

LIST OF APPEAL DECISIONS MADE BETWEEN 09-FEB-13 AND 31-MAY-13

| APPEAL DECISIONS - PLANNING | | | | |
|--|-------------------------|------------------|---------------------------------------|---|
| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Inspector's Decision and Comments |
| P0664.12 42 & 44 Eyhurst Avenue Hornchurch <i>Two storey rear extension to rear of 42 & 44 and first floor front extension at No.42</i> | Written Reps | Refuse | Delegated | <p><u>Dismissed</u></p> <p>The proposed extension would be greater than that of the approved rear extension. The level of natural light in the kitchen of the neighbouring dwelling would be reduced and the level of sunlight would be significantly less than with the approved scheme resulting in a gloomy kitchen environment.</p> <p>Click here to see the appeal decision notice</p> |
| P0673.12 Land Adj to 1 Kings Cottages Bates Road Harold Wood Romford <i>Proposed attached dwelling to side of existing end terrace house</i> | Written Reps | Refuse | Delegated | <p><u>Allowed with Conditions</u></p> <p>The proposed dwelling would be at the end of a terrace but would not be prominent in the street scene. It would be separated sufficiently from neighbouring dwellings and would not have an adverse effect on their outlook and would not appear cramped, or be harmful to the character and appearance of the area.</p> <p>Click here to see the appeal decision notice</p> |
| P0617.12 Lodge Cottage St Mary's Lane Upminster <i>Erection of 2 no. detached dwellings with associates parking within curtilage of Lodge Cottage</i> | Written Reps | Refuse | Delegated | <p><u>Dismissed</u></p> <p>The proposed development would be inappropriate development in the Green Belt. Its relatively cramped appearance would add to the suburban appearance of the group of houses, detracting from the openness of the Green Belt and the character and appearance of the Conservation Area, No very special circumstances were promoted to justify the development.</p> <p>Click here to see the appeal decision notice</p> |
| P0550.12 2 Park Lane Hornchurch <i>Conversion of attic to self contained flat</i> | Written Reps | Refuse | Delegated | <p><u>Dismissed</u></p> <p>The dwelling would not provide an appropriate residential environment because some of the rooms did not have sufficient space for a person of average height to stand and the furniture and other items in the internal space gave the flat a cluttered appearance. The appellant failed to submit or enter into a planning agreement to secure both parking and infrastructure contribution as required by the Council</p> <p>Click here to see the appeal decision notice</p> |

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| <p>P0064.12 Leprechaun Gerpins Lane Upminster <i>Use of lake for recreational angling. Retention and modification of 3 no. existing mobile homes adjacent to fishing lake to provide ancillary accommodation for angling parties</i></p> | <p>Written Reps</p> | <p>Refuse</p> | <p>Delegated</p> | <p><u>Dismissed</u> The three Lodges materially harmed the openness of the Green Belt. Moreover the provision of three lodges was not strictly necessary to support recreational fishing of the lake. No detailed appraisal of the wider viability of the site was available to enable the Inspector to assess it and no evidence to suggest that failure to grant permission would lead to the neglect of the site. Click here to see the appeal decision notice</p> |
| <p>P0837.12 22 Collier Row Road Romford <i>Change of use from use class A1 (retail) to use class A2 (financial and professional services)</i></p> | <p>Written Reps</p> | <p>Refuse</p> | <p>Delegated</p> | <p><u>Dismissed</u> The change of use and loss of the retail function would upset the current balance, and make the retail centre less attractive. This would harm and undermine the proper functioning of the Collier Row retail core. No compelling evidence was provided that demonstrated that the site had been marketed whilst vacant which would have supported a departure from the policy. Click here to see the appeal decision notice</p> |
| <p>P0715.12 11 Cranham Gardens Upminster <i>Change of use of outbuilding in rear garden to D1 (childrens day nursery) with associated car parking in the front garden</i></p> | <p>Written Reps</p> | <p>Refuse</p> | <p>Delegated</p> | <p><u>Dismissed</u> The proposed use and its effects would not be confined to the building. The use of the rear garden, parking and parents and children accessing the site would generate levels of noise or disturbance that would be harmful to neighbouring residents. The site would also attract a number of vehicle movements that would materially and adversely affect highway conditions in the street. Click here to see the appeal decision notice</p> |
| <p>A0032.12 59 High Street Romford <i>Replacement of liquid display internally illuminated LED sign.</i></p> | <p>Written Reps</p> | <p>Refuse</p> | <p>Delegated</p> | <p><u>Dismissed</u> The proposed advertisement would not be visually intrusive nor would it harm the visual amenity of the local area. However, it would be highly noticeable from most approaches to a busy roundabout junction and the changing of static displays would be a potentially dangerous distraction to driver concentration to the detriment of highway safety. Click here to see the appeal decision notice</p> |

