

<p>Report of: Head of Development Management</p> <p>Author: Pete Smith</p>	<p>Title: Planning Appeal Decisions (December 2019)</p>
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1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Housing, Communities and Local Government.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Planning Committee, Planning Sub Committee or by officers under delegated powers. It also advises on appeal outcomes following the service of a planning enforcement notice.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

2. APPEAL DECISIONS

- 2.1 The following appeal decisions have been received by the Council during the reporting period.

<i>Application No:</i>	<i>18/04165/HSE</i>
<i>Site:</i>	<i>44 Woodside Avenue, South Norwood, SE25 5DJ</i>
<i>Proposed Development:</i>	<i>Formation of a vehicle access – dropped kerb</i>
<i>Decision:</i>	<i>REFUSE PLANNING PERMISSION</i>
<i>Appeal Method:</i>	<i>WRITTEN REPRESENTATIONS</i>
<i>Inspector’s Decision</i>	<i>DISMISSED</i>
<i>Case Officer</i>	<i>George Clarke</i>
<i>Ward</i>	<i>Woodside</i>

- 2.2 The main issues in this case were as follows:
 - The effect of the development on highway safety
 - The effect of the dropped kerb and hardstanding on the character and appearance of the host property.
- 2.3 Woodside Avenue is a one way street with a contra-flow cycle path. The street is heavily parked up (on-street) with very few properties having off-

street car parking. The Planning Inspector noted that the off-street car parking space would not have met the minimum requirements; being only 2.33 metres wide. She was also concerned that parallel parking would have required a car to manoeuvre along the footpath which would have significantly increased the risks of collisions with other highway users (including pedestrians and cyclists). She was also concerned that the car would have projected onto the pavement and also noted that the formation of a crossover would have resulted in the loss of on street car parking capacity – which would have added to existing car parking stress levels.

- 2.4 She was also concerned about the loss of the boundary detailing, which she considered to be an integral component of the character and appearance of the immediate area and the host property.
- 2.5 The appeal was DISMISSED.

Application No:	19/02336/HSE
Site:	133 South Norwood Hill, SE25 6DD
Proposed Development:	Formation of a vehicle access and vehicle hard-standing
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Chris Grace
Ward	Thornton Heath

- 2.6 The main issues in this case was the effect of the proposed development on highway safety within South Norwood Hill
- 2.7 The garden attached to 133 South Norwood Hill is elevated (relative to the pavement) and the proposal sought to excavate the front garden to secure level access – although officers were concerned that there was insufficient space to allow a vehicle to easily turn on site.
- 2.8 South Norwood Hill has 30 mph speed restrictions; a busy thoroughfare used by a number of bus routes. The Planning Inspector was concerned about vehicles reversing onto of off the hard-standing, especially with cars parked on-treet nearby – restricting visibility.
- 2.9 The appeal was DISMISSED.

Application No:	19/01518/HSE
Site:	243 Old Lodge Lane, CR8 4AZ
Proposed Development:	Erection of a two-storey side extension and single-storey rear extensions
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED
Case Officer	Ryan McMinn

Ward

Kenley

2.10 The main issue in this case was the effect of the two-storey side extension on the character and appearance of the host property and street-scene. The Planning Inspector noted that there was no recognisable pattern of gaps between properties that contributed to the area's character. She noted that the first floor would have been set back from the front building line, with a lower ridge height. Whilst she noted that the extension would have been brought closer to the neighbouring property, she concluded that the cumulative impact would not have been harmful.

2.11 The appeal was ALLOWED.

Application No:	19/01637/CONR
Site:	16 and 18 Lawrence Road, London SE25 5AA
Proposed Development:	Application to remove condition limiting occupation of additional rooms (20 persons) – associated with the use as an HMO.
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	James Udall
Ward	South Norwood

2.12 The main issue in this case was whether the previously imposed planning condition was necessary, relevant to planning and reasonable in all other respects. The Planning Inspector considered that limiting the level of occupation (to protect the amenities of neighbours and the demand for on street car parking) was reasonable and necessary.

2.13 The appeal was DISMISSED. The linked application for costs (against the Council – arguing that it was unreasonable in refusing planning permission) was also DISMISSED.

Application No:	19/01238/HSE
Site:	71 Addington Road, CR0 3LW
Proposed Development:	Retention of ground floor rear extension and front porch
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED
Case Officer	Russell Smith
Ward	Broad Green

2.14 This case followed from planning enforcement investigation and sought planning permission to retain a ground floor rear extension and front porch. The main issues in this case involved the effect of the development on the amenities of the immediate neighbour and on the character and

appearance of the area.

