refusals based upon density factors or overdevelopment are therefore unlikely to succeed in roads of mixed residential uses that already include flats (Manor Road, Chigwell and Epping New Road, Buckhurst Hill) unless real harm to the surroundings or adjacent properties can be shown, or poor design can be identified. As reported previously, it would seem that only the very worst are being dismissed at appeal.
10. 6 of the 13 however, were upheld on appeal, but whilst these did not concern issues of density or overdevelopment it does demonstrate that in some committee cases there is a fine line between whether a development is acceptable or not with regards to impact on residential amenity and visual impact on the locality.

11. Of the 43 planning application decisions made by the Director of Planning & Economic Development under delegated powers, 11 were allowed (25.5%). Interestingly, those allowed were also where parish and town council's had raised objections. Officers therefore need to also be sure that their professional judgement, in tandem with the relevant development plan policies and other material considerations, are not outweighed just by an objection that would otherwise have resulted in the application having been considered by the relevant area plans committee.

Costs

12. During this period, there were no awards of costs made for or against the Council.

Conclusions

14. The Council's performance for this 6-month period and the previous 6 months is an improvement on 2008/09 despite there being fewer appeals submitted. A greater portion though are written representation appeals with PINS now dictating the process on how appeals are being dealt with. Fewer public inquiries and hearings have helped to safeguard against using the budget set aside for employing consultants to defend appeals, which was little used last year, and officers are continuing to successfully fight off costs sought from the council.

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

Appeal Decisions October 2009 to March 2010

Planning Appeals Allowed:

Buckhurst Hill

1. EPF/0880/09 – New commercial offices and meeting hall to include basement area at 102-104 Queen's Road.
2. EPF/0518/09 - Conversion of loft space into 2 self-contained one bedroom flats, demolition of derelict store and rebuilding as additional single storey one bedroom flat and construction of a single storey extension to flat 1 at 214 Queen's Road, Buckhurst Hill.
3. EPF/0822/09 - Demolition of existing property and erection of 2 x 1 bedroom and 8 x 2 bedroom flats with underground parking (Revised application) at 51 Epping New Road, Buckhurst Hill.
4. EPF/0828/09 - Construction of 2 flats in same footprint as approved detached dwelling at Land to rear of 108 Palmerston Road.

Chigwell

5. EPF/2462/08 – Demolition of 2 houses and construction of 13 flats (revised application) at 109 & 111 Manor Road, Chigwell.

Epping

6. EPF/0743/09 - Rear Conservatory at 53 Sunnyside Road.
7. EPF/1789/09 - Glazed link between garage and main house at The Stables, Houblons Hill, Coopersale.

Lambourne

8. EPF/0073/09 - Proposed erection of cattle shelters at Land to the rear of 40-62 Hoe Lane, Abridge.

Loughton

9. EPF/0193/09 - Replacement detached dwelling with integral garage (Amended application) at 20 Alderton Hill.

10. EPF/0564/09 - Change of use from class A2 to Class A5 (hot food take-away) and the installation of 1 no. extract duct at 276 High Road.
11. EPF/1285/09 – First floor extension to bungalow to form two storey dwelling at 88 Lawton Road.
12. EPF/2343/08 - Two storey side extension and rear dormer window to loft room (Revised application) at 27 Doubleday Road.
13. EPF/1371/09 - Replacement detached dwelling with integral garage at 20 Alderton Hill.

Nazeing

14. EPF/0013/08 - Replacement bungalow (Revised application) at Hallmead Nursery, Nazeing Road.

North Weald

15. EPF/1536/09 – Conversion of single dwelling unit into 2 dwellings at 69 High Road.
16. EPF/2007/09 - Conversion of single dwelling unit into 2 dwellings at 69 High Road.

Theydon Bois

17. EPF/2441/08 - Two storey rear and side extensions, first floor front extension, new basement to rear and alterations to roof to include loft conversion with dormers to front and rear at 7A Piercing Hill, Theydon Bois.

Waltham Abbey

18. EPF/1260/09 - Extension to rear and side, raising the roof with loft conversion, front dormer windows, rear balcony and side juliet balcony at 10 Mead Court.

Tree Appeal Part Allowed

1. EPF/1477/09 - Felling of T1 and T2 sycamore at 25 Windsor Wood, Waltham Abbey.

Planning Appeals Dismissed

Buckhurst Hill

1. EPF/180/09 - Amendment to planning approval EPF/1753/08 for the demolition of existing property and erection of new commercial offices and meeting hall to include a basement area and rooflights to the flat roof at 102 - 104 Queen's Road
2. EPF/0351/09 - new single storey dwelling to the rear, provide separate gardens, parking, access and refuse for the proposed and existing dwellings. (This application follows the massing principles set out in the approved certificate of lawfulness application for additional swimming pool accommodation).at Rear of 49 Epping New Road
3. EPF/0846/09 - Demolition of existing dwelling and erection of 7 flats with covered parking. (Revised application) at 2 Westbury Road
4. EPF/1345/09 - Two storey rear extension, loft conversion increasing roof height, roof light, enlarging side window at 15 Albert Terrace

