



Report of the Chief Planning Officer

Scrutiny Board (City Development)

Date: 22 January 2008

Subject: Performance on Planning Appeals (BV204)

Electoral Wards Affected: ALL

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report arises from an earlier report to Scrutiny Board (City Development) on 18 September 2007 which outlined progress on improvements following the strategic review of planning and development services. It analyses performance on planning appeals against the BV204 performance indicator, which is an indicator of the quality and effectiveness of local planning authority decision making. The report identifies that during the present accounting period performance so far (at 30 November 2007) is 47.3% against Leeds' local target of 31%. It identifies the main issues on which appeals have been allowed, including those relating to character and appearance of the area, design and effect upon neighbours; and identifies quality issues in appeal decisions including a disproportionately high number of appeals allowed by one inspector in particular. The report also considers performance on other appeals (e.g. enforcement, non determination) not covered by the BV204 indicator. The report sets out actions to be taken to improve performance.

1.0 Purpose of this Report

1.1 The purpose of the report is to inform Scrutiny Board (City Development) of performance levels on appeals against the BV204 performance indicator, and to advise on the main issues and actions to be taken to improve performance. The report also gives information on performance on other appeals (i.e. enforcement, non determination, advertisement appeals etc) which are not covered by the BV204 indicator. Scrutiny Board is asked to consider and comment upon the contents of the report, and to give endorsement to the improvement actions being taken.

2.0 Background Information

- 2.1 On 18 September 2007 Scrutiny Board (City Development) considered a report by the Chief Planning Officer which outlined progress on implementing the improvement themes of the strategic review of planning and development services. Scrutiny Board noted that a main area of concern was around appeals performance against the BV204 performance indicator, which is an indicator of the quality and effectiveness of local planning authority decision making. A high percentage of planning appeals had been allowed during the accounting year (1 April 2007 – 31 March 2008). There were concerns that this may impact on the Council's Comprehensive Performance Assessment (CPA). Scrutiny Board resolved that a further update report on appeals performance be submitted to the Board at its January meeting.
- 2.2 The BV204 performance indicator is defined as “% appeals allowed against the authority's decision to refuse”. It relates to applications for planning permission to carry out development. It does not concern appeals relating to enforcement, advertisements, listed building and conservation area consents, agricultural and telecommunications determinations, tree works, non determination of planning applications and conditional approvals of planning permission. This indicator covers 129 of the overall number of 156 appeal decisions received during the present accounting year to 30 November 2007.
- 2.3 There is no target set by government against this indicator although annual performance is reported on within the national best value reporting framework. The bottom quartile threshold for performance nationally over the last accounting year was 37.9%. Leeds has set its own local target of 31%. The BV204 indicator has been reported on for the previous two years, before this year, although against a wider range of appeals in the first year. Direct comparison, therefore, can only be made against performance last year. The indicator is to be dropped next year in the new national performance management regime, which identifies a much smaller number of national indicators which are focused on delivery.
- 2.4 Over the last couple of years the BV204 indicator has been taken into account in the allocation of planning delivery grant money (PDG). Authorities whose performance against this indicator was 40% worse than the national average were subject to a 10% abatement on PDG in the 2006/07 allocation. Leeds has not been affected by PDG abatement. PDG has now been replaced by the Housing and Planning Delivery Grant (HPDG) which is to be more focused around housing delivery. There is no proposal, in the current HPDG consultation paper, to carry forward this indicator into the new grant allocation regime.

- 2.5 Some of the processes for appeals are likely to change in the future, as set out in the Planning White Paper, Planning Bill and supporting documents. Government proposes an appeals system which is more proportionate, with fast tracking for householder appeals, and which could allow for some minor appeals to be determined at local level.
- 2.6 Since the Scrutiny Board meeting in September a thorough review of appeal decisions has been undertaken, including analysis of all the allowed appeal decisions, types of development (e.g. major residential, minor residential, householder etc), issues on which the appeal was allowed (e.g. character and appearance, effect on neighbours etc) and the level at which the decision was taken (i.e. Plans Panel or delegated). The review has involved input from staff and managers across the service and from legal services. Details of the analysis and findings are set out in the main issues section of the report and Appendices.
- 2.7 Arising from the Addison and Associates report on the operation of Plans Panels and decision making, it is expected improvements will be made to ensure greater soundness of decision making, both at Plans Panel and through officer delegation, which will in turn help to ensure the Council's case can be robustly defended in the event of an appeal. A Member/Officer working group is being set up to work up proposals in detail and implement the improvements.
- 2.8 The number of allowed BV 204 appeals (61) over the timeframe to 30 November 2007, against the overall number of planning decisions made by the Council (4931), and the overall number of refusals (802), is relatively small. Many proposals which could have resulted in refusal and/or appeal have been successfully resolved through negotiation and discussion.