2.15 The site occupies a corner location at the junction of Addington Road and Hatton Road; the ground floor extension had been attached to an existing ground floor extension. Whilst the Planning Inspector acknowledged that the further extension resulted in an extension of around 6 metres in depth, he noted that the next-door property had also been extended and that the further extension had been inset from the boundary and could only be seen from above the fence. He also noted that the neighbouring property had a wooden canopy structure within the rear garden which partially enclosed existing outlook. He therefore concluded that the ground floor extension, given its modest scale did not have such an adverse impact on outlook or light so as to demonstrably harm the living conditions of the neighbour.

2.16 As regards the front porch (which was almost full width of the property frontage) he was satisfied that the porch was not overly intrusive, especially as it respected the window position of the existing ground floor frontage.

2.17 The appeal was ALLOWED.

<i>Application No:</i>	<i>19/02003/FUL</i>
<i>Site:</i>	<i>78 Bensham Manor Road, CR7 7AU</i>
<i>Proposed Development:</i>	<i>Erection of a single storey extension to ground floor flat.</i>
<i>Decision:</i>	<i>REFUSE PLANNING PERMISSION</i>
<i>Appeal Method:</i>	<i>WRITTEN REPRESENTATIONS</i>
<i>Inspector's Decision</i>	<i>DISMISSED</i>
<i>Case Officer</i>	<i>James Udall</i>
<i>Ward</i>	<i>Bensham Manor</i>

2.18 The main issue in this case was the effect of the development on the amenities of the neighbouring occupier at 78 Bensham Manor Road.

2.19 Planning permission had already been granted for a 4-metre-deep extension alongside the boundary with 78 Bensham Manor Road and the Planning Inspector felt that an extension (by a further 1 metre) alongside the boundary would have unacceptably enclosed the outlook from this neighbouring property.

2.20 The appeal was DISMISSED.

<i>Application No:</i>	<i>18/00720/FUL</i>
<i>Site:</i>	<i>Appletree Cottage, Ashburton Road, CR0 6AP</i>
<i>Proposed Development:</i>	<i>Redevelopment of existing cottage through the erection of a 2-storey building with rooms in the roof (to be used as 6 self-contained flats)</i>

Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Katy Marks
Ward	Addiscombe East

2.21 The main issues in this case was the effect of the development on the character and appearance of the East India Conservation Area and the quality of the resultant accommodation for future occupiers – in terms of the availability of private amenity space and child play space.

2.22 Whilst the Planning Inspector accepted that Appletree Cottage did not contribute positively to the character and appearance of the conservation area (albeit with its somewhat quirky appearance) she concluded that the proposed building would have had a larger footprint and would have appeared overly cramped on the site – and would have been harmful to the Ashburton Road street-scene. She concluded that the two-storey building would not have integrated well into its context and would have been harmful to the character and appearance of the conservation area.

2.23 She also found the amenity space to be lacking, both in terms of quality and convenience; especially when considering the new build context. She also agreed with the Council that the scheme failed to provide the required child play space. Whilst she accepted that the London Mayor SPG was advisory, she referred to CLP policy which required the provision of child play space (which was included as part of the development plan)

2.24 The appeal was DISMISSED.

Application No:	19/01458/GPDO
Site:	279 Lower Addiscombe Road, CR0 6RE
Proposed Development:	Use of part of ground floor as residential accommodation (COU from A1/A2 to C3)
Decision:	REFUSE PRIOR APPROVAL
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED
Case Officer	Sera Elobisi
Ward	Addiscombe East

2.25 The main issue in this case was the effect of the proposed change of the use on the viability and vitality of the retail/commercial area. The part of the ground floor the subject of the application for prior approval was the rear part of the ground floor – to the rear of an existing hair salon. The Planning Inspector was satisfied that the proposed use would have been unlikely to have affected the continued use of the remaining ground floor rooms as a hair salon.

2.26 The appeal was ALLOWED.

Application No:	19/00497/FUL
Site:	Flat 1 28 Woodstock Road, Croydon CR0 1JR
Proposed Development:	Installation of double glazed window units
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Sera Elobisi
Ward	Fairfield

- 2.27 The main issue in this case was the effect of the window replacement scheme on the character and appearance of the Chatsworth Road Conservation Area.
- 2.28 The Planning inspector noted that all properties on the south side of Woodstock Road exhibited similar architectural qualities with all windows at 28 Woodstock Road being retained as timber sash. Whilst he accepted that a number of properties had UPVC windows, he concluded that they helped emphasise that the use of UPVC was more conspicuous due to the failure to replicate architectural details. He saw that the retention of timber sash windows (which there were also a number within the street) was an important constituent of conservation area character. He saw the harm as being localised in nature and therefore less than substantial harm – but he saw little benefit of the proposed development to outweigh the harm caused.
- 2.29 The appeal was DISMISSED.