



## ***Report to Area Plans Sub-Committee***

***Date of meeting: 26 February 2020***

**Subject: Probity in Planning – Appeal Decisions, 1<sup>st</sup> April 2019 to 30<sup>st</sup> September 2019**

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### **Recommendation:**

**That the Planning Appeal Decisions from 1 April 2019 to 30<sup>st</sup> September 2019 be noted.**

### **Report Detail:**

#### **Background**

1. (Director of Planning) 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.

#### **Performance**

3. Over the six-month period between 1 April 2019 and 30 September 2019, the Council received 56 decisions on appeals (54 of which were planning related appeals, the other 2 were enforcement related).
4. 7 appeals out of 54 were allowed (13%). Broken down further, Committee reversals performed very well with only 2 out of 14 allowed (14.3%) and there was also a good Officer delegated decisions performance of 5 out of 40 (12.5%) allowed.
5. 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 REVERSALS - APPEALS ALLOWED (2):**

##### **Area Committee East**

##### **Sheering**

EPF/0141/18

Erection of 3 no. new dwellings complete with garages, infrastructure, and associated works, including access from Church Lane.

Land East of Church Lane

### **Area Committee South**

#### **Loughton**

EPF/3302/18	Erection of a one storey roof extension to provide an additional 2 no. flats (2 x 1-bedroom penthouse flats) (- as an addition to 5 storey building being erected on the site under EPF/2600/14.)	Rear of 165 High Road
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6. The 12 cases where the committees were successful are as follows:

### **COMMITTEE REVERSALS - APPEALS DISMISSED (12):**

#### **Area Committee East**

#### **Epping**

EPF/0282/18	Demolition of existing dwelling, erection of a detached building comprising 9 self contained apartments incorporating revisions to vehicular access, associated car parking and on-site amenities	12 Station Road Epping
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EPF/1847/18	Redevelopment of existing shop (including new shopfront) with flat above, involving alteration and refurbishment of existing building plus new two storey building to the rear containing two flats.	55 High Street Epping
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EPF/2120/18	Proposed change of use of care home(Use Class C2) to 6 flats (Use Class C3), including rear extensions and side extensions.	Lindsey House 15 Lindsey Street Epping
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#### **Moreton, Bobbingworth and the Lavers**

EPF/0904/18	Proposed conversion of existing barn to form a single detached residential unit, retaining existing access and on-site car parking.	Barn adjacent Great Notts Moreton Road Bobbingworth
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#### **Sheering**

EPF/1339/18	Erection of three detached dwellings	Land adj Hoppit The Street Sheering
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#### **Theydon Bois**

EPF/0429/18	Removal of existing caravan and removal of stable building. Erection of security hut to be used as ancillary 24-hour security for the riding school.	Hydes Riding School Abridge Road Theydon Bois
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EPF/0712/18	Replacement of existing dwelling house with new single family dwelling house and new pavement crossover	Cornerways The Green
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#### **Theydon Mount**

EPF/1406/18	Demolition of barn and erection of two detached houses (Revised application to EPF/2248/17)	1 Mount End Mount End Road
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### **Area Committee South**

#### **Loughton**

EPF/0471/18	To replace 1 existing dwelling(detached) with 2 new dwellings(semi-detached).	38 High Beech Road Loughton
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EPF/1012/17	Residential redevelopment to provide 4 x 3 bed houses.	12A Alderton Close Loughton
EPF/1893/17	The demolition of an existing 2-3 storey detached house and the development of a new 2-3 storey building consisting of 7 flats (2 x 1 bed, 5 x 3 bed) and including 9 no. car parking spaces, cycle stores and bin stores.	60 Traps Hill Loughton

### **District Development Committee**

#### **Epping**

EPF/1583/18	Demolish existing house and replace with 9 apartments	1 Buttercross Lane Epping
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7. Out of 2 **ENFORCEMENT NOTICE APPEALS** decided, both were dismissed. These are as follows:

#### **Dismissed**

ENF/0141/18	Unauthorised installation of extraction equipment to the rear of the building in breach of condition 4 of EPF/1145/17	54 Sun Street Waltham Abbey Essex EN9 1EJ
ENF/0523/17	Without planning permission the unauthorised erection of enclosure to shop front not in accordance to approved plans EPF/1150/17	240 High Road Loughton IG10 1HA

#### **Costs**

8. During this period, there were no successful award of costs against the Council.

9. Costs can be awarded against any party who has behaved unreasonably and where this behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

#### **Conclusions**

10. Whilst performance in defending appeals at 22.6% appears modest, 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. This is more important now than ever given a Planning Inspector or the Secretary of State can award costs, even if neither side has made an application for them. 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.

11. Finally, appended to this report are the appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees, 2 of which were allowed and 12 which were dismissed and therefore refused planning permission. Only those appeals relevant to the relevant Area Plans Sub-Committee are

attached.