3.0 Main Issues

- 3.1 BV204 is a national performance indicator. No target is set by Government and there are large variations nationally. The national threshold for the bottom quartile last year was 37.9%. Leeds has set its own local target of 31%. Whilst some improvement has been made since the earlier part of this accounting year, Leeds is currently not meeting its local target and is performing below last year's national average and last year's lower quarter threshold. The tables below show Leeds' performance over the current accounting year and comparison to last year's performance.

BV204 current accounting year (cumulative) (1 April 2007 – 30 March 2008)				
	Local target	Q1	Q2	Q3 (to 30 Nov)
% appeals against the authority's decision to refuse	31%	44.7%	51.0%	47.3%*

BV204 previous accounting year comparison				
	Local target	Bottom quartile national	06/07 Leeds	07/08 Leeds (to 30 Nov)
% appeals against the authority's decision to refuse	31%	37.9%	37.4%	47.3%*

* Updated figure to 31 December to be supplied at the meeting

- 3.2 The tables in Appendix 1 to this report show an in depth analysis. Table 1 gives further analysis of BV204 appeal decisions over the present accounting year so far (to 30 November 2007). Of 129 appeals following a refusal, 61 appeals have been allowed i.e. 47.3%. 48 of these allowed appeals follow an officer delegated decision, whilst 7 followed a decision by Plans Panel East and 6 followed a decision by Plans Panel West.
- 3.3 Table 2 shows that most of the allowed appeals fall within the categories of minor residential development (16) or householder development (24). Minor residential development is defined as development "under 10 dwellings". Most allowed appeals have been dealt with through the written representation procedure, with only 2 allowed appeals having been dealt with at a public inquiry and 1 at an informal hearing.
- 3.4 Tables 3, 4 and 5 show the main issues and number of incidences on which appeals have been allowed. The issues occurring most frequently are those relating to character and appearance of the area and those concerning amenity and living conditions of neighbours. The highest incidence of these issues is across the minor residential and householder categories.
- 3.5 Table 6 shows Leeds performance last year, compared with other core cities and shows Leeds to be 3rd lowest within the Core City ranking.
- 3.6 The tables at Appendix 2 list the allowed appeals by area and householder team, and give further information about the type of appeal, appeal method and issues. West area has had the highest number of minor residential decisions. Within the householder category, there is a high incidence of proposals for dormer windows and/or roof alterations being allowed (10), although other inspectors have dismissed similar proposals. There are concerns around the quality of some appeal decisions, with evidence of inconsistent decision making by the planning inspectorate and one inspector, in particular, having allowed all of the 7 appeals he has dealt with in Leeds over the present accounting period. These have included 4 minor residential proposals, 2 householder proposals and 1 change of use.
- 4.0 Performance on other appeals (non BV204)**
- 4.1 As part of this review of appeal decisions some analysis has been undertaken on performance on other types of appeal. The table at Appendix 3 shows other types of appeals which have been allowed, including those arising from non determination

of planning applications and enforcement appeals. Further details of these appear in the tables at Appendix 4.

4.2 There have been 6 appeals allowed against non determination. All but one of these were Plans Panel items where Panel had resolved to refuse against officer recommendation. Three of these were heard at a Public Inquiry, with 1 incidence of costs awarded against the Council. As with the BV204 appeals, the main issues for these appeals were around character and appearance of the area and neighbour amenity. Most non determination appeals are lodged in the intervening period (usually a month) between Plans Panel resolution and the matter being reported back with the drafted reasons for refusal. The member/officer working group could look at this issue as part of its review of Plans Panel procedures.

4.3 Most of the allowed enforcement appeals (13) relate to minor and householder developments with main issues, again, being around character and appearance of the area and neighbour amenity.

5.0 Ongoing and future actions and improvement

5.1 *Minor residential proposals (e.g. “garden developments”)*

16 allowed appeal decisions fall within the minor residential category (i.e. less than 10 dwellings). One of the main issues on which most of these appeals are lost concerns the character and appearance of the area (10 incidences). The other most highly occurring issue concerns the living conditions of neighbours (10 incidences). In addressing character and appearance of the area issues we have introduced a more analytical approach which includes a detailed assessment of the impact of the proposed development on the character and appearance of the area, reference to relevant national policy (e.g. PPS1, PPS3) and the application of local policy and guidance, including that set out in Neighbourhoods for Living. We will also provide evidence on housing land supply, to show that Leeds is currently exceeding its housing targets and that the interests of protecting the character and appearance of the area should prevail. In addressing neighbouring amenity issues (e.g. overshadowing, privacy, dominance, disturbance) we are similarly applying a more analytical approach. We are introducing a standardised template for the officer's report and for appeal statements.

