

<p>Report of: Head of Development Management</p> <p>Author: Pete Smith</p>	<p>Title: Planning Appeal Decisions (May 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.

Application Nos:	17/02192/FUL (Appeal 1) 18/00831/FUL (Appeal 2)
Site:	Queens Hotel, 122 Church Road, Upper Norwood
Proposed Development:	(Appeal 1) Demolition of the east west wing and the erection of new extensions (spine and southern range) and recladding of northern 1970s extension to provide a total of 570 hotel bedrooms with 170 car/van parking spaces (in forecourt and extended basement) with space for 3 coaches in the forecourt. (Appeal 2) Demolition of the east west wing and the erection of new extensions (spine and southern range) and recladding of northern 1970s extension to provide a total

	<i>of 495 hotel bedrooms with 207 car/van parking spaces (in forecourt and extended basement) with space for 5 coaches in the forecourt.</i>
Decision:	REFUSE PLANNING PERMISSION (Appeal 1 and 2) Overturned
	Officer Recommendation
Appeal Method:	PUBLIC INQUIRY
Inspector's Decision	(Appeal 1) DISMISSED (Appeal 2 (ALLOWED))
Case Officer	Ross Gentry
Ward	Crystal Palace and Upper Norwood

- 2.2 Both these applications were refused planning permission, contrary to officer's recommendation. The scheme the subject of Appeal 1 was somewhat larger (in terms of the scale of development proposed for the replacement east-west spine building and the elevational treatment of the east-west wing and the southern range). Appeal 1 also proposed less on-site car and coach parking. The scheme the subject of Appeal 2 proposed a more stepped arrangement to the east-west spine building and a simplified elevational treatment to the east-west spine building and the southern extension. This scheme also proposed additional car and coach parking within an enlarged and re-configured basement and modified forecourt.
- 2.3 The main issues (in both appeals) was the extent to which the proposed development preserved or enhanced the character and appearance of the conservation area and the extent to which the development affected traffic and car parking, with consequential effects on the road network and highway safety.
- 2.4 In respect of Appeal 1, the Planning Inspector concluded that the larger and bulkier east-west spine extension and the side extension to the south would not have appeared suitably regressive and would have competed with the historic core of the existing historic element. He also concluded that the design of the window openings and roof finishes would have resulted in an overtly and unacceptable contemporary appearance. He was also concerned about the bulk of the east-west wing when viewed from the neighbouring Regency Gardens (within the conservation area). He concluded that with the general lack of set-down, as the building stepped back into the site, would have resulted in a somewhat harsh and domineering presence. He therefore concluded that there would have been harm to the character and appearance to the conservation area (albeit less than substantial harm) and concluded that the benefits arising from the proposal (employment generation, the provision of additional hotel accommodation and the regenerative benefits of the development to Upper Norwood) would not have outweighed the harm caused.
- 2.5 As regards Appeal 2, he outlined the various benefits associated with the

hotel expansion (similar to those raised in respect of Appeal 1) but concluded that the modifications undertaken (especially the simplified elevational treatment to the east-west spine and the southern extension – along with a stepping down of bulk facing onto Regency Gardens) would have helped reduce the effect of the development on the character and appearance of the conservation area. Bearing in mind that the scheme proposed significant improvements to the northern 1970's extension and the existing entrance canopy, he concluded that the proposed works would have preserved the character and appearance of the conservation area. In view of the significance of the heritage arguments, this represented a crucial conclusion – in favour of this amended scheme.

- 2.6 In terms of highway considerations, he recognised that a large hotel was already in existence, generating traffic alongside car and coach parking pressure. He concluded that whilst not representing the highest level of accessibility, the site remained well connected and accessible. He was satisfied that not all coaches would have arrived and left at the same time and acknowledged that at times, there might well have been some tight manoeuvres. He also acknowledged that this would have affected the heritage value of the frontage. However, he recognised that the frontage would be improved and made safer (for pedestrians entering the hotel lobby) and on balance, concluded that (with Appeal 2) the revised forecourt arrangements would have allowed for better management of coaches. Moreover, he accepted (in respect of Appeal 2) that the additional parking would have helped in terms of managing the interplay between on and off site car parking pressure and was pleased and reassured that the applicant had elected to increase the level of on-site car parking and was satisfied that the scheme the subject of Appeal 2 would have satisfactorily dealt with the potential car and van parking pressures.
- 2.7 Appeal 1 was therefore DISMISSED and Appeal 2 ALLOWED. This is an interesting and informative appeal outcome (in relation to both schemes) and helps identify weight afforded to heritage assets (taken in the round) and how benefits might outweigh the harm identified. The crucial issue (in respect of Appeal 2) was that no harm (taken in the balance) was identified. Whilst Appeal 2 was ALLOWED, the Council managed to avoid an award of costs and the appellant honoured the terms of the S.106 Agreement (which had been negotiated at planning application stage). Local residents were legally represented at the public inquiry (which lasted 4 days) and your officers worked closely with local residents and Ward Members to ensure the presentation of a robust, sound and defensible planning position. Assuming development progresses, residents will be expecting compliance with S.106 obligations and imposed planning conditions.

