

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM 7</b>
<b>22 APRIL 2014</b>	<b>PUBLIC REPORT</b>

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

### THREE MONTH APPEAL PERFORMANCE

RECOMMENDATIONS	
<b>FROM :</b> Director of Growth and Regeneration	<b>Deadline date :</b> not applicable
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. This report is presented under the terms of the Council's constitution Part 3, delegations section 2 para 2.5.1.4.

#### 2. TIMESCALE.

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>n/a</b>
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#### 3. MAIN BODY OF REPORT

- 3.1 The number of appeals lodged has fallen this last three months from 9 to 5 compared to the previous three months. A total of 13 appeals have been determined which is 3 more than the previous three months.

	01/04/2013 – 30/06/2013	01/07/2013 – 30/09/2013	01/10/2013 – 31/12/2013	01/01/2014 – 31/03/2014
<b>Appeals Lodged</b>	8	11	9	5
<b>Method of Appeal</b>				
a) Householder	2	5	5	1
b) Written Reps	5	5	3	4
c) Informal Hearing	1	1	1	0
d) Public Inquiry	0	0	0	0

	01/04/2013 – 30/06/2013	01/07/2013 – 30/09/2013	01/10/2013 – 31/12/2013	01/01/2013 – 31/03/2013	01/04 30/0
<b>Appeals Determined</b>	7	5	10	13	
Appeals Dismissed	4	3	9	8	
Appeals Allowed	2	2	1	4	
Split Decision	0	0	0	1	
Appeals Withdrawn	1	0	0	0	
Success Rate	67%	60%	90%	67%	
Householder	0	2	6	5	
Written Reps	5	3	1	8	
Informal Hearing	1	0	3	0	
Public Inquiry	1	0	0	0	

3.2 In the last three months the Council's decision was upheld in 67% of the cases.

3.3 The table in 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	<b>13/01478/PRIOR - 48 Hall Lane, Werrington, Peterborough</b> - Single storey rear extension)	Committee (T)	Allowed	The inspector stated that given its siting, the limited eaves height, and the presence of the boundary fence that only a relatively small section of the blank side wall of the proposal would be visible from the garden and ground floor windows of no.46. The inspector recognised that the roof pitch of the proposed extension would slope away from the boundary and the ridge height would be considerably lower than in the main part of the dwelling. The inspector concluded that whilst parts of the extension would be visible from the garden of no. 46 and from ground floor rooms, including from lounge patio doors, it would not have a significant impact on the amenity and living conditions experienced by the occupiers as a result of overbearance or impact on their outlook. Further the inspector added that the reasonable use of the extension would not cause significant adverse effect in terms of noise and as it would be located broadly to the north of no. 46 there would not be a significant overshadowing impact.	No
2	<b>13/01370/TRE - 4 Eathwaite Green, Walton, Peterborough</b> - Fell 1 X Birch - 1995_11_TO21 Birch	Delegated	Dismissed	The inspector concluded that insufficient justification has been demonstrated to warrant the removal of the Silver Birch tree. Specifically the applicant failed to justify the removal of the tree on the grounds of instability. Further the inspector did not consider that the negative impact on the house is sufficiently severe to justify removal of the tree.	No
3	<b>13/00372/FUL - 237 Lincoln Road, Peterborough</b> - Continued use of ground floor lounge as office (class A2)	Delegated	Allowed	In reaching his decision the inspector gave significant weight to the relatively small area of office floor space proposed and the fact that there are other commercial/business uses in the immediate vicinity of the site. Taking this on board the inspector concluded that the use would not be out of character with the area. Further the inspector noted that the adjoining district centre is a busy and vibrant area containing a wide range of shops, offices and local services and was not persuaded that the proposal would have a significant or harmful effect on the vitality or viability of the district centre given the small area of floor space involved.	No

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4	<b>13/00256/ADV - Aldi Foodstore Ltd, Whittlesey Road Stanground, Peterborough -</b> One high level double-sided signcase featuring a corporate logo between two existing posts	Delegated	Allowed	Given the relationship with the existing building, the mixed character of the area, the location relative to the highway, and the distance to residential properties the inspector concluded that the proposal would not result in an unacceptable impact on visual amenity, appear incongruous, be harmful to the character and appearance of the area, or have a poor relationship with the existing building.	No
5	<b>12/01856/FUL - 31 Crawthorne Street, Eastfield, Peterborough -</b> Change of use from commercial premises into 22 HMO student bedsits	Delegated	Dismissed	Whilst the inspector found that the proposal would have an acceptable effect on the safety and convenience of users of the highway network he concluded that the scheme would result in a significant adverse impact on the living conditions experienced by the occupiers of no. 21, which could not be addressed by a suitably-worded condition. Specifically given the proximity of four windows (in the southern elevation of the subject premises) to the garden and patio of no. 21 and the proposed use of the rooms, the proposal would cause a significant loss of privacy and overlooking to the detriment of the occupiers' living conditions.	No
6	<b>13/01263/FUL - 70 - 80 Storrington Way, Werrington Peterborough -</b> Extension to retail floorspace with two flats above	Committee (T)	Dismissed	The inspector concluded that the proposal would significantly diminish forward visibility in Amberley Slope on a bus route and in an area where it is to be expected that people of all ages and degrees of mobility would be crossing the road.	Yes – Full Award – The Council's decision to refuse permission was made in the absence of a full and balanced assessment of the issues. The inspector advised that it would have been wiser for members to defer the decision.

