



Report to Area Plans Sub-Committee

Date of meeting: Plans East – 9 November 2016

Subject: Probity in Planning – Appeal Decisions, 1st April 2016 to 30 September 2016

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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 March 2016 and 30 September 2016, the Council received 49 decisions on appeals (48 of which were planning related appeals, the other 1 was enforcement related).
5. GOV07 and 08 measure planning application decisions and out of a total of 48, 18 were allowed (37.5%). Broken down further, GOV07 performance was 8 out of 32 allowed (25%) and GOV08 performance was 10 out of 16 (62.5%).

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 - APPEALS ALLOWED:

Area Committee South

Buckhurst Hill

EPF/1812/15	Proposed demolition of existing building and construction of a replacement building providing 13 flats	West Lodge 32 Palmerston Road
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Chigwell

EPF/1279/15	Proposed two storey new build house (Revision to EPF/1505/14)	26 Meadow Way
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EPF/3207/15	Provision of front basement extension part completed.	170 Manor Road
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Loughton

EPF/2418/15	Demolition of existing bungalow and erection of 2 no. 3 bed dwellings.	21 Priory Road
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EPF/2983/15	Demolish garage and replace with two-storey side extension. Attached replacement garage with granny flat above. Front dormers. Ground floor and two-storey rear extension. Accommodation within roof space.	24 Alderton Hill
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EPF/2580/15	Prior notification for a telecommunications installation comprising the erection of 13.5m high dual stack monopole supporting 6 no shrouded antennas, a 0.3m dish, 2 no. equipment cabinets and ancillary development (Revised proposal to previously refused EPF/0386/11 - it is now not proposed to erect the installation on the pavement - it is now proposed 6.5m to the rear of the pavement in a grassland area).	Land close to junction of Westall Road and Burney Drive
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Area Committee East

Epping

EPF/1399/15	Conversion of existing annexe to separate dwelling, provision of car port, front canopy and rear decking.	15 Bell Common
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EPF/2163/15	Erection of 18 dwellings, including access, parking, amenity and landscaping.	Allotments rear of 8 to 22 Institute Road Coopersale
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Lambourne

EPF/0300/14	Retrospective application for replacement dwelling incorporating further revisions to roof and dormers and provision of landscaping. (Amended from EPF/2414/09 and EPF/1737/11)	Great Downs Farm London Road Abridge
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North Weald Bassett

EPF/0183/15	Erection of three storey building to accommodate 20 no. apartments (to replace existing clubhouse and Essex barn to be demolished under Prior Notification application EPF/0267/15)	North Weald Golf Club Rayley Lane
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Area Committee West

None

7. The appeal performance for GOV08, committee reversals, was outside of target at 62.5%. 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 6 cases where the committees were successful are as follows:

COMMITTEE - APPEALS DISMISSED:**Area Committee East****Epping**

EPF/1783/15	Demolish existing dwelling, erection of two storey structure with rooms within roof space providing 4 no. self contained two bed roomed flats. Removal of Cypress tree.	16 Kendal Avenue
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EPF/2484/15	Demolition of existing two storey dwellinghouse and garage, the construction of a new two storey residential building with loft and basement accommodation containing 3x1 bed and 4x2 bed apartments, with associated car, bicycle parking and refuse facilities.	33 Chapel Road
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EPF/3024/15	Demolition of a two storey extension and conservatory on the rear elevation of Dane Lodge and its conversion into three apartments, the demolition and replacement of the rear outbuildings to provide one apartment and the erection of a new detached two storey building providing two mews houses, together with the provision of associated on-site covered parking and a bin store.	9 Church Hill
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North Weald Bassett

EPF/1737/15	Proposed 1 no. 2 bed flat and 1 no. 1 bed flat in existing roof of the property and front, rear and side dormer and raised ridge height level to rear roof.	94 - 96 High Road
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Area Committee South**Loughton**

EPF/1973/15	Demolition of existing house and construction of eight residential flats with associated car parking	51 High Road
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spaces, amenity space and refuse collection area.

EPF/2111/15	Subdivision of site and proposed 1 no. 1 bed dwellinghouse with parking and garden area.	257 Chester Road
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Area Committee West

None

8. Out of 1 **ENFORCEMENT NOTICE APPEAL** decided, 1 was **allowed**. This is as follows:

ENF/0249/14	Without planning permission the change of use of stables to a building used as a single residential dwelling	The Outlook Moreton Bridge Moreton
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COSTS

9. There was no award of costs against the Council for unreasonable behaviour in the reasons for refusal in this 6 month period.

