

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM 6
18 FEBRUARY 2014	PUBLIC REPORT

Cabinet Members responsible:	Councillor Cereste, Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement	
Contact Officer:	Nick Harding (Group Manager, Development Management)	Tel. 454441
Reporting Officer:	Andrew Cundy (Area Manager, Development Management)	Tel. 453470

PLANNING THREE MONTH APPEAL PERFORMANCE REPORT

RECOMMENDATIONS	
FROM : Director of Growth and Regeneration	Deadline date : N/A
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 Part 3, Section 2 para. 2.5.1.4 '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?	NO	If Yes, date for relevant Cabinet Meeting	n/a
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3. MAIN BODY OF REPORT

- 3.1 The number of appeals lodged has fallen this last three months from 11 to 9 compared to the previous three months. A total of 10 appeals have been determined which is 5 more than the previous three months.

	01/01/2013 – 31/03/2013	01/04/2013 – 30/06/2013	01/07/2013 – 30/09/2013	01/10/2013 – 31/12/2013
Appeals Lodged	3	8	11	9
Method of Appeal				
a) Householder	0	2	5	5
b) Written Reps	2	5	5	3
c) Informal Hearing	1	1	1	1
d) Public Inquiry	0	0	0	0

	01/01/2013 – 31/03/2013	01/04/2013 – 30/06/2013	01/07/2013 – 30/09/2013	01/10/2013 – 31/12/2013
Appeals Determined	13	7	5	10
Appeals Dismissed	9	4	3	9
Appeals Allowed	3	2	2	1
Split Decision	1	0	0	0
Appeals Withdrawn	0	1	0	0
Success Rate	69%	67%	60%	90%
Householder	1	0	2	6
Written Reps	10	5	3	1
Informal Hearing	2	1	0	3
Public Inquiry	0	1	0	0

3.2 In the last three months the Council's decision was upheld in 90% of the cases.

3.3 The table at Appendix 1 gives a summary of the appeal outcomes in the last 3 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.

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
1	13/00775/HHFUL - 18 Exeter Road, Millfield, Peterborough - Two storey side and rear extensions to dwelling (Re-submission)	Delegated	Dismissed	The inspector concluded that the proposal would result in an overbearing feature when viewed by the occupants of No.16. Further that there would be a loss of daylight to the rear garden close to the house and to the nearest bedroom of No. 16 resulting in overshadowing and an oppressive feature which would be detrimental to the living conditions of the occupants of No.16. The inspector added that, due to the orientation of the site the proposal would result in some loss of sunlight to No.16 during the latter part of the day.	No
2	12/01639/FUL - Land To The North Of 54 Main Street, Ailsworth Peterborough - Construction of two new detached properties with garages	Delegated	Dismissed	The inspector concluded that the proposed development would have a significant adverse effect on the character and appearance of the Ailsworth Conservation Area and on the amenities of residents of 54 Main Street.	No
3	13/00529/HHFUL - 1371 Lincoln Road Peterborough - Proposed car port	Delegated	Dismissed	The inspector concluded that the proposal would breach significantly the general line of the houses fronting Lincoln Road. The inspector added that the car port would intrude into the openness of the front gardens thus causing significant harm to the character and appearance of the area.	No
4	12/01565/FUL - Land On The South West Side Of Northey Road Peterborough - Use of land for one gypsy family comprising 1 x residential caravan, 2 x ancillary caravans, 2 portacabins for use as a utility and storage and 1 x storage container - part retrospective (resubmission of 11/01987/FUL)	Delegate	Allowed	The inspector concluded that the scheme, subject to appropriate conditions, would not harm the character and appearance of the countryside and would have a neutral, as opposed to an adverse effect on the setting of the SAM. Further the inspector added that had he identified that this would have resulted in less than substantial harm to the SAM, other material considerations (in this case, the public benefits of the proposal in the form of providing a settled site for a gypsy family and their young children in an area with significant unmet need for traveller site which is unlikely to be addressed in the foreseeable future) would have outweighed the negligible harm caused.	Yes

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
5	13/01086/PRIOR - 90 Vere Road New England Peterborough - Single storey rear extension	Delegated	Dismissed	The inspector noted that the proposal would result in an 8 metre long, 3 metre high wall close to the boundary No. 92. The inspector concluded that due to the orientation of the site and the height and length of the proposed extension that there would be a loss of daylight and some sunlight to No 92. The inspector added that due to its size and position adjacent to the site boundary the proposal would also result in an overbearing feature when viewed by the occupants of No.92.	No
6	13/01131/HHFUL - 213 Lincoln Road Peterborough - Ground floor rear extension	Delegated	Dismissed	The inspector concluded that the proposal would have a significantly detrimental impact upon the living conditions of the occupants of No 215 Lincoln Road due to the overbearing impact, loss of outlook and overshadowing effect. The inspector added that the proposed extension would be noticeably higher than the existing rear wall and would add to the expanse of blank walling and sense of enclosure at what is a prominent location within the street scene. The inspector felt that this would create a sterile and unappealing aspect, to the detriment of the character and appearance of the area.	No
7	13/00220/HHFUL - 71 Reeves Way Eastfield Peterborough - Two storey side and rear extension and single storey side extension	Delegated	Dismissed	The inspector concluded that the extension would not be subservient and would consequently have a harmful effect on the appearance of the host property. The inspector added that the appeal proposal would have a significantly harmful effect on the character of the area by virtue of its incongruous appearance within the strong pattern of uniformly spaced semi-detached properties and the resultant loss of the visual gap between Nos 69 and 71.	No
8	12/01942/FUL - Ground Floor South Wing Winchester Place No 80 Thorpe Road Peterborough - Change of use of ground floor to Class A1 (retail) use, front and rear extension, car parking and new vehicular access to Thorpe Road - Resubmission	Delegated	Dismissed	The Inspector noted that there were 64 vacant units within the city centre and a vacant unit in the Mayors Walk Local Centre. The inspector stated that there are units within both the Local and City Centre which could provide opportunities for additional convenience and comparison shopping and are sequentially preferable to the appeal site. The inspector added that the alternative sequentially preferable sites within the City Centre, and within the Mayor's Walk Local Centre, each provide opportunities for linked trips and improved consumer choice. The Inspector stated that the Local Centre in particular could be vulnerable to the diversion of trade and footfall to this out of centre location, with potentially detrimental erosion of its vitality and long term health.	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
9	13/00564/ADV - 9 Westgate Peterborough - 1 internally illuminated fascia sign and 1 internally illuminated projection sign - Retrospective	Delegated	Dismissed	The inspector concluded that the proposal would fail to preserve or enhance the character and appearance of the Peterborough City Centre Conservation Area of the setting of the listed building (Bull Hotel a grade II listed building) The inspector added that the proposed signs would conflict with the interests of visual amenity.	No
10	13/00688/HHFUL - 99 Scotney Street New England Peterborough - Two storey side extension and loft conversion including construction of front dormer	Delegated	Dismissed	The inspector considered that the proposed extension, due to its close proximity to No. 93 and its height would result in overshadowing and an overbearing impact and cause significant loss of daylight to habitable rooms. The inspector recognised that habitable room windows would face onto the proposed site wall of the extension and considered that this would contribute to the occupants of No. 93 sense of being hemmed in. The inspector also considered that given the increase in bedrooms together with the restricted dimensions of the proposed parking space within the extension is likely to increase on-street parking and that this would prejudice vehicle movements on the road.	No

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