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| <p>P1043.12 6 Moray Way Romford <i>Change of Use from Retail (A1 Class Use) to Take-Away and Restaurant (A3 and A5 Class Use) With Installation of Extraction Flue System</i></p> | Written Reps | Refuse | Delegated | <p><u>Dismissed</u> The proposed take away / restaurant use would be likely to be cause result in noise and disturbance. Given the proximity of the use to the main entrance and living areas of the flat above, the proposal would be detrimental to the living conditions of the occupiers. Click here to see the appeal decision notice</p> |
| <p>P0397.12 Land at R/O 92 Manser Road Rainham <i>Erection of 2No semi-detached bungalows</i></p> | Written Reps | Refuse | Delegated | <p><u>Dismissed</u> The proposal would have compact and tighter layout than is the norm in the locality. It would be on a more restricted site, with greater site coverage, significantly smaller gardens and would be out of character with development in the surrounding area. Windows serving habitable rooms in the proposed houses would have uninterrupted at close range of neighbouring rear garden resulting in harmful overlooking. Click here to see the appeal decision notice</p> |
| <p>P0799.12 14 Wednesbury Gardens Romford <i>Outline application for a single two bed dwelling and dropped kerb for existing dwelling</i></p> | Written Reps | Refuse | Delegated | <p><u>Dismissed</u> The proposed dwelling was designed to match the appearance of the existing terrace would not look out of place and would not appear cramped on the site. No financial provision via a unilateral undertaking was made to offset the demands which would be made by the proposed development on local infrastructure & services. The proposal conflicts with the requirements of policy DC72. Click here to see the appeal decision notice</p> |
| <p>P0989.10 Land East of Moor Lane North of Moor Lane Church Cranham Upminster <i>Erection of a continuing care retirement community comprising 36 care bedrooms, 27 close care apartments, 68 assisted living</i></p> | Written Reps | Refuse | Committee | <p><u>Dismissed</u> The NPPF indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt and although a number of exceptions to this position are detailed, the appeal proposal does not fall into any of the listed categories. The proposal would result in a substantial amount of new buildings in an area which is currently free from development. The scale of development would considerably reduce the openness of this area. Moreover, this loss of openness would be added to by the presence of vehicles parked in the 59 uncovered car parking spaces.</p> |

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| <p><i>apartments, communal facilities, car parking, landscaping and infrastructure works. Outline</i></p> | | | | <p>The proposal would not have an unacceptable visual impact on the Moor Lane street scene however its present rural and densely-treed nature would undergo an appreciable change that would have a materially adverse impact on the rural character of this part of the Green Belt.</p> <p>On the issue of need for the development, the Inspector found that nothing in the evidence submitted by the appellant demonstrated an overriding need for a proposal of the type and size proposed through this appeal, within Cranham, although there was a need for additional extra care spaces in the Borough. It was accepted that the economic benefits of the proposed development would clearly be significant and that the environmental benefits offered by the scheme along with the lack alternative site could have moderate weight in favour of the proposal.</p> <p>In summary however these matters did not outweigh the findings in regard to the proposed development constituting inappropriate development in the Green Belt, the considerable harm caused loss of openness of the Green Belt and the significant harm caused to the rural character of this part of the Green Belt</p> <p>Click here to see the appeal decision notice</p> |
| <p>P0688.12 14 & 16 Roxburgh Avenue Upminster <i>Joint application for proposed single/two storey rear and side extensions</i></p> | Written Reps | Refuse | Delegated | <p><u>Dismissed</u></p> <p>The Inspector found that habitable rooms in a neighbouring dwelling benefit substantially at present from light drawn through the lean-to roof, which would be seriously reduced by the proposal. Therefore, it would be harmful to the living conditions of the occupiers of 18 Roxburgh Avenue by reason of loss of light.</p> <p>Click here to see the appeal decision notice</p> |
| <p>P1118.12 20 Woodlands Avenue Emerson Park Hornchurch <i>Two storey side and single storey rear extension</i></p> | Written Reps | Refuse | Delegated | <p><u>Allowed with Conditions</u></p> <p>The proposal is located in the Emerson Park Policy Area. The Inspector considered that sufficient space would remain between the appeal property and the neighbouring dwelling at first floor level to ensure that the aims of the Council's Emerson Park SPD as to space between dwellings would not be compromised, and the character and appearance of the street scene would not be harmed.</p> <p>Click here to see the appeal decision notice</p> |

