

Report to Area Plans Sub-Committee D

Date of meeting: 29 November 2006.



Subject: Probity in Planning – Appeal Decisions, April 2006 to September 2006.

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Recommendation:

That the committee notes the outcomes of the appeals

Background:

1. (Head of Planning Services) 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 was for district councils to aim to have less than 40% of their decisions overturned on appeal with the national average of about 33%. That BVPI was scrapped but recently replaced by one which records planning appeals only (not advertisement, listed buildings, enforcements or tree related appeals) and where the Council sets its own target – set this year at 24%. In fact in recent years the Council has been more successful than the national average with only 25% lost in 2000/01, 24% in 2001/02, 27% in 2002/03, 18% in 2003/04, 29% in 2004/05 and 22% in 2005/06.

Performance

3. Over the six-month period between April and September 2006, the Council received 59 decisions on appeals – 54 planning and related appeals and 5 enforcement appeals. Of the 54 planning and related appeals, 13 were allowed (or part-allowed contrary to the Council's case) (24%) and none of the 5 enforcement appeals – a combined total of 22% of the Council's decisions being overturned.

4. For the BVPI, which only considers appeals against the refusal of planning permission (and regards all 'part-allowed' appeals as decisions against the Council even though the result may have been entirely in line with the Council's case), the performance figure is 26%.

Planning Appeals

5. Of those 13 appeals allowed, 5 were allowed following decisions by committee to refuse contrary to officer's recommendation. Those 5 were:

- EPF/1050/05 – 46 & 48, Albert Road, Buckhurst Hill – two x three storey blocks for 11 flats (Area Plans A 02/11/05)
- TRE/EPF/880/05 – Former Beaver Eng. Site, Manor Road, Chigwell – felling two trees (Area Plans A 07/09/05)

- EPF/181/05 – Land r/o Diggens Court, High Road, Loughton – three storey block of 12 flats (Area Plans A 07/09/05)
- EPF/1781/05 – Land r/o Diggens Court, High Road, Loughton – three & four storey block of 13 flats (Area Plans A 04/01/06)
- EPF/978/05 – 3 Upper Park, Loughton – extensions and conversion to 4 flats (Area Plans A 10/08/05)

6. To complete the picture, officers were successful in sustaining a committee decision to refuse, when officers had recommended granting permission, in 2 cases:

- EPF/1777/04 – Land at 5 Coopersale Common, Coopersale – erection of a pair of semi-detached houses (Area Plans B 09/03/05)
- EPF/1155/05 – Land at Theydon Mount – green burial ground with car park (Area Plans C 16/11/05)

Costs

7. No awards of costs were made in this 6 month period against the Council, but the Council were successful in obtaining a partial award of costs when an appellant withdrew his enforcement appeal at a very late stage, relating to Magdalen Laver Hall.

Conclusions

8. The Council's performance for this 6-month period continues to be a reflection of the quality of decision-making by both officers and members at committee, though some individual decisions were disappointing.

9. The decisions are listed in the Members Bulletin from time to time but a full list of decisions over this six month period appears at appendix 1.

Appeal Decisions April to October 2006

Planning Appeals Allowed:

1. EPF/1050/05 – Two blocks for 11 flats at 46 & 48, Albert Road, Buckhurst Hill
2. EPF/424/05 – Erection of 10 apartments at 118, High Road, Chigwell
3. EPF/2395/04 – Detached dwelling at rear of 122, High Road, Chigwell
4. TRE/EPF/880/05 – Felling of two horse chestnuts at Former Beaver Eng Site, Manor Road, Chigwell
5. TEL/EPF/1423/05 – 10m high telecommunications mast at junction of Lambourne Road and Orchard Way, Chigwell
6. EPF/978/05 – Extensions and conversion to 4 flats at 3, Upper Park, Loughton
7. EPF/181/05 – Erection of 3 storey block of 12 flats at land rear of Diggens Court, High Road, Loughton
8. EPF/1781/05 – Erection of 3 and 4 storey block of 13 flats at land rear of Diggens Court, High Road, Loughton
9. EPF/1917/04 – Conversion of barn to a live/work unit at Berwick Hall Farm, Abbess Roding
10. EPF/157/06 – Erection of detached house at land to side of 59, Homefield, Waltham Abbey
11. EPF/267/05 – Conversion of two barns to one dwelling at land adj Rosemead, Pynest Green Lane, Waltham Abbey

Planning Appeals Part-Allowed

12. EPF/1401/05 – Erection of gates and fence at Brielands, Kendal Avenue, Epping (fence was allowed but gates dismissed)
13. A/EPF/349/06 – Illuminated hotel signage at Travelodge, Epping Road, Bovinger (two signs were allowed but two dismissed)
14. EPF/324/05 – Two storey side and single storey rear extensions at 33, Laburnam Road, Coopersale (rear extension was allowed and side extension dismissed in accordance with the Council's case)
15. EPF/1512/05 – Two storey side and single storey rear extensions at 11A, Woodland Road, Loughton (rear extension allowed but side extension dismissed in accordance with the Council's case)
16. EPF/2410/04 – Erection of timber fencing to curtilage of listed building at Brick Lock Cottage, Glen Faba, Roydon (1m high palisade fencing was allowed but 2m high close-boarded fencing dismissed in accordance with the Council's case)