<i>Application No:</i>	<i>18/00257/FUL</i>
<i>Site:</i>	<i>5 Derby Road, Croydon, CR0 3SE</i>
<i>Proposed Development:</i>	<i>Display of a A0 pavement display board</i>
<i>Decision:</i>	<i>REFUSE ADVERTISEMENT</i>

Appeal Method: **CONSENT**
Inspector's Decision **WRITTEN REPRESENTATIONS**
Case Officer **DISMISSED**
Ward **Wayne Spencer**
Fairfield

- 2.8 The main planning issues in this case involved the effect of the advertisement display in terms of visual amenity as well as public safety.
- 2.8 The site of the proposed advertisement is located within a row of commercial units and the Planning Inspector was concerned that the proposal would have introduced a prominent freestanding sign onto the forecourt of the premises which would have been an alien feature. He concluded that the sign would have added to visual clutter and would have eroded the appearance of the area of public realm.
- 2.9 He was less concerned about the effect of the sign on the movement of pedestrians through the site, especially as the footway is clearly delineated from the business forecourt. The appeal was DISMISSED.

Application No: **18/03701/FUL**
Site: **39 Russell Green Close, Purley, CR8 2NS**
Proposed Development: **Appeal against the imposition of planning conditions relating to visibility splays, electric vehicle charging points and security lighting**
Decision: **PLANNING PERMISSION GRANTED WITH CONDITIONS**
Appeal Method: **WRITTEN REPRESENTATIONS**
Inspector's Decision **DISMISSED**
Case Officer **Georgina Galley**
Ward **Purley and Woodcote**

- 2.10 This case was granted planning permission by Planning Committee about 5 months ago and planning conditions were imposed (requiring the approval and delivery of security lighting, EVCPs and visibility splays). The appellant argued that the conditions did not meet the tests laid down by the NPPF.
- 2.11 Whilst the site is located at the end of the cul-de-sac, the Planning Inspector concluded that the delivery of generous visibility splays was necessary and reasonable, bearing in mind the close proximity to the neighbouring footpath (well used by school children). He also felt that the delivery of security lighting was reasonable and necessary, especially as some secluded areas within the car parking area could act as a hiding place for criminals. Finally, he was satisfied that the requirement for electric charging points was well founded in policy and was a necessary and reasonable requirement. The appeal was DISMISSED.

Application No: 17/05847/FUL
Site: 639-641 London Road, Thornton Heath CR7 6AZ
Proposed Development: Erection of a roof extension at second floor level to provide 4 duplex bedrooms
Decision: REFUSE PLANNING PERMISSION
Appeal Method: WRITTEN REPRESENTATIONS
Inspector's Decision ALLOWED
Case Officer Katy Marks
Ward West Thornton

2.12 The main issue in this case was the effect of the proposed extensions on the character and appearance of the area and the appearance of the locally listed building.

2.13 The Dunheved Hotel is an existing 54 bed hotel (locally listed) located opposite Croydon University Hospital. The rear of the hotel had already been extended (forming a stepped roof) and this further extension sought to provide additional accommodation. Whilst the Planning Inspector recognised that the frontage element had been left largely intact, as a pair of Edwardian properties, he felt that the extensions to the rear were more contemporary in appearance. Whilst he concluded that the proposed extensions would have reduced the subservient nature of the rear additions, they would not have been harmful to the overall appearance of the buildings.

2.14 He felt that the existing stepped appearance of the rear additions failed to preserve or enhance the integrity of the remaining elements of the building and with the varied character of development in the vicinity, he concluded that the proposed development would not have appeared out of place. The appeal was ALLOWED.

Application No: 18/06198/HSE
Site: 69 Addiscombe Court Road, CR0 6TT
Proposed Development: Erection of a single storey infill extension
Decision: REFUSE PLANNING PERMISSION
Appeal Method: WRITTEN REPRESENTATIONS
Inspector's Decision DISMISSED
Case Officer James Udall
Ward Addiscombe West

2.18 The main issue in this case was the effect of the single storey extension (infilling the yard between the two-storey outrigger and the boundary with the neighbouring property) on the amenities of the neighbour at 71 Addiscombe Court Road in terms of outlook and light.

2.19 With a depth of extension equivalent to the two-storey outrigger and with the extension emerging over the existing 2 metre boundary, the Planning Inspector concluded that the extension would have appeared intrusive when viewed from the neighbour's rear windows. He concluded that the extension would have had a discordant appearance within such a small space between the properties and would have created an unwarranted canyon effect, resulting in a visually overbearing structure. The appeal was DISMISSED.