

Agenda Item 10

Monthly Planning Appeals Performance Update – October 2011

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1. The purpose of this report is two-fold: a) to provide an update on the Council's planning appeal performance; and b) to list those appeal cases that were decided and also those received during the specified month.
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 31 October 2011, while Table B does the same for the current business plan year, ie. 1 April 2011 to 31 October 2011.

Table A. BV204 Rolling annual performance (to 31 October 2011)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	13	(33%)	7 (54%)	6 (22%)
Dismissed	27	67%	6 (46%)	21 (78%)
<i>Total BV204 appeals</i>	40		13	27

Table B. BV204: Current Business plan year performance (1 April to 31 October 2011)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	8	(36%)	3 (43%)	5 (33%)
Dismissed	14	64%	4 (57%)	10 (67%)
<i>Total BV204 appeals</i>	22		7	15

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. All planning appeals (not just BV204 appeals): Rolling year to 31 October 2011

	Appeals	Percentage performance
Allowed	14	(29%)
Dismissed	35	71%
All appeals decided	49	
Withdrawn	7	

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to ward members, and if a committee decision to members of the relevant committee. The case officer also subsequently circulates members with a commentary on the decision if the case is significant. Table D, appended below, shows a breakdown of appeal decisions received during October 2011.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. If the appeal is against a delegated decision the relevant ward members receive a copy of this notification letter. If the appeal is against a committee decision then all members of the committee receive the notification letter. Table E, appended below, is a breakdown of all appeals started during October 2011. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.

Table D Appeals Decided Between 1/10/11 And 31/10/11

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, AWD - Appeal withdrawn, DIS - Dismissed

DC CASE NO.	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
10/02830/CPU	11/00001/REFUSE	DEL	REF	DIS	07/10/2011	QUARIS	51 Green Road Oxford Oxfordshire OX3 8LD	Application for certificate of lawful proposed use that outbuilding in rear garden would be ancillary to the main dwelling.
11/00029/FUL	11/00027/REFUSE	DELCOM	REF	ALC	12/10/2011	SUMMTN	1 Upland Park Road Oxford Oxfordshire OX2 7RU	Demolition of existing house. Erection of pair of semi-detached 4 bed houses and 1 x detached 4 bed house. Provision of 4 off street car parking spaces. (Additional Information)
10/02570/FUL	11/00021/REFUSE	DEL	REF	DIS	19/10/2011	LYEVAL	1 Coverley Road Oxford Oxfordshire OX3 7ET	Demolition of garage and porch. Erection of two storey side extension to form new 1 bedroom house. Provision of car parking, bin and cycle storage.
11/01702/FUL	11/00032/REFUSE	DEL	REF	ALC	19/10/2011	WOLVER	326 Woodstock Road Oxford Oxfordshire OX2 7NS	Side and rear two storey extension
11/00730/FUL	11/00033/REFUSE	DEL	REF	DIS	25/10/2011	NORTH	1 Arthur Garrard Close Oxford Oxfordshire OX2 6EU	Proposed dormer window.

Enforcement Appeals Decided Between 1/10/11 And 31/10/11

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

EN CASE NO.	AP CASE NO.	APP DEC	DECIDED	ADDRESS	WARD:	DESCRIPTION
11//0014/5/ENF	11/00038/ENFORC	WITHDR	12/10/2011	7 Stephen Road Oxford Oxfordshire	HEAD	Unauthorised change of use of garden area for use as commercial car parking facility

TABLE E Appeals Received Between 1/10/11 And 31/10/11

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 NO.	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
11/01039/FUL	11/00039/REFUSE	DEL	REF	W	63 Botley Road Oxford Oxfordshire OX2 0BS	JEROSN	Erection of two storey side extension to provide external stair to first floor flat and store.
11/01095/FUL	11/00037/REFUSE	DEL	REF	W	1 Park Town Oxford Oxfordshire OX2 6SN	NORTH	Erection of annexe building, bicycle shelter, extension of wendy house to provide garden store and re-instatement of railings to street frontage
11/01348/FUL	11/00040/REFUSE	DEL	REF	W	Rear Of 48 And 49 Great Clarendon Street Oxford Oxfordshire	JEROSN	Alteration and extension of disused storage building to form 2 dwellings including partial demolition of roof and walls
11/01905/FUL	11/00041/REFUSE	DEL	REF	W	235 To 239 Iffley Road Oxford Oxfordshire OX4 1SQ	STMARY	Retention of 6no cycle shelters.

Total Received: 4

Enforcement Appeals Received Between 1/10/11 And 31/10/11

TYPE KEY: W - Written representation, I - Informal hearing, P - Public Inquiry, H - Householder

EN CASE NO.	AP CASE NO.	TYPE	ADDRESS	WARD:	DESCRIPTION
11/00145/ENF	11/00038/ENFORC	W	7 Stephen Road Oxford Oxfordshire OX3 9AY	HEAD	Unauthorised change of use of garden area for use as commercial car parking facility

Total Received: 1