

Monthly Planning Appeals Performance Update – November 2009

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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 30th November 2009, while Table B does the same for the current business plan year, ie. 1 April 2009 to 30th November 2009.

Table A. BV204 Rolling annual performance (to 30th November 2009)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	20	31%	9 (45%)	11 (24%)
Dismissed	45	(69%)	11 (55%)	34 (76%)
<i>Total BV204 appeals</i>	65		20	45

Table B. BV204: Current Business plan year performance (1 April to 30th November 2009)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	13	32%	5 (38%)	8 (29%)
Dismissed	28	(68%)	8 (62%)	20 (71%)
<i>Total BV204 appeals</i>	41		13	28

3. Table C, shows the BV204 performance for the rolling year ending 30th November 2009 broken down by area committee.

BV204: Rolling annual performance to 30th November 2009 broken down into Area Committees

	Central, South and West Area	Cowley Area	East Area	North Area	North East Area	South East Area
Allowed	0	2	2	1	4	0
Dismissed	0	2	3	4	1	1
<i>Total Appeals</i>	0	4	5	5	5	1
BV204 (% allowed)	0%	50%	40%	20%	80%	0%

4. 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 D.

Table D. All planning appeals (not just BV204 appeals): Rolling year to 30th November 2009

	Appeals	Percentage performance
Allowed	28	33%
Dismissed	58	(67%)
All appeals decided	86	
Withdrawn	9	

5. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to all the members of the relevant committee. The case officer also subsequently circulates members with a commentary on the decision if the case is significant. Table E, appended below, shows a breakdown of appeal decisions received during November 2009.
6. 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 F, appended below, is a breakdown of all appeals started during November 2009. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.

Table E Appeals Decided Between 1/11/9 and 30/11/9

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, AWD - Appeal withdrawn, DIS - Dismissed

DC CASE NO.	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
09/00922/FUL	09/00072/REFUSE	DEL	REF	DIS	12/11/2009	HEAD	28 Stephen Road Oxford Oxfordshire OX3 9AY	Demolition of existing single storey extension and erection of two-storey side and rear extensions. (amended plans)
09/00779/FUL	09/00054/REFUSE	COMM	REF	DIS	16/11/2009	COWLYM	36 Kenilworth Avenue Oxford Oxfordshire OX4 2AN	Proposed single and two storey building for use as a 2 bedroom house. Parking space on frontage.
09/00512/FUL	09/00050/REFUSE	DEL	REF	DIS	16/11/2009	COWLEY	11 Rymers Lane Oxford Oxfordshire OX4 3JU	Retention of two storey side extension for use as 2 x 1 bed flats.
08/02008/CPU	09/00048/REFUSE	DEL	REF	ALC	26/11/2009	STCLEM	25 Minster Road Oxford Oxfordshire OX4 1LY	Application to certify proposed rear roof extension is lawful.

Total Decided: 4

TABLE F**Appeals Received Between 1/11/9 and 30/11/9**

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

DC CASE NO.	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
08/00096/FUL	09/00083/REFUSE	DEL	PER	W	44 Bridge Street Oxford Oxfordshire OX2 0BB	JEROSN	Erection of single storey rear extension. Insertion of dormer window to rear elevation and rooflights to front
09/00266/CEU	09/00088/NONDET	DEL	PER	P	Former MFI Unit 110 - 120 Botley Road Oxford Oxfordshire OX2 0HH	JEROSN	Application for a Certificate of Lawfulness for Existing Development comprising the use of the entire building for unrestricted A1 use.
09/00549/FUL	09/00085/REFUSE	COMM	D0102	W	Ruskin Hall Dunstan Road Oxford Oxfordshire OX3 9BZ	HEAD	Installation of car parking areas to provide 38 car parking spaces.
09/00845/CPU	09/00087/NONDET	DEL	PER	P	Former MFI Unit 110 - 120 Botley Road Oxford Oxfordshire OX2 0HH	JEROSN	Application for a certificate of lawfulness for proposed development comprising the use of the entire building for unrestricted A1 use.
09/01529/FUL	09/00084/REFUSE	DEL	REF	W	22 Howard Street Oxford Oxfordshire OX4 3BE	IFFLDS	Retention of single storey store room extension and new roof to existing garage.
09/01825/ADV	09/00089/REFUSE	DEL	SPL	W	Unit 1 Toys R Us 219 Botley Road Oxford Oxfordshire OX2 0HA	JEROSN	Display of 1x internally illuminated individual letters, 1x internally illuminated 'Babies R Us' fascia sign, 1x internally illuminated box sign at entrance, 1x internally illuminated box sign at exit. (Amended description).
09/01902/FUL	09/00082/REFUSE	DEL	REF	W	5 Preachers Lane Oxford Oxfordshire OX1 1RS	HINKPK	Ground floor extension to front elevation.
09/01945/FUL	09/00086/REFUSE	DEL	REF	W	8 Lucerne Road Oxford Oxfordshire OX2 7QB	SUMMT	Demolition of existing building. Erection of 3 x 5 bed detached 2 storey dwellings with further accommodation in the roofspace. Formation of additional two vehicular and pedestrian accesses with 2 parking spaces per new dwelling and landscaping.
09/02087/FUL	09/00090/REFUSE	DEL	REF	W	136 London Road Headington Oxford Oxfordshire OX3 9ED	QUARIS	Change of use from A1 (retail) to mixed A1 and A3 (restaurant and cafe)

Total Received: 9

Enforcement Appeals Received Between 1/11/09 and 30/11/9

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

EN CASE NO.	AP CASE NO.	TYPE	ADDRESS	WARD:	DESCRIPTION
09/00714/ENF	09/00080/ENFORC	W	136 London Road Headington Oxford Oxfordshire OX3 9ED	QUARIS	Unauthorized change of use from A1 (retail) to mixed use A1/A3 (retail/cafe)
09/00809/ENF	09/00081/ENFORC	P	180 Marlborough Road Oxford Oxfordshire OX1 4LT	HINKPK	Unauthorised sub-division of first floor flat

Total Received: 2