

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM No. 6</b>
<b>24 APRIL 2012</b>	<b>PUBLIC REPORT</b>

Cabinet Members responsible:	Lead Members: - Cllr Hiller (Housing, Neighbourhoods and Planning)	
Contact Officers: Reporting Officer:	Nick Harding (Group Manager, Development Management) Andrew Cundy (Area Manager, Development Management)	Tel. 454441 Tel. 453470

### SIX MONTHLY APPEAL PERFORMANCE

R E C O M M E N D A T I O N S	
<b>FROM</b> : Head of Planning, Transport and Engineering Services	<b>Deadline date</b> : April 2012
That Committee notes past performance and outcomes.	

#### 1. PURPOSE AND REASON FOR REPORT

- 1.1 It is useful for Committee to look at the Planning Service's performance at appeals and identify if there are any lessons to be learnt in terms of appeal outcomes. This will help inform future decisions and potentially reduce costs.
- 1.2 This report is for the Committee to consider under its terms of reference No. 2.6.1. of part 3, section 2, of the Constitution "To receive regular progress reports on all current planning enforcement matters, and lists of planning decisions taken by officers under delegated powers".

#### 2. TIMESCALE.

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>n/a</b>
---	-----------	---	------------

#### 3. MAIN BODY OF REPORT

- 3.1 The number of appeals lodged has increased this last six months from 16 to 21 compared to the previous half year. A total of 15 appeals have been determined which is 3 greater than the previous six months.

	(01/04/10 – 30/09/10)	(01/10/10- 31/03/11)	(01/04/11- 30/09/11)	(01/10/11- 31/03/12)
<b>Appeals Lodged</b>	20	30	16	21
<b>Method of Appeal</b>				
a) Householder	6	14	4	7
b) Written Reps	14	15	12	12
c) Informal Hearing	0	1	0	2
d) Public Inquiry	0	0	0	0

	(01/04/10 – 30/09/10)	(01/10/10- 31/03/11)	(01/04/11- 30/09/11)	(01/10/11- 31/03/12)
<b>Appeals Determined</b>	24	37	12	15
Appeals Dismissed	15	23	7	7
Appeals Allowed	8	12	3	7
Split Decision		1	1	1
Appeals Withdrawn	1	1	1	
Success Rate	63%	62%	58%	47%
Householder	8	12	4	7
Written Reps	12	25	7	8
Informal Hearing			1	
Public Inquiry	4			

3.2 In the second six months of 2011/2012, the Council's decision was upheld in 47% of the cases. This is a drop of 11% on the first six months 2011/2012.

3.3 The following tables give a summary of the appeal outcomes in the last 6 months with a commentary where there is scope for service improvement.

#### 4. IMPLICATIONS

4.1 **Legal Implications** – The proposed changes have been prepared and will be consulted on in accordance with guidance issued by national government. There are no legal implications.

4.2 **Financial Implications** – This report itself does not have any financial implications. However, in the event that the Council or appellant has acted unreasonably in terms of the planning decision or appeal, an award of costs may be made against or in favour of the Council.

4.3 **Human Rights Act** – This report itself has no human rights implications but the appeals process has due regard to human rights issues.

4.4 **Human Resources** – This report itself has no human resources implications.

4.5 **ICT** – This report itself has no ICT implications.

4.6 **Property** – This report itself has no Property implications.

- 4.7 **Contract Services** – This report itself has no Contract Services implications.
- 4.8 **Equality & Diversity** – This report itself has no Equality and Diversity Implications and it should be noted that there is no evidence that appeal outcomes are influenced by equality and diversity factors.