5.2 *Householder*

This category has the highest number of allowed appeals (24). As above, there is a high incidence of “character and appearance” issues (17 incidences) and “neighbours living conditions” issues (11 incidences). The analytical approach set out above is equally applicable to householder proposals. Government's proposal for fast tracking householder appeals is moving forward, so it is particularly important that the officer's report on the application is of high quality, as it is likely there will only be limited opportunity to submit further evidence within the new fast track arrangements. Training on report writing is being undertaken and the householder report template has been re-formatted to ensure a full, consistent and analytical approach is applied. Work on the householder design guide is ongoing which, once adopted as a supplementary planning document, will add considerable weight to support the Council's case in householder appeals and should result in inspectors taking a more consistent approach to their assessment of appeals.

5.3 ***Quality of appeal decisions***

On the matter of the quality of the appeal decisions, various issues are to be taken up with the planning inspectorate including those of inconsistencies (e.g. in dormer window decisions) and the prevalence of allowed appeals by particular inspectors. A number of enforcement appeal decisions, in particular, have given rise to quality concerns and are subject to specific complaint to the planning inspectorate, including one legal challenge.

5.4 ***Plans Panel issues/decision making***

The member/officer working group will be considering processes and practices to ensure rigour in Plans Panel and delegated decision making. One area for consideration is around the process for cases where decisions are made contrary to officer recommendations. Actions will also be introduced to ensure officer reports, presentations and summing up focuses on principal issues and that processes are in place to ensure Plans Panel members receive feedback and have an opportunity to review appeal decisions.

5.5 ***Public Inquiries***

Whilst a relatively small number of appeals are dealt with by public inquiry, these usually concern major, significant developments often where there is a high level of local concern. Developers will usually provide a range of expert witnesses and professional advocacy to present and support their case. We are seeking to put into place earlier and ongoing legal input, including in cases where external advocacy is to be used. Appointment of counsel will usually be appropriate in complex, major public inquiries and may also be appropriate in other cases to send a signal of the seriousness with which the Council regards a particular case or form of proposed development. We are also seeking to improve the programming and management of public inquiry appeals and provide adequate resourcing and backfilling to ensure planning managers and/or principal and senior officers who are involved in the case have adequate time to prepare and cover the case. In some cases it will be desirable to field a range of expert witnesses (e.g. urban designer, architect, highways engineer) to ensure the appellant's team is matched. On occasions it may be necessary to appoint expert witnesses externally where resourcing and/or expertise is not available in-house. This has been the case in several recent public inquiries where external experts have been appointed through the strategic alliance with Jacobs. We are (through the strategic review funding) appointing additional staff across a range of skills which will mean additional expertise will be available in house in the future.

5.6 ***Rebuttals***

We are applying a more rigorous approach to appeal submissions to ensure that detailed justification and amplification is given to all reasons for refusal and to ensure that evidence brought by the appellant, in particular new evidence not covered in the officer's report, is strongly rebutted.

5.7 ***Other actions and improvements***

Training for officers on report writing and written representation appeals is ongoing to ensure the Council's case is presented with the best possible prospects of success. Amendments to the report templates are being undertaken to ensure a structured and comprehensive report which will be a sound foundation in the event

of a future appeal. The service is continuing to develop its pre-application discussion service and improve upon the information and advice available to developers and other customers, so that problems and issues are resolved at an early stage and the number of applications which result in refusal and appeal is minimised.

6.0 Implications for Council Policy and Governance

- 6.1 BV204 is a best value performance indicator for the present accounting year. Leeds' performance against this indicator is reported on nationally until 30 March 2008. There is no national target although Leeds has set its own local target of 31%. On present performance Leeds is seen to perform below the national average and lower quartile figures for last year. The indicator will be dropped from the national performance management regime from April 2008.
- 6.2 Whilst performance against this indicator has, in previous years, been taken into account in considering planning delivery grant allocations, there is no proposal to include it in the Housing and Planning Delivery Grant (HPDG) allocations for this year. It is unlikely that the Council is at risk of HPDG grant abatement arising from appeal performance.
- 6.3 BV204 is one of the indicators taken into account in CPA which will run for one further year (until 2008) after this year. In the 2007 CPA, BV204 performance at 31 March 2007 (37.4%) was better than the bottom quartile figure (37.9%) so has not been determinant on the environment block rating of 3. The 2008 CPA will take into account performance in the current timeframe 1 April 2007 – 31 March 2008. Assuming the bottom quartile figure remains at 37.9% approx, the year end BV204 figure (currently 47.3%) is at risk of falling within the lower quartile. This could put at risk the environment block rating of 3, which can only be maintained if no more than 5 BVPIs are within the lower quartile (and 8 are achieved in the upper). This could give rise to implications for the overall star rating of the Council.
- 6.4 Planning appeals often give rise to a high level of political and local concern (e.g. in the case of "garden development"). A high level of performance on appeals is important to the effectiveness and credibility of the planning service in Leeds and there is a political expectation that there is a high quality appeals service. Appeals performance will continue to be an important local measure of the quality of the planning service.