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7	<b>13/01481/HHFUL - 37 Lavington Grange, Parnwell Peterborough</b> - Rear ground floor extension	Delegated	Allowed	The inspector concluded that as <ul style="list-style-type: none"> <li>- the proposal would only be partially visible from the highway</li> <li>- a sizeable rear private amenity area would be retained</li> </ul> that the proposed extension would not have an unduly harmful effect on the character and appearance of the area. Further the inspector concluded that the proposed extension would not have a significantly harmful effect on the living conditions of occupiers of 36 Lavington Grange, with particular reference to outlook. The inspector added that there is a considerable degree of separation, including across a public highway and, and as such, found that there would be no undue harm to the outlook or privacy to the occupiers of No 49.	No
8	<b>13/00706/ADV - Elm Tree Farm Helpston Road, Etton Peterborough</b> - Advertising hoarding mounted on mobile trailer	Delegated	Dismissed	The inspector found that hoarding occupies a prominent position adjacent to the road, and because of its size appears as an unduly assertive feature in this location. The inspector considered that the hoarding which is remote from and unrelated to the business it advertises, appears out of place and wholly at odds with its rural surroundings. The inspector concluded that the hoarding is harmful to the character and appearance of the surrounding rural area and thus detrimental to visual amenity.	No
9	<b>13/00790/FUL- 561 - 563 Lincoln Road, Peterborough-</b> Retrospective application for outbuilding and bin store	Delegated	Split Decision Dismissed – Outbuilding / Allowed bin store	The inspector recognised that the Council raised no objections to the bin store and thus he had no reason to dissent from this view.  The inspector concluded that the presence of staff in the shelter both during the day and into the late evening would be likely to result in noise and disturbance that would be harmful to the occupiers of the neighbouring dwellings. The inspector added that this would be especially harmful during night-time hours when the comings and goings of staff, lighting and general noise arising from the use of the building would be likely to result in unacceptable disturbance being caused to the occupiers of the nearby houses.	No

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10	<b>13/01060/FUL- 2 - 4 High Street, Eye, Peterborough -</b> Revert 2-4 High Street into two dwellings and construct a single storey rear extension and raise pitch to roof	Delegated	Dismissed	The inspector concluded that the proposal would harm, rather than preserve or enhance the character or appearance of the Eye Conservation Area. Specifically - that that the proposed additional front door would appear cramped, disrupting the architectural symmetry of the front elevation - that the raising of the rear elevation would alter the roof profile and in so doing would significantly change the character of the building - that the proposed new uPVC windopws and doors would not be in keeping with the historic character of the building	No
11	<b>13/01227/HHFUL - 41 Waterloo Road, Millfield, Peterborough -</b> Proposed two storey side extension	Delegated	Dismissed	The inspector considered that the extension (adding more than 50% to the width of the house) would compete with the scale of the host dwelling and detract from its appearance. Further the inspector considered that the closing of the gap between the houses (nos. 39-41) and the stark difference in appearance of the dwellings would result in an incongruous development that would unacceptably detract from the character and appearance of the area.	No
12	<b>13/00652/OUT - 95 Thorpe Road, Peterborough -</b> Construction of a 2 bedroom dwelling	Committee	Dismissed	The inspector considered that the subdivision of the garden area and associated built development would be significantly harmful to its character and appearance. More specifically the reduction in the width and length of the garden serving number 95 would reduce its openness and would detract from the setting of the property. The Inspector concluded that the harm to the character and appearance of the site and to the surrounding area would still be significant and unacceptable, irrespective of the local listing	Refused
13	<b>13/00765/HHFUL - 26 Apsley Way, Longthorpe, Peterborough -</b> Construction of two storey rear, first floor front and single storey front extension, and installation of first floor side facing window (part retrospective)	Committee (T)	Dismissed	The inspector was concerned that the proportions of the extension would not respect those of the existing house. The inspector added that the width of the extension would be excessive and would give a bulky and dominant appearance. The inspector concluded that the rear extension would be visible from the rear gardens of a number of adjacent houses in Apsley Way and Wayford and given the attractiveness of the estate design and the open character of the rear garden, this would be particularly prominent and intrusive.	No