Planning Appeals Dismissed

17. EPF/1159/05 – Detached garage at Westwards, Ardmore Lane, Buckhurst Hill
18. EPF/270/05 – Loft conversion at 4, Fontayne Avenue, Chigwell
19. EPF/865/05 – Erection of detached house and garage on site of 'Beagles Hut', Retreat Way, Chigwell
20. EPF/2001/04 – New roof to swimming pool at 39, Stradbroke Drive, Chigwell
21. EPF/658/05 – First floor rear extension at 6A, Palmers Hill, Epping
22. LB/EPF/673/05 – Listed building application for a first floor rear extension at 6A, Palmers Hill, Epping
23. EPF/1857/05 – Change of use of barn to business use at Creeds Farm, Bury Lane, Epping
24. EPF/1777/04 – Erection of pair of semi-detached houses at 5 Coopersale, Common, Coopersale, Epping
25. EPF/2233/05 – Erection of one and a half storey side extension at Takeleys Manor, Upland Road, Epping Upland
26. LB/EPF/2234/05 – Listed building application for the above at Takeleys Manor, Epping Upland
27. EPF/2355/04 – Erection of two storey side extension at Takeleys Manor, Epping Upland

28. LB/EPF/2356/04 – Listed building application for the above at Takeleys Manor, Epping Upland
29. EPF/2188/04 – Change of use from agricultural to residential plus erection of 12 units at Nine Ashes Farm, Rookery Road, High Ongar
30. EPF/1624/05 – Detached bungalow at Harley Cottage, 202, Nine Ashes Road, High Ongar
31. EPF/1178/05 – Conversion of barn to dwelling at Forest Lodge, Manor Road, Abridge
32. EPF/1134/05 – Single storey side extension at Holmhurst, Manor Road, Loughton
33. EPF/1180/05 – First floor rear extension at 31, Connaught Avenue, Loughton
34. EPF/219/05 – Rear conservatory at 1, Slate Cottages, High Lane, Matching
35. EPF/882/05 – Single storey dwelling at Mamelons Farm, Waltham Road, Nazeing
36. EPF/1064/05 – Change of use to parking area at land at Tatsfield Avenue, Nazeing
37. EPF/1593/05 – Change of use of glasshouses to B8 storage at Oakleigh Nursery, Paynes Lane, Nazeing
38. EPF/1891/04 – Retention of building for use as offices and vehicle repairs at Lakeside Nursery, Pecks Hill, Nazeing
39. EPF/1892/04 – Retention of building for vehicle repairs at Lakeside Nursery, Pecks Hill, Nazeing
40. EPF/1893/04 – Erection of building for vehicle repairs at lakeside Nursery, Pecks Hill, Nazeing
41. EPF/111/06 – Two storey side and rear extension at 12, Bluemans, North Weald
42. EPF/203/04 – Use of land to site two mobile homes and two touring caravans at Bulls Farm, Harlow Road, Roydon
43. EPF/970/05 – Single storey side and front extensions at Hunters Brook, Epping Road, Broadley Common, Roydon
44. EPF/1229/05 – Extensions and conversion of bungalow to two houses at Inglenook, Epping Road, Broadley Common, Roydon
45. EPF/306/04 – Continuation of use as livery stables at Maybanks Farm, Epping Road, Toot Hill, Stanford Rivers
46. EPF/1658/04 – Retention of balcony, garage and car port at Homeview, Ongar Park, Stanford Rivers
47. EPF/1155/05 – Green burial ground with store building and car park at Mount End, Theydon Mount
48. EPF/2177/05 – Two storey side extension at High Warren, Theydon Mount
49. EPF/855/05 – Detached bungalow at land to side of 200, Roundhills, Waltham Abbey
50. EPF/1131/05 – Detached dwelling at 49, Broomstick Hall Road, Waltham Abbey
51. EPF/1725/05 – Erection of detached dwelling at 59, Homefield, Waltham Abbey
52. EPF/2458/04 – Gates and railings at Brookview, 2, Halley Road, Waltham Abbey
53. EPF/499/06 – Retention of illuminated shop sign at 47 Highbridge Street, Waltham Abbey
54. EPF/1297/05 – Construction of detached house at Wardens Hall Farm, Fyfield Road, Willingale

Enforcement Appeals Dismissed

55. Siting of a garden shed on a parking bay at 23, Willow Tree Close, Abridge
56. Creation of a balcony on roof of rear extension at 42, Dickens Rise, Chigwell
57. Business use of flat at 129, Pyrles Lane, Loughton
58. Retention of buildings for offices and vehicle repairs at Lakeside Nursery, Pecks Hill, Nazeing
59. Use for car washing and valeting at Rocky's Filling Station, High Road, Thornwood