7.0 Legal and Resource Implications

- 7.1 The Council could be at risk of awards of costs if it acts unreasonably in its decision making on planning applications and enforcement matters and does not robustly defend its decisions at appeal.
- 7.2 Resource implications arise from some of the proposals set out in this report, including those relating to the outsourcing of appeals and the appointment of external expert witnesses and external advocacy for public inquiries. External witness fees can typically be £22-25k per Inquiry. Ongoing training for officers and members is an essential requirement for which adequate budget provision will need to be made. Whilst strategic review funding will provide some additional posts, there are ongoing implications for staffing, as it is important to secure adequate resource

levels across a range of skills (e.g. planners, urban/landscape designers, highways and conservation officers, legal advisors and administration staff) to ensure the Council's case is robustly presented and supported in all appeals.

8.0 Conclusions

8.1 Whilst appeals performance is unlikely to be a matter for national reporting in the future, it will remain an important measure of performance locally and will provide a focus for improvement to the service. The actions set out in this report should help towards the improvement of Leeds' performance on appeals and ensure that the Council's case can be robustly presented and defended in the interests of driving up standards and delivering high quality sustainable development for the City.

9.0 Recommendations

9.1 Scrutiny Board (City Development) are recommended to note and comment upon the contents of this report and to give endorsement to the actions and further improvements set out in this report. In particular Scrutiny Board is asked to support and endorse the following actions:

- a. That the Plans Panels member/officer working party be asked to consider improvements to the processes for dealing with Panel decisions made against officer recommendation
- b. That a letter be sent to the Planning Inspectorate raising issues around the quality of some appeal decisions and the disproportionate number of appeals allowed by a particular Inspector
- c. That training be undertaken by officers and members, in particular to include character and appearance assessment and addressing this issue in the presentation of evidence
- d. That templates for officer reports and appeals be formatted and a standard approach be applied, and that in all cases a rebuttal of the appellant's evidence is provided

Appendix 1

Table 1.

BVPI 204 Performance 1 April 07 – 30 Nov 07					
	Plans Panel West	Plans Panel East	Plans Panel Central	Delegated	TOTALS
No. appeal decisions following decision to refuse	9	12	1	107	129
No. appeals allowed following decision to refuse	6	7	0	48	61
No. appeals allowed following Panel decision to refuse (with officer recommendation)	1	1	0		2
No. appeals allowed following Panel decision to refuse (against officer recommendation)	5	6	0		11
% appeals allowed against decision to refuse	66.6%	58.3%		44.9%	47.3%.

Table 2

BVPI 204 Development type and appeal method of allowed appeal (1 April 07 – 30 Nov 07)					
	Plans Panel West	Plans Panel East	Plans Panel Central	Delegated	TOTALS
Major residential	PI 2	H 1 W 1			P 2 H 1 W 1
Minor residential	W 4	W 2		W 10	W 16
Minor manufacturing or office		W 1		W 1	W 2
Minor other				W 3	W 3
Change of use				W 13	W 13
Householder		W 2		W 21	W 23

PI – Public Inquiry, H - Hearing, W Written statement

Table 3

BVPI 204 – Issues and no. of occurrences where appeals have been allowed 1 April 07-30 Nov 07					
All major and non residential minor applications					
	Plans Panel West	Plans Panel East	Plans Panel Central	Delegated	TOTALS
Character and appearance	1	3		2	6
Character and appearance, conservation area				4	4
Amenity and/or living conditions/neighbours				8	8
Amenity and/or living conditions/occupiers				1	1
Parking and access issues	1	1		2	4
Commuter parking				1	1
Green belt				1	1
Highway safety				2	2
Balanced communities	1				1
Shopping patterns/vitality and viability				2	2

Table 4

BVPI 204 – Issues and no. of occurrences on which appeals have been allowed					
1 April 07-30 Nov 07					
Minor residential applications (under 10 dwellings)					
	Plans Panel West	Plans Panel East	Plans Panel Central	Delegated	TOTALS
Character and appearance	2	2		6	10
Amenity and/or living conditions/neighbours	1	1		8	10
Amenity and/or living conditions/occupiers				2	2
Parking and access issues		1			1
Green belt		1			1
Highway safety				2	2
Balanced communities				1	1
Sustainability/location issues				1	1

Table 5

BVPI 204 – Issues and no. of occurrences on which appeals have been allowed					
1 April 07-30 Nov 07					
Householder applications					
	Plans Panel West	Plans Panel East	Plans Panel Central	Delegated	TOTALS
Character and appearance		1		15	16
Character and appearance, conservation area		1			1
Amenity and/or living conditions/neighbours		2		9	11
Green belt				1	1

