



**Epping Forest
District Council**

Report to Area Plans Sub-Committee

Date of meeting: South – 22nd November 2017

Subject: Probity in Planning – Appeal Decisions, 1 April 2017 to 30 September 2017

**Officer contact for further information:
Democratic Services Officer:**

**Nigel Richardson (01992 564110).
Jackie Leither (01992 564243)**

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. There have been two local indicators, one of which measures all planning application type appeals as a result of committee reversals of officer recommendations (GOV008) and the other which measures the performance of officer recommendations and delegated decisions (GOV007).

Performance

4. Over the six-month period between 1 April 2017 and 30 September 2017, the Council received 56 decisions on appeals (48 of which were planning related appeals, the other 8 were enforcement related).
5. GOV07 and 08 measure planning application related appeal decisions and out of a combined total of 48, 15 were allowed (31.3%). Broken down further, GOV007 performance was 4 out of 32 allowed (12.5%) and GOV008 performance was 11 out of 16 (68.8%).

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 - APPEALS ALLOWED:

Area Committee South

Buckhurst Hill

- | | | | |
|---|-------------|---|-------------------------------------|
| 1 | EPF/2894/16 | Erection of single storey three-bedroom dwelling with green roof to rear of 83 Queen's Road | Land to the rear of 83 Queen's Road |
|---|-------------|---|-------------------------------------|

Chigwell

- | | | | |
|---|-------------|--|----------------------------|
| 2 | EPF/3398/16 | Revised Application to Application Numbers EPF/0410/16 and EPF/2446/15 for Amended Vehicle Access and Erection of 9 Apartments. Five apartments in building to replace existing house, four apartments in building at position of former tennis courts. | Woodlands
152 High Road |
| 3 | EPF/2931/16 | Change of use from use for purposes within Use Class A2 (Financial and Professional Services) to use for purposes within Use Class A5 (Hot Food Takeaway). Replacement of compressors. Erection of extraction duct and new shop entrance, and new fresh air intake grille. | 1 Brook Parade |
| 4 | EPF/2549/16 | Retrospective application for a single storey rear outbuilding of 2.65 metres in height at rear and 2.95 metres in height at front elevations with flat roof form. | 24 Whitehall Close |
| 5 | EPF/2598/16 | Demolition of 2 x no. existing dwelling houses and associated outbuildings at Nos. 140 & 142 Manor Road to be replaced with 14 x no. residential units with associated parking, cycle storage, refuse and amenity space. (Revised application to EPF/1142/16). | 140 - 142 Manor Road |

Loughton

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|---|-------------|--|--------------------------|
| 6 | EPF/0187/17 | Part retrospective application for two storey side extension, loft conversion, including rear dormer, porch and single storey rear extension, revised application to include alterations to dormer following refusal EPF/0181/16). | 7 Colebrook Lane |
| 7 | EPF/1741/16 | Outline application for residential development of 10 no. apartments with details of access. | 113 Church Hill |
| 8 | EPF/2445/16 | Provision of studio flat in roof space, formation of car park to rear and landscaping of front garden area. | Flat C
66 Valley Hill |

Area Committee East

Epping

- | | | | |
|---|-------------|--|-----------------|
| 9 | EPF/0632/16 | Consent for the conversion of part of existing A1 shop at ground floor and C3 first and second floor unit into 3 self contained flats including two storey rear extension. | 263 High Street |
|---|-------------|--|-----------------|

Theydon Bois

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|----|-------------|--|---|
| 10 | EPF/2882/16 | Construction of access way to serve existing storage buildings | Land adjacent to Magnolia House
Abridge Road |
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Area Committee West

None

District Development Management Committee

11	EPF/2550/16	Replacement of the existing bungalow with a new three storey block of five apartments. This would consist of 2 no. one-bed flats and 3 no. two-bed flats. The development would be served by three off-street parking spaces to the front and communal amenity space to the rear.	17 Hemnall Street
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7. The appeal performance for GOV008, committee reversals, was successful in 5 out of 16 planning applications that went to appeal. It is of course understood that these are the more contentious planning applications 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 5 cases where the committees were successful are as follows:

COMMITTEE - APPEALS DISMISSED:

Area Committee South

Chigwell

1	EPF/2390/16	Demolition of existing dwelling and garage and construction of eight residential units, with associated parking and landscaping	Cornerways Turpins Lane
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Loughton

2	EPF/1990/16	Demolition of existing building and erection of a part 2 and part 3 storey building containing six 2 bedroom flats, with provision of 6 ground level car spaces. (The application is for approval of the building shape (bulk, mass, volume), and door and window openings – with materials to elevational treatment to be conditioned as part of any planning approval.)	2 Connaught Avenue
3	EPF/2042/16	Partial demolition and extension of the former Royal Oak public house and change of use to provide 5 flats, demolition of 171 Smarts Lane and redevelopment for 9 flats, and associated parking and landscaping.	Royal Oak PH, Forest Rd

Area Committee East

Theydon Bois

4	EPF/1548/16	Replacement dwelling and detached garage; pitched roof to existing garage; and front wall/ railings and gates with altered access point/ crossover. (Revised application to EPF/2687/15)	26 Piercing Hill
5	EPF/2037/16	Renovation of existing former coach house with extension and basement to form a single family dwelling.	33 Piercing Hill

Area Committee West

None

8. Out of 8 **ENFORCEMENT NOTICE APPEALS** decided, 3 were **allowed**, 4 **dismissed** and 1 invalid (notice quashed). These are as follows:

Allowed

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|---|-------------|--|---|
| 1 | ENF/0029/14 | Breach of condition of EPF/0050/96 is solely for the benefit of Mr William Lowe (Senior) and his dependents during his lifetime only and for the stationing of one mobile home which is restricted/controlled by condition 2 | Greenacres
Silver Lane
Willingale |
| 2 | ENF/0524/15 | Without planning permission the material change of use of the land from domestic horse keeping to a residential use | Steers (Land adj)
Pigstye Green Road
Willingale |
| 3 | ENF/0164/15 | Without planning permission the erection of a dwelling house | Highwood
Pudding Lane
Chigwell |

Dismissed

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|---|-------------|---|--|
| 4 | ENF/0043/16 | Erection of walls, pillars and gates over 1m high adjacent to a highway. | Woodside Place
Woodside
North Weald Bassett |
| 5 | ENF/0145/16 | Without planning permission the erection of fencing over 1m high adjacent to a highway between points a, b and c. | Woodside Place
Woodside
North Weald Bassett |
| 6 | ENF/0296/15 | Without Listed Building Consent the installation of UPVC windows and doors | Middle Cottage
Hill Hall 21 Mount Road
Theydon Mount |
| 7 | ENF/0318/16 | Change of use of the land for car parking and bus & coach storage | The Conifers
Glen Faba |

Invalid, Notice Quashed

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|---|-------------|--|---|
| 8 | ENF/0145/16 | Without planning permission importation of materials to raise land levels. | Woodside Place
Woodside
North Weald Bassett |
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COSTS

9. There was one award of costs against the Council for unreasonable behaviour in refusing planning permission in this 6 month period, which was 1 Brook Parade, High Road, Chigwell. The cost sum has not been received yet from the appellant and the final figure will be reported next time.

10. National Planning Practice Guidance on Award of Costs advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party in the following two circumstances:

- a party has behaved unreasonably; and
- the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

Conclusions

11. Whilst overall performance in defending appeals at 31.3% appears high, there is no national comparison of authority performance. With 11 out of 16 appeals resulting from Members refusing through reversing the officer recommendation to grant planning permission were allowed on appeal, Members 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. 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.

12. Finally, appended to this report are the appeal decision letters relevant to each Plans sub-committee area, which are the result of Members decision at planning committees.