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 performance in defending appeals at 37.5% 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. 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 2016 to 30th September 2016

Allowed With Conditions

Buckhurst Hill

1	EPF/1812/15	Proposed demolition of existing building and construction of a replacement building providing	West Lodge 32 Palmerston Road
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13 flats

- 2 EPF/1348/15 Demolition of the existing outbuildings to the rear of 158 Queens Road. Erection of two part 2 and part 3 storey buildings at the rear containing 4 flats. Ground floor rear extension of the retail units proposed. First floor part rear extension proposed. New gable roof proposed with 3 dormer windows in connection with conversion of floors above shop to 2 flats. (Revised application to EPF/1684/13) 158 Queens Road

Chigwell

- 3 EPF/3207/15 Provision of front basement extension part completed. 170 Manor Road
- 4 EPF/1279/15 Proposed two storey new build house (Revision to EPF/1505/14) 26 Meadow Way

Epping

- 5 EPF/2163/15 Erection of 18 dwellings, including access, parking, amenity and landscaping. Allotments rear of 8 to 22 Institute Road Coopersale
- 6 EPF/1399/15 Conversion of existing annexe to separate dwelling, provision of car port, front canopy and rear decking. 15 Bell Common

Lambourne

- 7 EPF/0300/14 Retrospective application for replacement dwelling incorporating further revisions to roof and dormers and provision of landscaping. (Amended from EPF/2414/09 and EPF/1737/11) Great Downs Farm London Road Abridge

Loughton

- 8 EPF/2442/15 Single storey front extension and new external front steps. 62 Queens Road
- 9 EPF/2580/15 Prior notification for a telecommunications installation comprising the erection of 13.5m high dual stack monopole supporting 6 no shrouded antennas, a 0.3m dish, 2 no. equipment cabinets and ancillary development (Revised proposal to previously refused EPF/0386/11 - it is now not proposed to erect the installation on the pavement - it is now proposed 6.5m to the rear of the pavement in a grassland area). Land close to junction of Westall Road and Burney Drive
- 10 EPF/0194/16 Two storey rear extension with balcony, balustrades and 2m high privacy screens on either side of the balcony area. Relocation of existing external steps and landing area to provide egress and access to the garden. 71 Queens Road
- 11 EPF/2983/15 Demolish garage and replace with two-storey 24 Alderton Hill

side extension. Attached replacement garage with granny flat above. Front dormers. Ground floor and two-storey rear extension. Accommodation within roof space.

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| 12 | EPF/2682/15 | Demolition of existing property and erection of a replacement dwelling. | 21 Alderton Hill |
| 13 | EPF/2418/15 | Demolition of existing bungalow and erection of 2 no. 3 bed dwellings. | 21 Priory Road |
| 14 | EPF/0697/16 | Demolition of existing property and erection of a replacement dwelling. | 21 Alderton Hill |

Nazeing

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| 15 | EPF/0437/16 | Raise ridge height to bungalow and provide loft extension | 2 Middle Street |
| 16 | EPF/1060/13 | Change of use of land for stationing of caravans for occupation by Gypsy/Traveller families with ancillary works (demolish two rows of glasshouses, fencing, portacabin amenity blocks, hardstanding and septic tank). Part Retrospective. | Sedgegate Nursery
Sedge Green |

North Weald Bassett

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|----|-------------|---|--------------------------------------|
| 17 | EPF/0183/15 | Erection of three storey building to accommodate 20 no. apartments (to replace existing clubhouse and Essex barn to be demolished under Prior Notification application EPF/0267/15) Appeal Lodged 21/9/15 | North Weald Golf Club
Rayley Lane |
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Waltham Abbey

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| 18 | EPF/2021/15 | Double storey side and single storey rear extension. | 20 Halfhides |
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Dismissed

Chigwell

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| 19 | EPF/0957/16 | Two storey side extension | 11 Ely Place |
| 20 | EPF/1621/15 | Use of double garage as a dwelling house, and carrying out associated external alterations | Land adjacent to 26
Maypole Drive
Chigwell Row |

Epping

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|----|-------------|--|------------------|
| 21 | EPF/1783/15 | Demolish existing dwelling, erection of two storey structure with rooms within roof space providing 4 no. self contained two bedroomed flats. Removal of Cypress tree. | 16 Kendal Avenue |
| 22 | EPF/2484/15 | Demolition of existing two storey dwellinghouse and garage, the construction of a new two storey residential building with loft and | 33 Chapel Road |

basement accommodation containing 3x1 bed and 4x2 bed apartments, with associated car, bicycle parking and refuse facilities.