Table 6

BV204 core cities comparison	
	06/07 %
Leeds	37.4
Birmingham	31.0
Bristol	25.0
Liverpool	41.9
Manchester	41.0
Newcastle	31.5
Nottingham	27.3
Sheffield	31.0

Appendix 2

KEY L - Level : **D**=Delegated, **C**-Committee **O** - Member Overturn **T** - Type: **WR** = Written Representation, **IH** = Informal Hearing, **PI** = Public Inquiry

BVPI –APPEALS ALLOWED

Appeal Allowed – West Area Team

1 April – 30 November 2007

App No	Address	Proposal	Size	Decision Date	L	O	T	Comments
06/01974/FU	Rear 59-61 Woodhall Rd, Calverley	2 Houses	Minor	3 April 07	D	-	WR	Residential infil. Previous approval. Backland. Impact on neighbours/scale
06/00727/FU	Tregonwell, Intake Lane, Stanningley	Bungalow	Minor	12 April 07	C	✓	WR	Dwelling in garden to rear. Character
06/03034/FU	85 Rodley Lane, Rodley	1 Dwelling	Minor	20 June 07	D	-	WR	Side garden infil. Streetscene character
06/06358/FU	85 Rodley Lane, Rodley	1 Dwelling	Minor	20 June 07	D	-	WR	Side garden infil. Streetscene character
24/370/04/FU	Spen Hill, Spen Lane, 16	2 Houses	Minor	24 July 07	C	✓	WR	Residential infil in side garden. Impact neighbours/trees/parking
06/06110/FU	Whitehall Rd/Walsh Lane, Farnley	Bungalow	Minor	7 Aug 07	D	-	WR	Greenfield. Residential infil.
06/07191/FU	57 Gotts Park Ave, Armley	House	Minor	13 Aug 07	D	-	WR	Side garden infil. Previous proposal dismissed at appeal. Character.
25/380/05/FU	83-105 Bradford Rd, Pudsey	Mixed use B1 and 78 Flats	Major	5 Sep 07	C	✓	PI	Intensification. Redevelopment. Scale/design issues.
06/04391/FU	Land adj 35 Stanmore, Grove Pudsey	2 Houses with garages	Minor	5 June 07	C	✓	WR	Side garden infill. Previous approval lapsed. Highways/impact on neighbours.

BVPI –APPEALS ALLOWED

Appeal Allowed – Central Team

1 April – 30 November 2007

App No	Address	Proposal	Size	Decision Date	L	O	T	Comments
06/01094/FU	Land N of Globe Road, Holbeck	Use of cleared site as car park for 3 years	Minor	19 Sept 07	D	-	WR	Impact on commuter parking & Conservation Area/waterwide environment. Inspector agreed adverse input on strategy for controlling commuter parking but considered OK for short stay. Already a car park. Permission given

BVPI –APPEALS ALLOWED

Appeal Allowed – East Area Team

1 April – 30 November 2007

App No	Address	Proposal	Size	Decision Date	L	O	T	Comments
06/05072/FU	Rear 2a Helena Street, Kippax	Conversion abattoir to dwelling	Minor	2 nd May 07	D	-	WR	Principle accepted Amenity space/parking issues
06/02522/FU	2 Anderson Avenue, Sheepscar	Basement to bed sit	Minor	2 nd Aug 07	D	-	WR	Impact on living conditions of neighbours from noise/disturbance. Already converted basement at 12a
06/02544/FU	4 Anderson Avenue, Sheepscar	Basement to bed sit	Minor	2 nd Aug 07	D	-	WR	
06/02542/FU	6 Anderson Avenue, Sheepscar	Basement to bed sit	Minor	2 nd Aug 07	D	-	WR	
32/265/05/FU	Manston Lane □ Leeds □ LS15 8SX	Retrospective application for detached 3.45m diameter storage tank to ice cream factory	Minor	02-Nov-07	C	✓	WR	Impact on character and appearance

BVPI –APPEALS ALLOWED

Appeal Allowed – North West Area Team

1 April – 30 November 2007

App No	Address	Proposal	Size	Decision Date	L	O	T	Comments
06/02969/FU	4 Cumberland Road, Headingley	7 apartments	Minor	10 th Apr 07	D	-	WR	Permission for 6. Intensification issues
06/03050/FU	Rear 26 Broomfield, Adel	House	Minor	16 th May 07	D	-	WR	Dwelling in garden. Appeal dismissed at 31
06/06965/FU	26-30 North Lane, Headingley	Change of use to A2	Minor	10 th Aug 07	D	-	WR	Letting agent. Impact on Headingley S2 Centre but secondary frontage. A3 dismissed nearby but no details sent!
06/00389/FU	Perseverance Mills, Cross Chancellor Street, Leeds 6	Student Residential Scheme	Major	17 th Sep 07	C	--	PI	Impact on character of area/impact on community, car parking & amenity space issues. (Recognised as poor decision)
26/98/05/FU	14-18 St Michaels Lane and St Michaels Grove, Leeds 6	13 Flats	Major	17 July 07	C	✓	WR	Design & impact Cons Area. Over-development – parking & amenity.
07/03289/FU	14 Headingley Lane Headingley Leeds LS6 2AS	Change of use to form enlarged cafe/bar	C/U	30-Nov-07	D		WR	Shopping frontage issues and effect upon vitality of shopping centre