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

TOTAL PLANNING APPLICATION APPEAL DECISIONS 1ST APRIL 2017 TO 30TH SEPTEMBER 2017

Allowed **(Nos. 1-14)**

Buckhurst Hill

1	EPF/2894/16	Erection of single storey three-bedroom dwelling with green roof to rear of 83 Queen's Road	Land to the rear of 83 Queen's Road
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Chigwell

2	EPF/3398/16	Revised Application to Application Numbers EPF/0410/16 and EPF/2446/15 for Amended Vehicle Access and Erection of 9 Apartments. Five apartments in building to replace existing house, four apartments in building at position of former tennis courts.	Woodlands 152 High Road
3	EPF/2931/16	Change of use from use for purposes within Use Class A2 (Financial and Professional Services) to use for purposes within Use Class A5 (Hot Food Takeaway). Replacement of compressors. Erection of extraction duct and new shop entrance, and new fresh air intake grille.	1 Brook Parade
4	EPF/2549/16	Retrospective application for a single storey rear outbuilding of 2.65 metres in height at rear and 2.95 metres in height at front elevations with flat roof form.	24 Whitehall Close
5	EPF/2598/16	Demolition of 2 x no. existing dwelling houses and associated outbuildings at Nos. 140 & 142 Manor Road to be replaced with 14 x no. residential units with associated parking, cycle storage, refuse and amenity space. (Revised application to EPF/1142/16).	140 - 142 Manor Road

Epping

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|---|-------------|---|-------------------|
| 6 | EPF/2550/16 | Replacement of the existing bungalow with a new three storey block of five apartments. This would consist of 2 no. one-bed flats and 3 no. two-bed flats. The development would be served by three off-street parking spaces to the front and communal amenity space to the rear. | 17 Hemnall Street |
| 7 | EPF/0632/16 | Consent for the conversion of part of existing A1 shop at ground floor and C3 first and second floor unit into 3 self contained flats including two storey rear extension. | 263 High Street |

Fyfield

- | | | | |
|---|-------------|---|------------------------------------|
| 8 | EPF/3411/16 | Conversion of barn to residential dwelling | The Coach House
Willingale Road |
| 9 | EPF/0002/17 | Listed building consent for proposed conversion of barn to residential dwelling | The Coach House
Willingale Road |

Loughton

- | | | | |
|----|-------------|--|--------------------------|
| 10 | EPF/0187/17 | Part retrospective application for two storey side extension, loft conversion, including rear dormer, porch and single storey rear extension, revised application to include alterations to dormer following refusal EPF/0181/16). | 7 Colebrook Lane |
| 11 | EPF/1741/16 | Outline application for residential development of 10 no. apartments with details of access. | 113 Church Hill |
| 12 | EPF/2445/16 | Provision of studio flat in roof space, formation of car park to rear and landscaping of front garden area. | Flat C
66 Valley Hill |

Theydon Bois

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|----|-------------|--|--|
| 13 | EPF/2882/16 | Construction of access way to serve existing storage buildings | Land adjacent to
Magnolia House
Abridge Road |
|----|-------------|--|--|

Willingale

- | | | | |
|----|-------------|--|--|
| 14 | EPF/0657/14 | Variation of condition number 2 'Personal occupation' of EPF/0050/96 (Stationing of residential mobile home) to allow additional named persons and their resident dependents to occupy the site. | Greenacres
Bassetts Lane
Walls Green |
|----|-------------|--|--|

**Dismissed
(Nos.15-47)****Buckhurst Hill**

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|----|-------------|--|------------------|
| 15 | EPF/2907/16 | Proposed detached house on land adjacent 2 Gladstone Road (Revised application to EPF/1213/16) | 2 Gladstone Road |
|----|-------------|--|------------------|

