

Report to Area Plans Sub-Committee South



**Epping Forest
District Council**

Date of meeting: 7 November 2007

**Subject: Probity in Planning – Appeal Decisions, April to
Sept 2007.**

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Recommendation:

That the Planning Appeal Decisions be noted.

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 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, telecommunications or tree related appeals) and where the Council sets its own target – set this year at 25%, equivalent to the top quartile performance. In fact in recent years the Council has been more successful than the national average with only 18% in 2003/04, 29% in 2004/05 and 22% in 2005/06.

Performance

3. Over the six-month period between April and September 2007, the Council received 54 decisions on appeals – 47 planning and related appeals and 7 enforcement appeals. Of the 47 planning and related appeals, 11 were allowed (23%) and none of the 7 enforcement appeals – a combined total of 20.3% of the Council's decisions being overturned.
4. For the BVPI, which only considers appeals against the refusal of planning permission (so does not include advertisement, listed building, enforcement, telecommunications or tree-related appeals, nor appeals against conditions), the performance figure is 20.5% - within target and one of the top quarter performing authorities.

Planning Appeals

5. As with the previous 6-month period, the proportion of appeals that arose from decisions of the committees to refuse contrary to the recommendation of officers was at a relatively high level at around 23%. Of the 47 appeal decisions, 11 arose in such circumstances, but the Council only lost 3 of those cases, which is a much lower proportion than previously.
6. 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.
7. It will be apparent then that of the 11 appeals allowed, 7 were in the face of officers' decisions to refuse under delegated powers (and 1 where the officer recommendation to refuse was agreed by committee).
8. The 3 appeals allowed following decisions by committee to refuse contrary to officer's recommendation were:

EPF/2443/06 – 34 Bracken Drive, Chigwell – replacement bungalow with conservatory (Area Plans A 07/02/07)

EPF/0975/06 – 46 Pyrles Lane, Loughton – installation of an automated teller machine (Area Plans A 19/07/06)

EPF/1799/06 – 34 Upper Park, Loughton – two storey front extension and dormer windows (Area Plans A 08/11/06)

9. To complete the picture, officers were successful in sustaining the committee decision to refuse, when officers had recommended granting permission, in the following 8 cases:

EPF/1411/06 – 34 Scotland Road, Buckhurst Hill – two storey rear extension (Area Plans A 13/09/06)

EPF/435/06 – Former Beagles Hut, Retreat Way, Chigwell – erection of 13 four-bedroomed house (Area Plans A 26/04/06)

EPF/0736/06 – East 15 Acting School, Rectory Lane, Loughton – two temporary rehearsal buildings (Area Plans A 21/06/06)

EPF/2377/06 – 10 Pump Hill, Loughton – construction of two houses (Area Plans A 07/02/07)

EPF/1467/06 – 17 Lynceley Grange, Epping – two storey side and rear extensions (Area Plans B 20/09/06)

EPF/1763/06 – Blunts Farm, Coopersale Lane, Theydon Bois – replacement dwelling (Area Plans B 13/12/06)

EPF/1030/06 – Former Parade Ground, Merlin Way, North Weald – 141 dwellings and ancillary works (District Development Control Committee 10/10/06)

EPF/0850/06 – 9 The Paddocks, Stapleford Abbots – alterations to garage to provide ancillary residential accommodation (Area Plans C 05/07/06)

Costs

10. No awards of costs were made during this period.

Conclusions

11. The Council's performance for this 6-month period has been highly satisfactory. The support for the Council's decisions to take enforcement action is particularly encouraging and the efforts made to support members' decisions contrary to recommendations has been notable.
12. The decisions are listed in the Council Bulletin from time to time but a full list of decisions over this six month period appears below.

Appeal Decisions April to September 2007

Planning Appeals Allowed:

1. EPF/0944/06 – 134 Hainault Road, Chigwell – replacing bungalow with two storey house
2. EPF/1755/06 – 35 Chigwell Park Drive – two storey side extension
3. EPF/2443/06 – 35 Bracken Drive, Chigwell – replacement bungalow with conservatory
4. EPF/0975/06 – 46 Pyrles Lane, Loughton – installation of automated teller machine
5. EPF/1249/06 – 61 Hillcroft, Loughton – conversion of extension to form 2 one-bedroomed apartments
6. EPF/1799/06 – 34 Upper Park, Loughton – two storey front extension with dormer windows in roof
7. EPF/2135/06 – Aysbrooke, Middle Street, Nazeing – detached garage
8. EPF/2486/06 A – The Gatekeeper, London Road, North Weald – new illuminated signage
9. EPF/1740/05 – Land at Station Approach, Ongar – residential development
10. EPF/2251/06 – 21 Sheering Lower Road, Sheering – two storey side extensions
11. EPF/0797/06 – Thrift Cottage, Sewardstone Road, Waltham Abbey – single storey retail unit at rear