BVPI – APPEALS ALLOWED

Appeal Allowed – North East Area Team

1 April – 30 November 2007

App No	Address	Proposal	Size	Decision Date	L	O	T	Comments
06/03065/FU	Wetherby Castlegarth Tennis Club, Scott Lane, Wetherby	Flood lighting to 3 courts	Minor	10 th July 07	D	-	WR	Character and appearance of C Area and impact on living conditions. Well shielded site & lights on some courts already
06/03344/FU	70 Carr Manor Crescent & 402 Stonegate Road, Leeds 17	House	Minor	26 th July 07	C	✓	WR	Corner/prominent site, character/appearance of area & visual impact on neighbours.
06/06243/FU	Riverside, Westgate, Wetherby	Change of use to form dwelling in building shell	Minor	9 th Aug 07	D	-	WR	Effect on highway safety & privacy issues.
06/01706/FU	391 & 391a Harrogate Rd, Leeds 17	Alteration & dormers to form flat	Minor	30 th Aug 07	D	-	WR	Highways issues & level of parking provision. Inspector applied PPG3 & PPG13 to allow.
06/06865/FU	7 Reginald View, Chapeltown	Conversion to 2 flats	Minor	3 rd Sep 07	D	-	WR	Access for ground floor, bins & noise/disturbance issues. Intensity issues rather than principle.
07/02883/FU	Bracken Park Lodge, Syke Lane, Scarcroft, Leeds, LS14 3JA	Amendment to permission reference 31/19/05/FU - addition of gable to proposed detached 6 bedroom dwelling house	Minor	09-Nov-07	D	-	WR	Green belt considerations
07/00818/FU	Yorkshire Amateur AFC Football Ground, Bracken Edge, Harehills, Leeds, LS8 4EE	Replacement of 17.5m high mast with 20m high mast, and the transfer of 6 antennae and two dishes from the adjacent lattice mast.	Minor	16/10/2007	D	-	WR	Character and appearance issues and outlook

BVPI –APPEALS ALLOWED

Appeal Allowed – South Area Team

1 April – 30 November 2007

App No	Address	Proposal	Size	Decision Date	L	O	T	Comments
06/03036/FU	1 Cross Flatts Street, Beeston	Change of use to basement flat	Minor	3rd Apr 07	D	-	WR	Inspector critical of reasons as “unclear and imprecise”. Principle consistent with pattern of use in area.
06/00270/FU	Rothwell Service Station, Carlton Lane, Rothwell	24 apartments	Major	4 th Apr 07	C	-	IH	Character/appearance issues. Adjacent G Belt. Intensity/scale issues. Lost £46,000 commuted sum for greenspace offered. Costs award failed.
23/417/05/RM	Blackgates Infant School, Bradford Road, Tingley	11 houses	Major	17 th Apr 07	C	✓	WR	Character / access issues
06/02062/RM	Land to rear Chiltern, Bradford Road, West Ardsley	House	Minor	8 th June 07	D	-	WR	Dwelling in garden. Impact on character/appearance & living conditions of neighbours. Triangular site close to neighbours.
06/04125/FU	Bosomworth Shop, First Avenue, Rothwell	Change of use & extension to hot food take away	Minor	28 th June 07	D	-	WR	Noise/disturbance issues. Hot food <u>dismissed</u> but extension allowed. Split decision.
06/03827/FU	36 Great Northern Street, Morley	Change of use terrace to two back- to-backs	Minor	10 th July 07	D	-	WR	Character & highway issues but many back-to-backs in area.
06/06319/FU	126 Wakefield Road, Rothwell	Extension to ancillary offices	Minor	17 th July 07	D	-	WR	Inappropriate development in G Belt. Inspector considered improvements to openness would be very special circumstances.
06/04152/FU	17a Royds Lane, Rothwell	Change of use of basement to 2 flats	Minor	15 th Aug 07	D	-	WR	Highway safety issues (no additional parking provision) but close to town centre.
06/06668/FU	39 Reedsdale Gardens, Gildersome	Single storey holistic therapy building to dwelling	Minor	3 rd Sep 07	D	-	WR	Garden building close to boundary. Impact on living conditions of neighbours. Modest building & scale persuaded Inspector.
06/04071/FU	Swithens Street, Rothwell, Leeds, LS26 0BU	6 two and 2 one bedroom flats with 9 car parking spaces	Minor	15-Oct-07	C	✓	WR	Character and appearance and car parking issues

