

# **APPEALS REPORT SEPTEMBER 2015 FOR EAST AREA PLANNING COMMITTEE - WEDNESDAY 7 OCTOBER 2015**

10. **Planning Appeals** (Pages 3 - 8)

Summary information on planning appeals received and determined during August (attached) and September (to follow).

The Committee is asked to note this information.

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# Monthly Planning Appeals Performance Update – September 2015

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1. The purpose of this report is two-fold:
  - i. To provide an update on the Council's planning appeal performance; and
  - ii. To list those appeal cases that were decided and also those received during the specified month.

## Best Value Performance Indicator BV204

2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 30 September 2015, while Table B does the same for the current business plan year, ie. 1 April 2015 to 30 September 2015.

Table A	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	9	31%	3	6
Dismissed	20	69%	2	18
Total BV204 appeals	29	100.0		

**Table A. BV204 Rolling annual performance  
(1 October 2014 to 30 September 2015)**

Table B	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	6	67%	3	3
Dismissed	3	33%	1	2
Total BV204 appeals	9	100.0		

**Table B. BV204: Current business plan year performance  
(1 April 2015 to 30 September 2015)**

## All Appeal Types

3. A fuller picture of the Council's appeal performance is given by considering the outcome of all types of planning appeals, i.e. including non-determination, enforcement, advertisement appeals etc. Performance on all appeals is shown in Table C.

Table C	Appeals	Performance
Allowed	18	38%
Dismissed	29	62%
All appeals decided	47	100.0%
Withdrawn	6	

**Table C. All planning appeals (not just BV204 appeals)**  
**Rolling year 1 October 2014 to 30 September 2015**

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to the committee chairs and ward councillors. If the case is significant, the case officer also subsequently circulates committee members with a commentary on the appeal decision. Table D, appended below, shows a breakdown of appeal decisions received during September 2015.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. The relevant ward members also receive a copy of this notification letter. Table E, appended below, is a breakdown of all appeals started during September 2015. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.
6. All councillors receive a weekly list of planning appeals (via email) informing them of appeals that have started and been decided, as well as notifying them of any forthcoming hearings and inquiries.

## Table D

## Appeals Decided Between 1/09/15 And 30/09/15

**DECTYPE KEY:** COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;  
**RECM KEY:** PER - Approve, REF - Refuse, SPL - Split Decision; NDA - Not Determined; APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditions, ALWCST - Allowed with costs, AWD - Appeal withdrawn, DIS – Dismissed

DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
14/03214/FUL	15/00014/REFUSE	DEL	REF	ALC	14/09/2015	WOLVER	55 Blandford Avenue Oxford OX2 8EB	Demolition of existing dwellinghouse. Erection of 2 x 4-bedroom dwellings (Use Class C3). Provision of private amenity space, car parking and refuse stores. Provision of 2No new vehicle accesses from Blandford Avenue.
14/02445/FUL	15/00018/REFUSE	DEL	REF	DIS	14/09/2015	STCLEM	13 Rectory Road Oxford OX4 1BU	Subdivision of existing House of Multiple Occupation (sui generis) to create 3 self-contained units including retention of existing HMO, 1x3 bed house and 1 x 1 bed basement flat (Use Class C3). Erection of two storey side extension (including basement level) and formation of 1 x dormer window in association with loft conversion. Insertion of 2 x rooflights to front roofslope, 1 x rooflight to rear roofslope, Creation of front lightwell for basement flat. Provision of amenity space, refuse and cycle parking (amended plans)
14/02117/FUL	15/00017/REFUSE	DELCOM	REF	ALC	30/09/2015	NORBRK	15 Kestrel Crescent Oxford Oxfordshire OX4 6DY	Erection of two storey side extension to create 1 x 1 bed dwellinghouse (Use Class C3). Provision of car parking, cycle and bin storage.
14/02354/FUL	CIL appeal Colthorn Farm (plot 1) WITHDRAWN BY PLANNING INSPECTORATE							

**Total Decided: 4**

## Enforcement Appeals Decided Between 1/09/2015 And 30/09/2015

APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditons, AWD - Appeal withdrawn, DIS – Dismissed

EN CASE	AP CASE NO.	APP DEC	DECIDED	ADDRESS	WARD:	DESCRIPTION
14//0049/7/ENF	15/00007/ENFORC	ALLOW	09/09/2015	12 Paget Road Oxford Oxfordshire OX4 2TD	LYEVAL	Appeal against unauthorised outbuilding

Total Decided: 1

Table E

## Appeals Received Between 1/09/15 And 30/09/15

**DECTYPE KEY:** COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;  
**RECMND KEY:** PER - Approve, REF - Refuse, SPL - Split Decision, NDA - Not Determined; **TYPE KEY:** W - Written representation, I - Informal hearing, P - Public Inquiry, H – Householder

DC CASE	AP CASE NO.	RECEIVE	TYPE	OFFICER	ADDRESS	DESCRIPTION	AGENT
15/00121/FUL	15/00040/REFUSE	01/09/2015	H	Richard Wyatt	79 Downside Road Oxford Oxfordshire OX3 8JJ	Erection of entrance gate. (Retrospective)	
15/01655/VAR	15/00041/REFUSE	01/09/2015	H	Tobias Fett	24 Lathbury Road Oxford Oxfordshire OX2 7AU	Variation of condition 2 (Approved plans) and 3 (Samples) to vary the wording of these conditions. Removal of condition 5 (curtailment of permitted development rights) of planning permission 15/00875/FUL.	Mr Ian Salisbury
14/00507/ENF	15/00042/ENFORC	22/09/2015	W	Tobias Fett	81 Wytham Street Oxford Oxfordshire OX1 4TN	Appeal against alleged unauthorised outbuilding	
15/00106/VAR	15/00043/REFUSE	23/09/2015	W	Lisa Green	17 Lathbury Road Oxford Oxfordshire OX2 7AT	Variation of condition 4 (hours of use of garden) of planning permission 95/00761/VTH to allow the garden to be used by nursery children for a maximum of 4 hours per day.	Simon Handy
15/01226/FUL	15/00044/REFUSE	23/09/2015	H	Ed Pigott	2 Mortimer Drive Oxford Oxfordshire OX3 0RR	Erection of front and side porches. Erection of single storey rear extension. Formation of 1No dormer window and hip to gable roof extension.	Mr Michael Gilbert
							<b>Total Received: 5</b>