23 EPF/0109/16 Single storey front extension. 100 Hemnall Street

24 EPF/3024/15 Demolition of a two storey extension and conservatory on the rear elevation of Dane Lodge and its conversion into three apartments, the demolition and replacement of the rear outbuildings to provide one apartment and the erection of a new detached two storey building providing two mews houses, together with the provision of associated on-site covered parking and a bin store. 9 Church Hill

Fyfield

25 EPF/2154/15 Proposed first floor side extension. Two storey rear extension with first floor balcony. Loft conversion including dormers to rear. Enlarged patio area to rear. Two storey bay windows to front elevation. Two vehicle standing areas. Blakeney Clatterford End

High Ongar

26 EPF/3026/15 Formation of a second vehicular entrance to the property Harley Cottage 202 Nine Ashes Road

Loughton

27 EPF/0181/16 Retrospective application for two storey side extension, loft conversion, including rear dormer, porch and single storey rear extension. 7 Colebrook Lane

28 EPF/3245/15 First floor rear extension. 26 The Crescent

29 EPF/2706/15 Two storey side extension. 47 Deepdene Road

30 EPF/2255/15 Change of use of the premises 6a Valley Hill from use as shop premises (Use Class A1) to use as a hot food takeaway (Use Class A5). 6A Valley Hill

31 EPF/2855/15 Demolition of existing bungalow and erection of two detached bungalow-style townhouses, with integral garages. 54 Ollards Grove

32 EPF/0866/15 Two detached two storey cottage properties, with garages at basement level. 54 Ollards Grove

33 EPF/1973/15 Demolition of existing house and construction of eight residential flats with associated car parking spaces, amenity space and refuse collection area. 51 High Road

34 EPF/2990/15 Retention of existing annex as separate dwelling. 56 Oakwood Hill

35 EPF/2111/15 Subdivision of site and proposed 1 no. 1 bed dwellinghouse with parking and garden area. 257 Chester Road

Nazeing

36 EPF/3158/15 Extensions to and conversion of double garage to form a two bedroomed self-contained granny annexe to Nonsuch Cottage Nonsuch Cottage Back Lane

37 EPF/2015/15 Conversion of existing bungalow into 2 no. detached dwellings. Small frontal extension and partial demolition to achieve separation. Raise ridge height and erect front dormer windows. 2 Middle Street

North Weald Bassett

38 EPF/1737/15 Proposed 1 no. 2 bed flat and 1 no. 1 bed flat in existing roof of the property and front, rear and side dormer and raised ridge height level to rear roof. 94 - 96 High Road

39 EPF/2218/15 Retention of workshops and storage units in buildings 15 & 16 Chase Farm Vicarage Lane

Ongar

40 EPF/1628/15 Single storey rear extension. Orchard Cottage Greensted Hall Church Lane

41 EPF/1721/15 Grade II* listed building application for a single storey rear extension. Orchard Cottage Greensted Hall Church Lane

Roydon

42 EPF/3215/15 To replace the front garden fencing around Grade II listed building, with the same height and length of fencing as the existing, but with an altered design and materials. Brick Lock Cottage

Stanford Rivers

43 EPF/2737/15 Detached dwelling 153 London Road

Theydon Mount

44 EPF/0949/16 Retention of raised patio with addition of natural screening 6 Hill Hall Cottages Mount Road

Waltham Abbey

45 EPF/3230/15 The extension and conversion of an existing dwelling to create two dwellings. The erection of a new dwelling, creating three dwellings in total North Villa Mott Street

46 EPF/3032/15 Proposed 3 bedroom bungalow in the rear garden of 16 Pick Hill. Waltham Abbey Rear garden of 16 Pick Hill

47 EPF/2512/15 Application for approval of details reserved by condition 2 'Materials', condition 5 'Landscape Bantham Cottage Wellington Hill and

Scheme' and condition 6 'Flood Risk Assessment' of planning permission EPF/2101/12 (Extension of time limit on EPF/0025/10) (which gave approval to the erection of a two storey detached house to replace existing dwelling.)	Bowls Club Site Rats Lane
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Willingale

48 EPF/0551/16	Erection of stables and change of use of land for the keeping of horses	Tarrymans Birds Green
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Enforcement Appeals

Allowed With Conditions

ENF/0249/14	Without planning permission the change of use of stables to a building used as a single residential dwelling	The Outlook Moreton Bridge Moreton
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