BVPI – APPEALS ALLOWED

Appeal Allowed – Householder Team

1 April – 30 September 2007

App No	Address	Proposal	Decision Date	L	O	T	Comments
06/06359/FU	6 Dale Close, Guiseley	First floor rear	17 th May 07	D	-	WR	Set in from boundary. Main issue impact on neighbours. Panel previously objected to the extension.
06/02497/FU	29 Farrar Lane, Oulton	Attached covered swimming pool	31 st May 07	C	✓	WR	Close to side. Impact on neighbours.
32/272/05/FU	40 Baronsmead, Whitkirk	Two storey side	6 th June 07	C	✓	WR	Impact on character & neighbour. Set back.
06/02931/FU	23 Victoria Road, Guiseley	Rear dormer	26 th June 07	D	-	WR	Other dormers in the area & considered against that backdrop.
06/05899/FU	7 Grafton Villas, Leeds 15	Two storey side	9 th July 07	D	-	WR	Impact on neighbour's secondary windows. Held unreasonable.
06/05038/FU	34 Nichols Way, Wetherby	First floor front	10 th July 07	D	-	WR	Impact on neighbour in terms of dominance.
06/05722/FU	52 Victoria Drive, Horsforth	Single storey side	11 th July 07	D	-	WR	Impact on neighbour and habitable window. Held unreasonable.
06/03284/FU	10 Ayresome Terrace, Roundhay	Gable & dormer to rear	11 th July 07	D	-	WR	Visual impact. Variety of design in area.
06/04332/FU	12 Dib Lane, Leeds 8	Mansard roof with dormer & single storey side	13 th July 07	D	-	WR	Visual impact. Set back & not prominent. Present dwelling lacks character.
06/04831/FU	107 Albion Street, Otley	Front dormer	26 th July 07	D	-	WR	Character / appearance. Split decision Dormer dismissed, veluxes allowed
06/07133/FU	18 Aviary Mount, Armley	Basement alterations to front	6 th Aug 07	D	-	WR	Objected to light wells – basement accommodation common in area – other light wells in vicinity. Negligible impact & most sustainable method of giving light.
06/03397/FU	30 Highbury Street, Meanwood	Front dormer	8 th Aug 07	D	-	WR	Renewal of lapsed permission. Impact on character. Dormer conversions in area but not on this side of street.
06/07180/FU	75c Selby Road, Garforth	Single storey side, dormer rear, conservatory rear & garage front	9 th Aug 07	D	-	WR	Impact on character & neighbours amenity. Split decision. Dormer/garage dismissed.
06/05827/FU	Sunnyville, Bradford Road, Tingley	First floor side & loft conversion	9 th Aug 07	D	-	WR	Split decision. Dormer dismissed.
07/00280/FU	5a Clara Drive, Calverley	Roof alterations & dormer	9 th Aug 07	D	-	WR	Green Belt policy. Previous permission undermined case and this was not significant change to resist it.

App No	Address	Proposal	Decision Date	L	O	T	Comments
06/05059/FU	72 Easterley Road, Gipton	Gable roof alteration, rear dormer, & rear double garage	16 th Aug 07	D	-	WR	Hip to gable & impact on character of pair of semis. Lots of other examples of roof alterations in the area & mitigated by trees in streetscene.
06/07301/FU	65 Old Hall Road, Tingley	First floor side	21 st Aug 07	D	-	WR	Streetscene & impact on neighbours.
06/06579/FU	3 Roxholme Road, Harehills	1.8m fence to wall	21 st Aug 07	D	-	WR	Streetscene – variety of treatments and visual impact acceptable
07/00322/FU	1 Hollinhurst, Allerton Bywater	Front dormer	17 th Sep 07	D	-	WR	Dormers characteristic of area.
06/06289/FU	24 Lairum Rise, Clifford	Side extension with dormers	18 th Sep 07	D	-	WR	Streetscene & impact on neighbours. Other side extensions in area and similar extension along street.
06/07298/FU	12 Coniston Avenue, Headingley, Leeds, LS6 2BD	Two storey rear extension	03-Oct-07	D	-	WR	Living conditions of neighbours
07/01072/FU	Hawthorns, 2 Langwith Valley Road, Collingham, Wetherby, Leeds, LS22 5DW	Front & side extension, & extension to other side	01-Oct-07	D	-	WR	Character and appearance issues
07/02041/FU	4 Hunger Hills Avenue, Horsforth, Leeds, LS18 5JT	Rear extension & side extension	02-Nov-07	D	-	WR	Character and appearance issues and effects upon neighbouring property
07/01676/FU	6 Woodkirk Grove, Tingley WF3 1JW	Extension to side and rear. Two storey extension to other side and new first floor with juliet balcony to rear and bay window to front.	05-Nov-07	D	-	WR	Character and appearance issues