Chigwell

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|----|-------------|---|------------------------|
| 16 | EPF/1879/16 | Demolition of existing garage and construction of new dwelling with private amenity and off street car parking. | 28 Mount Pleasant Road |
| 17 | EPF/2390/16 | Demolition of existing dwelling and garage and | Cornerways |

	construction of eight residential units, with associated parking and landscaping	Turpins Lane
Epping		
18 EPF/0054/17	Proposed new build 2 bedroom house	102 Beaconfield Road
19 EPF/2261/16	Retrospective application for a rear patio extension 1300mm above existing ground level, and 1.8m high balustrading to sides, and 1m high glass balustrading to patio.	35 Bell Common
20 EPF/2615/16	Second floor roof extension and rear enclosed staircase to create a single self contained dwelling (C3 Use)	162-164 High Street
21 EPF/2957/16	Installation of security shutter to shopfront	McColls 277 High Street
Epping Upland		
22 EPF/1826/16	Construction of porous hardstanding area	Richmond Farm Parsloe Road
Loughton		
23 EPF/2259/16	Two storey side extension and rear projection. Single storey rear extension. Flank wall addition and alterations along the boundary with no.6 Hill Top.	2 Hill Top
24 EPF/1694/16	Proposed single-storey one bedroom house with associated car parking and amenity space.	Rear of 71 & 71a Stonards Hill
25 EPF/2946/16	Proposed 3 bedroomed end of terrace house built on side garden.	19 Kenilworth Gardens
26 EPF/2793/16	Retrospective application for a 3 bedroom house (102 A) constructed on the land adjacent to 102 Oakwood Hill for the retention of 1no. first floor and 1no. ground floor side windows as installed, including a canopy across the single storey front extension, front and rear boundary treatment, side refuse storage enclosure wall and two storey rear projection as built.	Land adjacent to 102 Oakwood Hill
27 EPF/2042/16	Partial demolition and extension of the former Royal Oak public house and change of use to provide 5 flats, demolition of 171 Smarts Lane and redevelopment for 9 flats, and associated parking and landscaping (14 flats in total).	Royal Oak PH Forest Road
28 EPF/1990/16	Demolition of existing building and erection of a part 2 and part 3 storey building containing six 2 bedroom flats, with provision of 6 ground level car spaces. (The application is for approval of the building shape (bulk, mass, volume), and door and window openings – with materials to elevational treatment to be conditioned as part of any planning approval.)	2 Connaught Avenue
29 EPF/1161/16	Proposed 4 bedroom detached house (Revised application to EPF/2086/15)	Land adjacent to 2 Sparelease Hill
30 EPF/2642/16	Remove existing roof and erection of new mansard roof, parapet and front roof terrace.	43 Smarts Lane

- | | | | |
|----|-------------|--|-------------------------------------|
| 31 | EPF/3336/16 | Demolition of existing garage and sheds.
Creation of new 2 bed dwelling attached to 67 Newmans Lane, with associated parking.
Re-submission of refused application: EPF/0690/16. | 67 Newmans Lane |
| 32 | EPF/1858/16 | Outline application for the erection of private dwellinghouse and garage to the rear of Beechlands for the proprietor of Beechlands and his family. | Beechlands
42 - 44 Alderton Hill |

Moreton, Bobbingworth and the Lavers

- | | | | |
|----|-------------|-------------------------|----------------------------------|
| 33 | EPF/3000/16 | Single storey extension | Rose Cottage
Gainsthorpe Road |
|----|-------------|-------------------------|----------------------------------|

Nazeing

- | | | | |
|----|-------------|---|----------------------------------|
| 34 | EPF/0742/17 | Extension to side and alteration to roof pitch to raise ridge height of garage to form a new Granny Annexe with two dormer windows. | Westfleet
Riverside Avenue |
| 35 | EPF/2746/16 | New garage and stable block in association with new dwelling approved pursuant to EPF/1287/15 | Land at Church Farm
Back Lane |