	<b>PROPOSAL</b>	<b>DELEGATED OR COMMITTEE DECISION?</b> T= turnover of officer recommendation at committee	<b>APPEAL ALLOWED OR DISMISSED?</b>	<b>INSPECTOR'S REASONING</b>	<b>AWARD OF COSTS?</b>
1	<b>11/00902/FUL - Lymes House</b> <b>6 Peterborough Road</b> <b>Castor</b> Construction of two storey side extension and single storey rear extension	Delegated	Dismissed	Inspector concluded that: 1. the proposal would not preserve the character and appearance of the Conservation Area, 2. would not be keeping with the character and appearance of the existing host building 3. would have an adverse effect on the setting of the adjacent listed building	No
2	<b>11/01047/ADV - 2 Eastfield Road</b> 2x non-illuminated advertising boards to accommodate 3048x2032mm standard bill board (16 sheet) advertisements	Delegated	Dismissed	Inspector concluded that:because of their size height and position within a predominantly residential area the proposed non-illuminated advertising boards would detract from the character and appearance of the host building and the area.	No
3	<b>11/00674/FUL - 45 Thorpe Road</b> Change of use from house in multiple occupation to a group of offices to include the retention of two containers to rear	Delegated	Dismissed	The inspector stated that the storage containers would cause unacceptable harm to the character and appearance of their surroundings. Specifically the containers would be within the root protection areas of the trees + would have the potential to cause root damage. In addition the upper parts of the containers would be unduly prominent and intrusive features in the residential street scene in Kirkwood Close.	No
4	<b>11/00014/FUL - Manor Farmyard, Maffit Road Ailsworth</b> Change of use from agriculture to parking and creation of manège (retrospective)	Delegated	Allowed	The inspector concluded that only limited actual harm is caused to the character and appearance of the site's surroundings. The inspector added that the economic and environmental benefits of accommodating the current growth of the business in accordance with the scheme outweigh that harm	No

	<b>PROPOSAL</b>	<b>DELEGATED OR COMMITTEE DECISION?</b> T= turnover of officer recommendation at committee	<b>APPEAL ALLOWED OR DISMISSED?</b>	<b>INSPECTOR'S REASONING</b>	<b>AWARD OF COSTS?</b>
5	<b>11/00837/FUL - 220-226 Dogsthorpe Road</b> Change of use from existing 3 storey residential use to new proposed HMO (Sui generis use), to create 14 letting rooms (single and doubles), internal refurbishment, with vehicular access from Dogsthorpe Road to new rear car parking spaces, rear garden and associated work.	Delegated	Allowed	The inspector concluded that the scheme <ul style="list-style-type: none"> <li>would leave the character of the site's surroundings substantially unchanged. .</li> <li>would not result in the loss of top of the range housing</li> <li>would not cause unacceptable harm to the living conditions of occupiers of nearby dwellings</li> <li>Would not subject occupiers to unacceptable noise or disturbance</li> <li>Can accommodate parking provision and cycle storage in accordance with local standards</li> <li>Would not harm the interests of highway safety</li> </ul>	No
6	<b>11/00860/FUL - 109 Fulbridge Road New England</b> Construction of single storey office building at the rear of 109 Fulbridge Road	Delegated	Allowed	The inspector concluded that the building's scale would be subservient to the main building and to the single storey dwellings and that it would make an appropriate response to those surroundings. That as vehicle movements to and from the site would likely to be less than at present that the inspector did not support concerns that the scheme would put pedestrian safety at greater risk. On street parking generated by the scheme could be readily accommodated on Sheridan Road	No
7	<b>10/01029/FUL- Land At The Junction Of Orton Busway And Malborne Way Orton Malborne</b> Mobile Phone Mast - Installation of 17.4m high CU Phosco MK3 column with 3no. Vodafone antennas and 3no. '02' antennas, cabinets and associated equipment	Delegated	Allowed	The inspector found that the proposed scheme would not impact on the amenity of local residents and the character of the area. Further the inspector attached some weight to the fact that the proposal would accommodate both the Vodafone and O2 networks thus reducing the total need for additional poles in accordance with PPG8.	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
8	<b>11/01023/FUL - Rear Of 78 Welland Road Dogsthorpe</b> Construction of bungalow	Committee	Dismissed	The inspector concluded that the building would continue to have an unduly overbearing impact on the outlook for occupiers of no.46 and 48 Figtree Walk.	No
9	<b>11/00861/FUL - 87 Kirkmeadow Bretton</b> Use as childminding business	Delegated	Allowed	The inspector agreed with the LPA that the level of noise and disturbance associated with the use of the premises for up to 16 children at any one time would be likely to result in a harmful level of noise and disturbance for the occupants of neighbouring properties from both the inside and the outside of the building. The inspector considered that a condition to limit the number of children to no more than 8 at any one time would overcome this harm.	No
10	<b>11/01359/FUL 150 Clarence Road, Millfield</b> Two storey side extension	Delegated	Dismissed	The inspector concluded that the absence of a window providing an outlook would result in an oppressive living environment.	No
11	<b>11/01024/FUL - 14 Meadow Road, Peakirk</b> Two storey side extension to single storey dwelling, partial re-cladding of existing and proposed external wall and new bay window to front elevation	Delegated	Dismissed	The inspector concluded that the proposal would have an unacceptably harmful effect on character and appearance of the host dwelling and the area.	No
12	<b>11/01774/HHFUL - 81 Hyholmes Bretton</b> First floor and single storey front extensions, single storey side extension and detached double garage with flat roof (revised scheme)	Delegated	Allowed	The inspector concluded that the extension would: <ul style="list-style-type: none"> <li>• Be compatible with the form of the existing building and the building line of the new garage would align with it.</li> <li>• Because of the secluded position at the end of the cul de sac, not be prominent in the street scene</li> <li>• Be no potential for harmful overlooking</li> <li>• Because the dwellings are over 30 metres apart, be no harm in relation to the loss of openness.</li> </ul>	No