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

### **Total Planning Application Appeals**

#### **Allowed With Conditions**

##### **Epping**

1 EPF/0114/19 Proposed first floor side extension over existing garage with dormer windows to front and rear. 35 Bury Road Epping

##### **Loughton**

2 EPF/0332/19 Proposed single storey rear extension, two storey side extension and first floor extension with a pitched roof and rooms in void with associated crossovers and hard landscaping. 62 The Crescent Loughton

3 EPF/3302/18 Erection of a one storey roof extension to provide an additional 2 no. flats (2 x 1-bedroom penthouse flats) (- as an addition to 5 storey building being erected on the site under EPF/2600/14.) Rear of 165 High Road Loughton

##### **Nazeing**

4 EPF/2505/18 Application for Removal of Condition 4 'Removal of permitted development rights' and Condition 5 'No conversion of roofspace to living space' of EPF/2698/16 (Demolition of the existing service station and construction of 6 x 2 Bedroom Houses with amenity space, off-street Parking and landscaping. Alternative design to approved scheme EPF/0303/13 with higher roof heights). Nazeing Service Station Nazeing Road Nazeing

##### **North Weald**

5 EPF/3171/18 First floor extension to form a x 2 no. bedroom house. Forest Bungalow Woodside North Weald

##### **Sheering**

6 EPF/0141/18 Erection of 3 no. new dwellings complete with garages, infrastructure, and associated works, including access from Church Lane. Land East of Church Lane Sheering

##### **Chigwell**

7 EPF/1523/18 Two storey rear extension (part Allowed). 31 Chester Road Chigwell

#### **Dismissed**

##### **Buckhurst Hill**

8 EPF/0256/19 Proposed first floor and gable roof extension with full width box dormer assembly to rear roof pitch. 102 Forest Edge Buckhurst Hill

9 EPF/0310/19 Retrospective application for rear patio and horizontal fencing and wall to patio. 124 Queens Road Buckhurst Hill

10 EPF/2307/18 Retention of raised decking area, with addition of obscure glazed screens to sides. 31 St Johns Court Buckhurst Hill

11	EPF/2891/18	Demolition of a bungalow and construction of a two-storey block of five flats with rooms in the roof.	142 Buckhurst Way Buckhurst Hill
12	EPF/2935/18	Hip to gable and rear dormer with Juliet balcony loft conversion.	37 Forest Edge Buckhurst Hill
13	EPF/2875/18	Prior approval application for a 6 metre deep single storey rear extension, height to eaves 2/3 metres and maximum height of 4 metres.	5 Chestnut Avenue Buckhurst Hill
<b>Chigwell</b>			
14	EPF/2720/18	Installation of CCTV Security Mast.	86 Manor Road Chigwell
<b>Epping</b>			
15	EPF/0282/18	Demolition of existing dwelling, erection of a detached building comprising 9 self contained apartments incorporating revisions to vehicular access, associated car parking and on-site amenities	12 Station Road Epping
16	EPF/0893/18	Erection of detached dwelling.	66A Bower Hill Epping
17	EPF/1583/18	Demolish existing house and replace with 9 apartments	1 Buttercross Lane Epping
18	EPF/1847/18	Redevelopment of existing shop (including new shopfront) with flat above, involving alteration and refurbishment of existing building plus new two storey building to the rear containing two flats.	55 High Street Epping
19	EPF/2120/18	Proposed change of use of care home(Use Class C2) to 6 flats (Use Class C3), including rear extensions and side extensions.	Lindsey House 15 Lindsey Street Epping
<b>Fyfield</b>			
20	EPF/1417/18	Change of use from agricultural to residential and erection of three dwellings.	Priory Farm Norwood End Fyfield
<b>Loughton</b>			
21	EPF/0162/18	Erection of new dwelling and detached garage, following demolition of existing garage.	11 Crossfields Loughton
22	EPF/0174/19	Loft conversion including a new dormer extension to front and rear roof slopes including Juliet balcony to rear.	84 Lushes Road Loughton
23	EPF/0181/19	Loft conversion with dormer extensions to front and rear roof slopes including Juliet balcony to rear.	92 Alderton Hall Lane Loughton
24	EPF/0471/18	To replace 1 existing dwelling(detached) with 2 new dwellings(semi-detached).	38 High Beech Road Loughton
25	EPF/1012/17	Residential redevelopment to provide 4 x 3 bed houses.	12A Alderton Close Loughton
26	EPF/1366/18	Application for variation of condition 2'plan numbers' and 3 'use of rear double doors' on planning application EPF/0808/17 (Erection of rear	209 D/E High Road Loughton