Roydon

- | | | | |
|----|-------------|--|---------------------------------|
| 36 | EPF/0342/17 | Loft extension with rear and side dormers and first floor rear extension (Revised application to EPF/3049/16) | The Moorings
Harlow Road |
| 37 | EPF/2927/16 | Demolition of garages and erection of dwelling within curtilage of existing building (Revised application to EPF/1117/16) | Fairlawn
Epping Road |
| 38 | EPF/0071/17 | Proposed first floor side extension | The Mount
Epping Road |
| 39 | EPF/1485/16 | Removal of condition 4 of EPF/0492/09 (as amended by Appeal ref: 2210145) to enable continued stationing of mobile home beyond 31 July 2016. | Disney Alpaca Stud
Barn Hill |
| 40 | EPF/1630/16 | Continued use of part of site for bus and coach storage for 12 months for Galleon Travel. | The Conifers
Netherhall Road |

Sheering

- | | | | |
|----|-------------|----------------------------|-----------------------------------|
| 41 | EPF/2447/16 | Two storey side extension. | 24 Queens Head Yard
The Street |
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Theydon Bois

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|----|-------------|--|------------------|
| 42 | EPF/1548/16 | Replacement dwelling and detached garage; pitched roof to existing garage; and front wall/ railings and gates with altered access point/ crossover. (Revised application to EPF/2687/15) | 26 Piercing Hill |
| 43 | EPF/2037/16 | Renovation of existing former coach house with extension and basement to form a single family dwelling. | 33 Piercing Hill |

Waltham Abbey

44	EPF/2596/16	Demolition of existing bungalow and construction of 8 flats, 4 x 1 bed and 4 x 2 bed. Parking to the front of the building and a bike store and a bin store to the front.	69 Farm Hill Road
45	EPF/1692/16	Removal of trees and existing structures on land to accommodate the development of a live/work unit which includes an artist's studio (C3/B1 Cottage and Light Industrial)	Land south of Horseshoe Hill adjacent to 1 Ash Tree and High View
46	EPF/1742/16	Demolition of Victoria Hall and construction of 9 no. one bedroom flats over 2 1/2 storeys.	Victoria Hall Greenyard
Willingale			
47	EPF/2541/16	Erection of a detached three bedroomed dwelling and associated hardstandings adjacent to Keepers Cottage (Resubmission of EPF/1611/16)	Keepers Cottage Wood Lane

Part Allowed and Part Dismissed

North Weald Bassett

48	EPF/0988/16	Permission is sought for one additional Static Caravan, one additional Touring Caravan on an existing Gypsy site, with two associated parking spaces, a security gate at the entrance to the site (with brick pillars and associated walls) together with a perimeter fence running adjacent to the boundary with the highways (on the inside of the existing hedges –	Woodside Place Woodside
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ENFORCEMENT APPEALS

Allowed With Conditions

1	ENF/0029/14	Breach of condition of EPF/0050/96 is solely for the benefit of Mr William Lowe (Senior) and his dependents during his lifetime only and for the stationing of one mobile home which is restricted/ controlled by condition 2	Greenacres Silver Lane Willingale
2	ENF/0524/15	Without planning permission the material change of use of the land from domestic horse keeping to a residential use	Steers (Land adj) Pigstye Green Road Willingale

Allowed Without Conditions

3	ENF/0164/15	Without planning permission the erection of a dwelling house	Highwood Pudding Lane Chigwell
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Dismissed

4	ENF/0043/16	Erection of walls, pillars and gates over 1m high adjacent to a highway.	Woodside Place Woodside North Weald Bassett
5	ENF/0145/16	Without planning permission the erection of fencing over 1m high adjacent to a highway between points a, b and c.	Woodside Place Woodside North Weald Bassett
6	ENF/0296/15	Without Listed Building Consent the installation	Middle Cottage

of UPVC windows and doors

Hill Hall 21 Mount Road
Theydon Mount

- 7 ENF/0318/16 Change of use of the land for car parking and
bus & coach storage

The Conifers
Glen Faba

Invalid, Notice Quashed

- 8 ENF/0145/16 Without planning permission importation of
materials to raise land levels.

Woodside Place
Woodside
North Weald Bassett