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| P0987.12 121 Cranston Park Avenue Upminster <i>Two storey side extension and single storey front and rear extensions</i> | Written Reps | Refuse | Delegated | <p><u>Dismissed</u></p> <p>The proposal failed to comply with any of the relevant requirements of the Council's guidance for extensions and alterations. Moreover, the total mass of the proposed extensions would create the impression of a single block which would harm the character of the street scene.</p> <p>Click here to see the appeal decision notice</p> |
| P1149.12 163 Main Road Romford <i>Single storey front extension & conversion of garage to habitable room</i> | Written Reps | Refuse | Delegated | <p><u>Dismissed</u></p> <p>The forward projection of the proposal would exceed the criteria set out in the Council's guidance for extensions and alteration and would be visible in public views and forward of both original bays within the pair. It would appear as an incongruous feature. Overall, the scheme would be harmful to the character and appearance of the host dwelling and the Gidea Park Special Character Area.</p> <p>Click here to see the appeal decision notice</p> |
| P1058.12 24 The Grove Upminster <i>Roof extension and 2 rear dormers</i> | Written Reps | Refuse | Delegated | <p><u>Dismissed</u></p> <p>The alterations would be no higher than the existing house and the roof pitch would not change. However, the side addition would seriously disrupt the balance of the main roof of the pair. Considerable harm would thus be caused to both the form of the host property and the wider townscape.</p> <p>Click here to see the appeal decision notice</p> |
| P0976.12 24 Greenock Way Romford <i>Two storey side and rear extension, single storey front extension</i> | Written Reps | Approve With Conditions | Committee | <p><u>Allowed with Conditions</u></p> <p>The proposed two-storey extension would be a substantial addition to the property. However it would not appear to be unduly prominent in the street scene as it would be subservient to the existing house and the appeal plot as a whole and its design would be in keeping with that of the existing pair of houses.</p> <p>Click here to see the appeal decision notice</p> |
| P1117.12 16 Acacia Drive Upminster <i>First floor side extension and alteration and conversion of roof including addition of rear</i> | Written Reps | Refuse | Delegated | <p><u>Dismissed</u></p> <p>The proposed roof would be significantly taller than the existing roof and would have gable ends. This would increase the length of the roofs ridge line and materially add to the bulk of the building. This would erode the gap at roof level between the appeal property and the neighbouring dwellings. Resultantly the dwelling would appear cramped on the site and discordant feature in the street scene and the rear garden.</p> |

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| <i>dormer and hip to gable roof</i> | | | | Click here to see the appeal decision notice |
| TOTAL PLANNING = | 19 | | | |

LIST OF APPEAL DECISIONS MADE BETWEEN 09-FEB-13 AND 31-MAY-13

| APPEAL DECISIONS - ENFORCEMENT | | |
|--|-------------------------|--|
| Description and Address | Appeal Procedure | Inspector's Decision and Comments |
| <p>ENF/617/09/HW Tomkyns Manor Tomkyns Lane Upminster Alleged breach of planning permission P0080.07 re: Notice A. Use Notice B.Development</p> | <p>Local Inquiry</p> | <p><u>Dismissed</u> The appeals were dismissed and the enforcement notices were upheld.</p> <p>It was considered that the building was not erected in complete accordance with the approved plans, particulars and specifications; not sited in the approved position; its roof height was lower than shown on the approved plans; and the external appearance was different. The building is not used entirely as stables and agricultural storage and has partially been fitted out to provide residential accommodation and occupied as a dwelling. The building as constructed could rely on the 2007 planning permission as it was not implemented and has lapsed.</p> <p>The appellant claimed that the building was substantially completed by 24 August 2008 and was immune from enforcement action. The Council's Building Control section inspected the building works after this date and found two issues that prevented a Completion Certificate being issued under the Building Regulations. Therefore the building would not be structurally sound and thus could not be described as substantially complete. It was noted that Internal works; fixtures and fittings, and external alterations (additional windows, etc.) to provide that accommodation were carried out between October 2008 and December 2009. Having regard to all the evidence presented and relevant case law, the Inspector found that the building was not substantially completed on the relevant date</p> <p>On the issue of the access, the appellant also claimed that this was immune from enforcement action. The Inspector agreed with the Council in that the access was not a stand-alone piece of operational development. It was part and parcel of the unauthorised erection of the building. It was required for no purpose other than to provide access to that building. Without it the building could not have been constructed and the erection of the building and its access constituted a single action which was not substantially completed on the relevant date.</p> <p>On the planning merits of the building, at the time that the enforcement notice was served the layout enabled use as stables and use as living accommodation. This is a use that is 'inappropriate' in the Green Belt. Moreover the appeal building is a bulky and intrusive structure which detracts from its openness and amounts to significant and harmful encroachment on the countryside.</p> <p>Click here to see the appeal decision notice</p> |

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|--|------------------|---|
| ENF/617/09/HW Tomkyns Manor Tomkyns Lane Upminster Alleged breach of planning permission P0080.07 re: Notice A. Use Notice B.Development | Local Inquiry | <u>Dismissed</u> As Above Click here to see the appeal decision notice |
|--|------------------|---|

TOTAL ENF =

| |
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| 2 |
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Summary Info:

Total Planning =

Total Enf =

Appeals Decided =

Appeals Withdrawn or Invalid =

Total =

| | Dismissed | | Allowed | |
|---------------------|---------------------------------|---------------|--------------------------------|---------------|
| Hearings | <input type="text" value="0"/> | 0.00% | <input type="text" value="0"/> | 0.00% |
| Inquiries | <input type="text" value="2"/> | 9.52% | <input type="text" value="0"/> | 0.00% |
| Written Reps | <input type="text" value="16"/> | 76.19% | <input type="text" value="3"/> | 14.29% |