	<b>PROPOSAL</b>	<b>DELEGATED OR COMMITTEE DECISION?</b> T= turnover of officer recommendation at committee	<b>APPEAL ALLOWED OR DISMISSED?</b>	<b>INSPECTOR'S REASONING</b>	<b>AWARD OF COSTS?</b>
13	<b>11/01710/HHFUL 253 Park Road</b> Rear two storey extension	Delegated	Dismissed	The inspector concluded that due to the design, scale and siting of the proposal that the extension would appear as an incongruous addition, not in keeping with the scale and design of the existing dwelling. In addition the inspector considered that the extension would appear as an incongruous addition to the rear garden area, not in keeping with the characteristically more modest scale of structures. The inspector added that the extension due to its scale, bulk, depth and orientation would be unacceptably overbearing and unacceptably block daylight from the rear garden and rear windows at 255 Park Road, making the garden and rear rooms less pleasant place to use.	No
14	<b>11/02004/HHFUL 16 Atherstone Avenue Netherton</b> Proposed first floor front and side extension and garage conversion	Delegated	Split Decision Dismissed the first floor extension and porch. Allowed the garage conversion (this is pd)	The inspector concluded that due to the bulk, design and forward siting of the proposed first floor extension, that it would appear as a bulky incongruous addition, at odds with the overriding characteristic layout of the street scene, that the extended dwelling would appear excessively wide, over developed and bulky in the street scene and that the roofline would appear contrived and visually jarring. In addition the inspector argued that the proposed porch due to its design and forward projection would be at odds with the surrounding street scene. The porch would be positioned far forward in an area where forward projections are not a characteristic in the street scene	No
15	<b>11/02030/HHFUL 156 Atherstone Avenue Netherton</b> Rear conservatory	Delegated	Allowed	The inspector concluded that proposal would not have an adverse effect on the living conditions of occupiers at 154 Atherstone Avenue with particular reference to sunlight.	No

Since the last appeal report (presented to Members on the 26<sup>th</sup> July) the Local Planning Authority has also received the following appeal decisions which, as they fall outside the last 6 months, are not included in the table above.

