

Monthly Planning Appeals Performance Update – January 2010

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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 31st January 2010, while Table B does the same for the current business plan year, ie. 1st April 2009 to 31st January 2010.

Table A. BV204 Rolling annual performance (to 31st January 2010)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	22	34%	10(48%)	12(27%)
Dismissed	43	(66%)	11(52%)	32(73%)
<i>Total BV204 appeals</i>	65		21	44

Table B. BV204: Current Business plan year performance (1st April to 31st January 2010)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	17	33%	7(47%)	10(28%)
Dismissed	34	(67%)	8(53%)	26(72%)
<i>Total BV204 appeals</i>	51		15	36

3. Table C, shows the BV204 performance for the rolling year ending 31st January 2010 broken down by area committee.

BV204: Rolling annual performance to 31st January 2010 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	3	1	4	0
Dismissed	0	2	3	4	1	1
<i>Total Appeals</i>	0	4	6	5	5	1
BV204 (% allowed)	0%	50%	50%	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 31st January 2010

	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Withdrawn	9	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 January 2010.
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 January 2010. 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 1/1/10 and 31/1/10

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
08/02677/FUL	09/00066/REFUSE	DEL	REF	DIS	05/01/2010	MARST	38 Oxford Road Old Marston Oxford Oxfordshire OX3 0PH	Demolition of existing sheds/ storage and the elevation of an auxiliary home office/ storage space.
09/00885/FUL	09/00067/REFUSE	DEL	REF	DIS	05/01/2010	BARTSD	23 Bernwood Road Oxford Oxfordshire OX3 9LG	Demolition of brick shed and erection of new 3 bedroom dwelling with parking and private amenity space.
09/01010/FUL	09/00064/REFUSE	DELCOM	PER	ALC	13/01/2010	LYEVAL	49 Benson Road Oxford Oxfordshire OX3 7EJ	Demolition of dwelling. Erection of detached 2 bed dwelling and erection of 2 storey building to provide 4 x 1 bed flats, parking, bin and cycle storage and amenity space.
09/00435/OUT	09/00063/REFUSE	DEL	REF	DIS	19/01/2010	QUARIS	31 Forest Road Oxford Oxfordshire OX3 8LF	Outline application for erection of 2-storey 2-bed dwelling.
09/01506/FUL	09/00077/REFUSE	DEL	REF	ALC	19/01/2010	QUARIS	37 Downside End Oxford Oxfordshire OX3 8JF	Erection of two storey rear extension and conversion of extended building to form 1 x 2 bed and 1 x 1 bed self-contained flats. Provision of bin and cycle store and off-street parking.
09/01683/FUL	09/00074/REFUSE	COMM	REF	DIS	19/01/2010	QUARIS	42 Downside Road Oxford Oxfordshire OX3 8HR	Demolition of existing building and garage. Erection of part 3-storey, part 2-storey building to provide 2 x commercial units to ground floor frontage, 5 x 2 bedroom apartments and 3 x 1 bedroom apartments. Ancillary works including car and cycle parking, bin storage and landscaping.
09/01383/FUL	09/00073/REFUSE	DEL	PER	DIS	19/01/2010	LYEVAL	36 And 38 Normandy Crescent Oxford Oxfordshire OX4 2TH	Erection of front wall and pillars (retrospective).

Enforcement Appeals Decided Between 1/1/10 and 31/1/10

APP DEC KEY: ALC - Allowed with conditions, AWD - Appeal withdrawn, DIS - Dismissed

EN CASE NO.	AP CASE NO.	APP DEC	DECIDED	ADDRESS	WARD:	DESCRIPTION
09//0041/5/ENF	09/00062/ENFORC	ALC	13/01/2010	449 Cowley Road Oxford Oxfordshire OX4 2DN	COWLYM	Unauthorised change of use of property from accommodation for homeless families to 2 x self contained flats (1 x 1 bed 1 x 3 bed)

Total Decided: 1

Table F Appeals Received Between 1/1/10 And 31/1/10

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 CSE NO.	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
09/02435/FUL	09/00096/REFUSE	DEL	REF	W	57 Headley Way Oxford Oxfordshire	HHLNOR	Erection of single storey side extension with accommodation in the roof space to provide a self-contained one bedroom dwelling.
09/01578/FUL	10/00005/REFUSE	DEL	REF	W	57 Headley Way Oxford Oxfordshire OX3 7SR	HHLNOR	Erection of single storey side extension with additional first floor accommodation in roof space. Provision of new access on to Bowness Avenue (amendment to planning permission 08/02350/FUL allowed on appeal).
09/01911/FUL	10/00004/REFUSE	DEL	REF	H	3 Burdell Avenue Oxford Oxfordshire OX3 8EE	BARTSD	Erection of first floor rear extension.
09/02090/FUL	10/00003/REFUSE	DEL	REF	W	16 London Place Oxford Oxfordshire OX4 1BD	STCLEM	Erection of garage with living accommodation over to form new 1 bed dwelling.
09/02274/FUL	10/00007/REFUSE	DEL	REF	W	69 White Road Oxford Oxfordshire OX4 2JL	LYEVAL	Retention of 3-bed house. Conversion of single storey rear extension to 1 x 1 bed flat.
09/02293/TPO	10/00009/REFUSE	DEL	SPL	W	All Saints Church Lime Walk Oxford Oxfordshire OX3 7AB	HEAD	Prune x8 Lime trees (as specified by CTS in notice received 19/10/09) referenced on the City of Oxford - Lime Walk (No.1) TPO, 1983.
09/02437/FUL	10/00008/REFUSE	DEL	REF	W	46 Cumberland Road Oxford Oxfordshire OX4 2DA	COWLY	Conversion of existing 2 bed dwelling into 2x1 bed flats with covered bin and cycle stores.

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

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

EN CASE NO.	AP CASE NO.	TYPE	ADDRESS	WARD:	DESCRIPTION	
08/00765/ENF	10/00001/ENFORC	W	41 Phipps Road Oxford Oxfordshire OX4 3HJ	COWLEY	Unauthorized rear extension	
08/00766/ENF	10/00002/ENFORC	W	43 Phipps Road Oxford Oxfordshire OX4 3HJ	COWLEY	Unauthorised rear extension	Total Received: 9