Appendix 3

Appeal Performance (Other/non BVPI 204) 1 April 07 – 30 Nov 07					
	Plans Panel West	Plans Panel East	Plans Panel Central	Delegated	TOTALS
Non determination	P 2 H 1	P 1 H 1		W 1	P 3 H 2 W 1
Adverts				W 2 Split	W 2
Variation of conditions		W 1		W 3	W 4
Conservation area consent refusal				P 1	P 1
Telecoms notifications				W 1	W 1

Appeal Performance Enforcement (Other/non BVPI 204) 1 April 07 – 30 Nov 07	
Enforcement	P 1 H 4 W 8

Key – P = Public Inquiry, H = Informal Hearing, W = Written Representations, Split = split decision, part allowed, part dismissed.

Appendix 4

KEY L - Level : **D**=Delegated, **C**-Committee **O** - Member Overturn **T** - Type: **WR** = Written Representation, **IH** = Informal Hearing, **PI** = Public Inquiry

APPEALS ALLOWED - NON -DETERMINATION

1 April – 30 November 2007

App No	Address	Proposal	Size	Decision Date	L	O	T	Comments
06/00533/FU	245 Elland Road, Leeds 11	16 apartments	Major	2 nd May 07	C	✓	IH	Intensification. Character/appearance & impact on neighbours. Visual impact.
06/05341/FU	16 High Street, Yeadon	Opening hours condition non-compliance to pub	Minor	4 th May 07	D	-	WR	Impact on living conditions of neighbours.
27165/05/FU	1,3,3a Brownberrie Lane, Horsforth	41 sheltered and 9 affordable flats	Major	18 th May 07	C	✓	PI	Intensification from 3 houses. Highways/character/scale. Costs awarded against the Council
26/249/05/FU	62 Otley Road, Leeds 6	12 flats	Major	20 th June 07	C	✓	PI	Impact Cons Area, amenity space, parking
06/01200/RM	45-47 Station Road & behind 37-51 Station Road, Scholes	16 flats & 4 houses	Major	26 th July 07	C	✓	PI	Overdevelopment issues. Principle established.
06/00922/FU	83 Cardigan Lane, Burley	4 apartments & 18 studios	Major	8 th Aug 07	C	✓	IH	Residential infill & intensification. Scale/amenity issues

Appendix 5

KEY Type: **WR** = Written Representation, **IH** = Informal Hearing, **PI** = Public Inquiry

APPEALS ALLOWED - ENFORCEMENT

1 April – 30 November 2007

App No	Address	Proposal	Decision Date	Type	Comments
ENF/1377/04/30	15 Ayresome Terrace Roundhay Leeds	Unauthorised building	25-Apr-07	WR	Living conditions of neighbour
ENF/1255/05/25	34 Clara Drive Calverley	Extensions and alterations	03-May-07	IH	Character and appearance issues and effect upon neighbours – partial costs awarded against the Council
06/00746/UHD3	7 Grimthorpe Place Headingley Leeds LS6 3JT	Erection of dormer and basement conversion	11-May-07	IH	Character and appearance issues
06/00156/NCP3	62 Otley Road Leeds LS6 4DL	Alterations and change of use to 12 flats	20-Jun-07	PI	Issues re living conditions of neighbours and occupiers and parking
06/01405/UHD3	3 Roxholme Road Harehills Leeds LS7 4JG	Erection of fence	21-Aug-07	WR	Character and appearance issues
06/01497/UHD2	20a Carr Manor Avenue Moortown Leeds	Extension to dwelling	11-Sep-07	WR	Development alleged not taken place
06/01025/UHD2	61 Town Street Guiseley Leeds LS20 9DT	Dormer extension	11-Sep-07	WR	Character and appearance of conservation area
ENF/547/05/23	41-45 Albert Road Morley Leeds 27	Unauthorised decking	25-Sep-07	WR	Character and appearance issues and effect upon neighbours – apology received from planning inspectorate about inspector's approach
06/01349/UHD3	15 Thorp Arch Park Thorp Arch Wetherby Leeds LS23 7AP	Erection of gates	18-Oct-07	WR	Character and appearance of the area issue
06/01307/USFS3	42 Gay Lane Otley Leeds LS21 1BR	New shopfront	19-Oct-07	WR	Omission of reason from enforcement notice – legal challenge pending
06/00791/UHD2	41 Tyersal Court Leeds BD4 8EW	Erection of extension	01-Nov-07	WR	Living conditions of neighbour
07/00318/UHD2	10 Mayville Place Headingley Leeds LS6 1NE	Erection of dormer + basement conversion	12-Nov-07	IH	Character and appearance issues re dormer
ENF/1378/05/30	9 Bideford Avenue Leeds 8	Erection of extensions	13-Nov-07	IH	Effect upon character and appearance of the area and living conditions of neighbours