	<b>PROPOSAL</b>	<b>DELEGATED OR COMMITTEE DECISION?</b> T= turnover of officer recommendation at committee	<b>APPEAL ALLOWED OR DISMISSED?</b>	<b>INSPECTOR'S REASONING</b>	<b>AWARD OF COSTS?</b>
1	<p><b>10/01329/FUL- Land At Manor Drive Gunthorpe</b></p> <p>Construction of Phase 4 consisting of 52 residential dwellings (2 x 2 bed, 32 x 3 bed, 2 x 4 bed houses and 9 x 2 bed, 7 x 3 bed affordable homes) and associated works</p>	Delegated	Dismissed	<p>Inspector agreed that the development would be unacceptable because of the adverse living conditions that would be created – specifically the garden sizes and privacy levels would create unreasonable and unacceptable living conditions for some future residents of this scheme</p> <p>Comment – Whilst the appeal has been dismissed. Officers are very surprised that the inspector afforded little weight to the comments from English Heritage and a lot of weight to the out of date Peterborough Residential Design</p> <p>Comment - The inspector also found that the lack of a POIS contribution would not in itself render the scheme unacceptable</p>	<p>Yes in part. The Council acted unreasonably by raising a concern about physical harm to the SAM and this has incurred the applicant in unnecessary expense. Further landscaping of the buffer could have been conditioned - refusal unreasonable + applicant has incurred expense as a result</p>



	<b>PROPOSAL</b>	<b>DELEGATED OR COMMITTEE DECISION?</b> T= turnover of officer recommendation at committee	<b>APPEAL ALLOWED OR DISMISSED?</b>	<b>INSPECTOR'S REASONING</b>	<b>AWARD OF COSTS?</b>
2	<b>11/00593/FUL- 213 Clarence Road Millfield</b> Canopy to garden building (retrospective)	Delegated	Dismissed	The Inspector concluded that the canopy is a disproportionate addition which unacceptably harms the character and appearance of the house and immediate area.	No
3	<b>10/01295/FUL- Land To The Rear Of 12 Robins Close Woodston</b> Construction of 3 bedroom house with revised car parking	Committee	Dismissed	Inspector agreed that the lack of a formal obligation must lead to the dismissal of the appeal because otherwise, there would be no enforceable mechanism to ensure provision of the necessary infrastructure related to the proposed development.	No
4	<b>11/00048/FUL- 21A Suttons Lane Deeping Gate</b> Demolition of existing brick stables/garage and construction of 2 bed house with garage. Construction of new garage to serve existing property	Delegated	Allowed	The Inspector allowed the appeal for the following reason. That while the dwelling would differ from the development around it, there is a wide range of styles in the vicinity and the individual character of the dwelling in this relatively secluded position would not be harmful. That although the dwelling would cover almost half the plot, the arrangement of the building would create a pleasant courtyard area which would provide good quality amenity space.	No
5	<b>11/00813/FUL- 21 Suttons Lane Deeping Gate</b> Construction of single storey front extension, first floor rear extension within new dormer and replacement pitched roofs to existing front and rear dormers	Delegated	Split decision	The inspector considered that the front extension by reason of its depth and asymmetric roof would be an ungainly and poorly proportioned addition to the dwelling would have no resonance with the character of the existing dwelling would appear incongruous and would detract from the character and appearance of the area Dormer considered acceptable	No

	<b>PROPOSAL</b>	<b>DELEGATED OR COMMITTEE DECISION?</b> T= turnover of officer recommendation at committee	<b>APPEAL ALLOWED OR DISMISSED?</b>	<b>INSPECTOR'S REASONING</b>	<b>AWARD OF COSTS?</b>
6	<b>10/00326/OUT- Garages Between 99 And 101 Lawson Avenue Stanground</b> Construction of three x 3 bed detached dwellings	Delegated	Dismissed	The inspector found that the development shown on the submitted plans would have a harmful effect on the character and appearance of the area and the living conditions of neighbouring properties. The inspector added that while the details may be changed at the reserved matters stage. He was not persuaded that this would overcome the harm I have found.	No
7	<b>10/01179/FUL- 81 Broadway</b> Construction of 2 storey rear extension to office block	Delegated	Allowed	The inspector noted that the large subject window in the adjacent property is obscure glazed and therefore unlikely to be the main source of light to a habitable room. Further the inspector considered that the existing building on the appeal site already has some effect on the amount of daylight reaching this window. The inspector did not consider that the impact would be so significant as to warrant a refusal of planning permission.	No