Chigwell

5. EPF/0034/09 - Demolition of existing dwelling and the construction of a replacement house. (Revised application) at 48 Stradbroke Drive
6. EPF/0548/09 - Proposed redevelopment of existing dwelling to 7 apartments at 132 High Road
7. EPF/1077/09 - Two storey side extension to provide garage and storage on ground floor and two additional bedrooms on first floor at 47 Mount Pleasant Road

8. EPF/1240/09 - New side extension wings, roof and elevation remodelling. Demolition of existing poolhouse, garage and rear extension at Highfields, Gravel Lane

Epping

9. EPF/0516/09 – Installation of electricity sub-station to comply with utility company (EDF) requirements in connection with approved sheltered housing development at 19-23 High Street
10. EPF/0516/09 - Vehicle crossover at 8 High Street
11. EPF/0860/08 - Construction of 13 no. two bedroom flats and 1 no. three bedroom flats at Wintry Park Service Station, 37 Thornwood Road

Lambourne

12. EPF/1551/09 - Retention of fencing at 3 Middle Boy
13. EPF/2220/08 - Erection of a general purpose agricultural building at Land to rear of 40-62 Hoe Lane

Loughton

14. EPF/1559/08 - Change of use of land (for garden area) and erection of a detached garage at Land adj to 10 Sycamore Close
15. EPF/2328/08 - First floor side extension and loft conversion with roof dormer addition at 14 The Meadway

Moreton, Bobbingworth and the Lavers

16. EPF/1244/09 - Conservatory link extension to an existing dwelling at Green Corners, High Laver Road, Matching Green
17. EPF/1348/08 - Demolition of existing dwelling and commercial buildings and erection of 8 dwellings including surface water sewer to existing watercourse at Matthews Yard, Harlow Road, Moreton

Nazeing

18. EPF/0013/08 - Replacement bungalow. (Revised application) at Hallmead Nursery, Nazeing Road

North Weald

19. EPF/0111/09 - New grain store incorporating extension to the existing grain store at land adj Horseshoe Farm, London Road
20. EPF/0421/09 - Change of use from horticultural to residential and erection of a single storey dwelling at Land rear of 76 Weald Bridge Road

Ongar

21. EPF/1568/09 - Replacement of front boundary treatment with maximum 2.6m high wall/railings with gates. (Revised application) at 77 Fyfield Road
22. EPF/2297/08 - Erection of detached house at Land adjacent Threeways House, Epping Road

Roydon

23. EPF/0315/09 - Retention of front boundary wall at Old Ford, Water Lane
24. EPF/1872/08 - Vehicle crossover and erection of second gate at Old Ford, Water Lane
25. EPF/1949/08 - Change of use of land to mixed use to include stationing of three caravans for occupation by gypsy family at Ashview, Hamlet Hill
26. EPF/2160/08 - Demolition of existing porch and erection of a new glazed link at 150 High Street
27. EPF/1021/09 - Certificate of lawfulness for existing use of land to include storage of no more than three caravans at Ashview, Hamlet Hill

Stapleford Abbotts

28. EPF/1879/08 - Retention of mobile home for agricultural worker. (Resubmitted application) at Top View Farm, Curtis Mill Lane

The Rodings, Abbess, Beauchamp & Berners

29. EPF/1485/09 - Single storey extension. (Revised application) at Victoria Lodge, Berners Hall Lane

Theydon Bois

30. EPF/0064/09 - Front extension and first floor addition to alter the existing bungalow into a two storey dwelling with additional rooms in the roof space (Revised application) at 44 Theydon Park Road
31. EPF/0105/09 - Erection of single storey garage/store to side at 25 Piercing Hill

Theydon Mount

32. EPF/0960/09 - Change of use of an existing building and land from leisure to residential at Barkers Farm, Mount End Road
33. EPF/1069/09 - Proposed boundary fence with in and out drive and gates hung on brickwork piers including new crossover at The Old Rectory, Mount Road

Waltham Abbey

34. EPF/0191/09 - New dwelling house at 111 Monkswood Avenue
35. EPF/0381/09 – Retention of garage extension to rear of property at 20 Godwin Close
36. EPF/0583/09 – Demolition of ancillary farm buildings and construction of 41 residential units with parking and associated landscaping. Restoration of listed barn to provide 160sqm (G.E.A) shop/community use. (Revised application) at Netherhouse Farm, Sewardstone Road

Willingale

37. EPF/ 1870/09 – Demolition of single storey lean to and replace with two storey extension and new porch to front and rear at Mount House, Shellow Road

Enforcement Appeals Dismissed

1. Change of use of agriculture to mixed use of agriculture and vehicle and trailer parking and storage at New Farm, Copped Hall Estate, Epping
2. Stationing of a mobile home and 2 caravans for residential purposes at Hallmead Nursery, Nazeing Road, Nazeing
3. Stationing of 3 mobile homes and a caravan at New Farm Cottage, 17 New Farm Drive, Abridge.
4. Erection of wall and gates at Old Ford, Water Lane, Roydon.