	conservatory)		
27	EPF/1893/17	The demolition of an existing 2-3 storey detached house and the development of a new 2-3 storey building consisting of 7 flats (2 x 1 bed, 5 x 3 bed) and including 9 no. car parking spaces, cycle stores and bin stores.	60 Traps Hill Loughton
28	EPF/2585/18	Replace existing single house with a pair of semi-detached houses.	2 Carroll Hill Loughton
29	EPF/2656/17	Construction of 5 residential properties	Land adjacent to Englands Lane Loughton
<b>Loughton</b>			
30	EPF/2958/18	Retrospective change of use from two storey side extension into separate residential accommodation	7 Chester Path Loughton
<b>Moreton, Bobbingworth and the Lavers</b>			
31	EPF/0129/19	Single storey side/rear extension and front cart lodge.	Envilles Farm Abess Road Little Laver
32	EPF/0386/18	Change of use of Coach House to offices (retrospective) with new wall, windows and replacement roof.	The Coachhouse Schwier Farms Church Road Moreton
33	EPF/0904/18	Proposed conversion of existing barn to form a single detached residential unit, retaining existing access and on-site car parking.	Barn adjacent Great Notts Moreton Road Bobbingworth
<b>Nazeing</b>			
34	EPF/1441/18	First floor extension to form residential flat and ground floor extension to replace store for restaurant use.	King Harolds Head Nazeing Common Nazeing
35	EPF/1710/18	Demolition of existing two storey detached dwelling and erection of four new detached houses	Ridge House Hoe Lane Nazeing
36	EPF/1831/18	Variation of condition 3 on planning permission EPF/2319/14 (Demolition of existing nursery/ commercial buildings and erection of 17 no. B1/B2/B8 commercial units with ancillary parking) to enable access by vehicles up to 18 tonnes in weight.	Leaside Nursery now Leaside Industrial Park Sedge Green Nazeing
37	EPF/2128/18	Barn/storage unit.	1 Langridge Cottages Paynes Lane Nazeing
<b>North Weald</b>			
38	EPF/3258/17	New vehicular access off Hastingwood Road.	Glovers Farm Barn Glovers Lane Hastingwood
39	EPF/1688/18	Proposed two storey side and rear extension and single storey front extension.	2 New House Farm Cottages Stondon Road

Ongar

**Roydon**

40 EPF/0885/19

Proposed first floor side and rear extension with gable roof over, a hip to gable roof extension, front canopy and alterations to the front and side of the property. (Amendment to EPF/3353/18).

Croft Cottage  
Tylers Road  
Roydon

41 EPF/2009/18

Retention of two residential caravans used in connection with the existing road haulage business

Ricotta Transport  
Tylers Cross Nursery  
Epping Road  
Roydon

**Sheering**

42 EPF/1339/18

Erection of three detached dwellings

Land adj Hoppit  
The Street  
Sheering

**Theydon Bois**

43 EPF/0074/19

Proposed loft conversion raising the ridge of the existing bungalow allowing for bedrooms on the first floor with a proposed rear and front extension.

Sunnycroft  
Loughton Lane  
Theydon Bois

44 EPF/0156/19

Removal of artificial turf and retention of footpath and decking (Revised application to EPF/2169/18).

Ivy House  
Coopersale Lane  
Theydon Bois

45 EPF/0429/18

Removal of existing caravan and removal of stable building. Erection of security hut to be used as ancillary 24-hour security for the riding school.

Hydes Riding School  
Abridge Road  
Theydon Bois

46 EPF/0712/18

Replacement of existing dwelling house with new single family dwelling house and new pavement crossover

Cornerways  
The Green  
Theydon Bois

47 EPF/2550/18

Demolition of detached bungalow and erection of replacement with pedestrian and vehicle access from the existing private access roadway within the site. (Revised application to EPF/2528/17)

Lillicroft Nurseries  
Abridge Road  
Theydon Bois

**Theydon Garnon**

48 EPF/0864/18

Erection of one dwelling within the garden of the former farm house and creation of a vehicular access onto Hobbs Cross Road to serve the proposed dwelling and no. 2 Hobbs Cross Cottages.

Land forming part of the garden of Hobbs Cross Farmhouse and 2 Hobbs Cross Cottages  
Hobbs Cross Road  
Theydon Garnon

**Theydon Mount**

49 EPF/1406/18

Demolition of barn and erection of two detached houses (Revised application to EPF/2248/17)

1 Mount End  
Mount End Road  
Theydon Mount

**Waltham Abbey**

50 EPF/1419/18

Demolish garden centre shop/office and erect building with 10 no. affordable apartments.

Garden Centre  
Crown Hill  
Waltham Abbey

51 EPF/2583/18

Demolition of existing garden centre buildings and

Garden Centre

	the erection of 2 no. semi-detached houses.	Crown Hill Waltham Abbey
52 EPF/2747/18	First floor extension to side of property with a roof terrace on top of the existing ground floor extension.	158 Honey Lane Waltham Abbey
53 EPF/3280/18	Proposed first floor extension to replace existing chalet style loft extension with first floor rear balcony and side facing first floor windows.	Mousetrap Rats Lane Loughton
<b>Willingale</b>		
54 EPF/2744/18	The retention of existing gates and pillars to paddock.	Hill Farm Cottage Millers Green Road Willingale