Planning Appeals Dismissed

12. EPF/1411/06 – 34 Scotland Road, Buckhurst Hill – two storey rear extension
13. EPF/0435/06 – Former Beagles Hut, Retreat Way, Chigwell – erection of detached house
14. EPF/0977/06 – Wayback, 179 Lambourne Road, Chigwell – rear dormer window
15. EPF/1565/06 – 32 Grange Crescent, Chigwell – side extension
16. EPF/1829/06 – 18 High Elms, Chigwell – retention of boundary wall
17. EPF/0932/06 – Lanes Boutique, 263 High Street, Epping – change of use to wine bar
18. EPF/0939/06 – Lanes Boutique, 263 High Street, Epping – listed building application for alterations to form wine bar
19. EPF/1467/06 – 17 Lynceley Grange, Epping – two storey side and rear extensions

20. EPF/1375/06 – Drummaids, Parsloe Road, Epping Upland – first floor side extension
21. EPF/0381/06 – Land adj 18 Dunmow Close, Loughton – two bedroomed detached house
22. EPF/0736/06 – East 15 Acting School, Rectory lane, Loughton – temporary rehearsal rooms
23. EPF/1529/06 – Sainsburys Supermarket, Old Station Road, Loughton – variation of delivery hours
24. EPF/1638/06 – 2A, The Uplands, Loughton – erection of 5 apartments
25. EPF/1791/06 – 121 Roding Road, Loughton – change of use to A2 offices
26. EPF/2267/06 – Warren House, Manor Road, Loughton – second floor roof extension and glazed extension
27. EPF/2377/06 – 10 Pump Hill, Loughton – construction of 2 houses
28. EPF/2424/06 – 1 & 1A, Warren Hill, Loughton – erection of 6 detached dwellings
29. EPF/0112/07 – 24 Palmers Grove, Nazeing – gates and fence
30. EPF/1159/06 – Coronation and Prospect Nurseries, Hoe Lane, Nazeing – 24 houses and ancillary works
31. EPF/1253/06 – Land at Havenslea, Nazeing Common, Nazeing – change of use to residential
32. EPF/1394/06 – Vine Cottage, Betts Lane, Nazeing – residential annexe
33. EPF/1470/06 – Willow Lodge, Old House Lane, Nazeing – replacement dwelling and garage
34. EPF/1535/06 – 63 & 65 North Street, Nazeing – erection of 4 detached houses
35. EPF/1773/06 – Fort Payne, Paynes Lane, Nazeing – continued use for repair of motor vehicles
36. EPF/1898/06 – Byrneville, Back Lane, Nazeing – rear conservatory
37. EPF/1030/06 – Former Parade Ground, Merlin Way, North Weald – erection of 141 dwellings with ancillary works
38. EPF/2200/06 – Fyfield Business Park, Fyfield Road, Ongar – erection of 90 dwellings and ancillary works
39. EPF/1965/06 – Land rear of The Deri, Meadow View and The White House, Derby Road, Roydon – erection of 1 bungalow
40. EPF/2007/06 – Cranalyn, Barn Hill, Roydon – two storey extension and roof extension
41. EPF/0850/06 – 9 The Paddocks, Stapleford Abbots – alterations to garage to provide ancillary accommodation
42. EPF/1763/06 – Blunts Farm, Coopersale, Lane, Theydon Bois – construction of replacement dwelling
43. EPF/1998/06 – 21 Elizabeth Drive, Theydon Bois – two storey side and rear extension
44. EPF/1220/06 – 29 Deer Park Way, Waltham Abbey – change of use of public open space to garden
45. EPF/1441/06 – 101 Broomstick Hall Road, Waltham Abbey – two storey side and rear extensions to create 6 flats
46. EPF/2061/06 – Southend Farm, Southend Lane, Waltham Abbey – retention of hay store
47. EPF/2239/06 – 1 Cornmill Mews, Highbridge Street, Waltham Abbey – retention of conservatory

Enforcement Appeals Dismissed

48. Conversion of barn to two residential properties on Site at 1 Game Farm, Cottages, Old House Lane, Roydon

49. Erection of a barn and dwelling at Highlands Farm, Old Rectory lane, Stanford Rivers
50. Erection of a chalet at Plot 20, Roydon Lodge Chalet Estate, Roydon
51. Mixed use for retail and coffee shop at 271 High Street, Epping. (This decision is currently under appeal to the High Court)
52. Commercial parking of motor vehicles at Water Tower Site, Anchor Lane, Abbess Roding
53. Boundary wall at 18 High Elms, Chigwell
54. Entrance gates at 2 Halley Road, Waltham Abbey