

SUMMARY OF APPEAL DECISION RECEIVED SINCE BEGINNING OF DECEMBER 2005

If you wish to receive a copy of any appeal decision please phone Brenda Danahar on (020) 8496 6305

If you wish to discuss any case please either phone the case officer listed below or Mike Kiely on (020) 8496 6190

APPEAL UPDATE REPORT

Ref no:	2005/0241
Location:	23 Cairo Road, Walthamstow E17
Development:	Erection of single storey rear extension.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	The Inspector concluded that the proposed extension would be detrimental to the amenities of adjacent occupiers due to loss of outlook and daylight. He dismissed the appeal on the basis of conflict with UDP Policy PSC4.
Case officer:	Joe Salim Phone: (020) 8496 6256
Ref no:	2005/0033
Location:	68 Maida Avenue, Chingford E4
Development:	Construction of 2 x 1 bedroom flats on land adjoining 68 Maida Avenue, provision of two car parking spaces.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed

Commentary:	The appeal related to a proposal to develop a two storey building comprising two flats in the side garden of an existing house close to the junction of Maida Avenue and College Gardens. The proposal was refused on grounds it was overdevelopment detrimental to the amenity of the occupiers of adjoining properties, it would be out-of-character with surrounding development, the existing house would be left with inadequate garden space and the property would overlook neighbours. The Inspector agreed the proposal would leave the existing dwelling with inadequate garden, would detrimentally affect the street scene and would unsatisfactorily overlook neighbours and therefore dismissed the appeal.	
Case officer:	John Harrison	Phone: (020) 8496 6175

Ref no:	2005/0003/ENF	
Location:	41 Abbotts Park Road, Leyton E10	
Development:	Without planning permission erection of single storey rear extension within the tunnelback.	
LBWF decision:	Enforcement	
Appeal type:	Written Representations	
Appeal decision:	Dismissed and the Enforcement Notice upheld	
Commentary:	<p>The appeal was on Section 174 (2) (f) of the Town and Country Planning Act 1990 as amended.</p> <p>The Inspector concluded that no condition could remedy any loss of amenity to the adjoining property experienced, therefore the complete removal of the unauthorised extension is the suitable remedy for the breach. The formal decision was that ground (f) appeal failed and the enforcement notice should be upheld. A letter has been sent to the applicant informing him that the extension should be removed within 28 days of the Inspectors decision letter or the London Borough of Waltham Forest may prosecute.</p>	
Case officer:	Rachel Miller	Phone: (020) 8496 6068

Ref no:	2005/0420	
Location:	23 Fairlight Close, Chingford E4	
Development:	Erection of two storey side extension. Formation of rooms	

	in the roof involving installation of rear dormer window. Alterations to roof to form hip from gable end.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	The appeal related to the refusal of the application for the erection of a two storey side extension, loft conversion with rear dormer window and hip to gable alteration. The application was refused because the proposed alterations would have resulted in an incongruous feature in the street scene to the detriment of local visual amenity. The Inspector agreed that the proposed rear dormer window would intrude unacceptably on the Fairlight Avenue street scene due to its size and prominence contrary to policy ENV1.
Case officer:	Alison Bernhart Phone: (020) 8496 6175

Ref no:	2005/0438
Location:	19 Woodstock Road, Walthamstow E17
Development:	Conversion of dwellinghouse into three self-contained flats.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed
Commentary:	(1) In view of the relatively limited number of conversions in the street, the Inspector concluded that the additional conversion would not harm the living conditions of residents in Woodstock Road. (2) As regards parking the Inspector considered that the nature of the development including the off road parking at the rear, would not lead to a worsening of the parking situation in Woodstock Road.
Case officer:	Kevin Herring Phone: (020) 8496 6301

Ref no:	2004/0053/ENF
Location:	128 Matlock Road, Leyton E10

Development:	Side extension in use as separate dwelling.
LBWF decision:	Enforcement
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	<p>At the time of the Inspectors site visit, the use of the extension was as a side extension in conjunction with the appellants dwelling.</p> <p>However the Inspector concluded that the burden of proof lay with the appellant. The Council offered proof that the extension was in use as a separate dwelling in January and October 2004. The layout of the flat, which has been amended from the approved plans to feature a kitchen, bedroom and one door to the main house rather than two, coupled with the appellants lack of evidence to prove otherwise, led the Inspector to conclude that the extension had been in use as a separate dwelling. The Inspector therefore upheld the Enforcement Notice.</p>
Case officer:	Michael Chalk Phone: (020) 8496 6138
Ref no:	2005/0557/OUT
Location:	Rear of 42-44 Vicarage Road, Leyton E10
Development:	Erection of a two bedroom bungalow and associated landscaping works.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed

Commentary:	<p>The Inspector considered there to be three main issues which were the effect of the proposed development on the character and appearance of the area, the effect on highway safety and whether the access to the proposed development would be adequate for pedestrian use.</p> <p>The Inspector concluded that a bungalow in that location would be a prominent feature and would be incongruous with the appearance and character of the surrounding area. The Inspector recognised the congestion that occurs in Vicarage Road in terms of cars parked on the street and considered that the proposed development would bring more cars to the detriment of highway safety. The Inspector felt that there would be adequate width for pedestrians.</p> <p>For the reasons of highway safety and being out of character with the surrounding areas the Inspector dismissed the appeal.</p>
Case officer:	Rachel Miller Phone: (020) 8496 6068

Ref no:	2003/0079
Location:	Land in Cranbrook Mews, r/o 86-96 High Street, Walthamstow E17
Development:	Residential redevelopment - Erection of a four storey building comprising 14 flats (12x2 bedroom, 2x1 bedroom); provision of shared service yard and parking area.
LBWF decision:	Refused
Appeal type:	Hearing
Appeal decision:	Dismissed

Commentary:

The Inspector agreed with the Council's argument that the development would appear over-dominant in views from Selborne Road, the junction with Willow Road, and from Cranbrook Mews which would detract from the character and appearance of the street scene.

She commented on the existing substantial and dominant block of flats on the corner of Willow Walk and how it is desirable in townscape terms to demarcate the junction but that the proposed block on Cranbrook Mews is on a minor road and would create too great a visual emphasis. However it would not harm the special character and appearance of the Conservation Area and would not unbalance the relationship of Cranbrook Mews and High Street buildings. Nevertheless, this did not outweigh her considerations that its unsympathetic height and inward facing design would be detrimental to the street scene.

In relation to living conditions, although being at the rear of a commercial area, on a service road, opposite a train line the Inspector considered that the living environment would be acceptable subject to the building being soundproofed.

In relation to the existing flats at 86-96 High Street, the Inspector considered that the separation distance would be acceptable and not result in a loss of light or privacy.

In respect of highway issues, the Inspector agreed with the Council that the pavement provision shown on the submitted plan would be insufficient to provide safe access and would appear to require the kerb line to be extended into the highway when it would stick out beyond the existing kerb line. This would present a hazard to drivers on this narrow road and provide substandard levels of visibility for drivers exiting the appeal site.

The Inspector concluded that the proposal would not be detrimental to the living conditions of the future occupiers of the development, nor to the occupiers of nearby flats, but that this would not outweigh its harmful effect on the character and appearance of the street scene and on highway safety. The appeal was dismissed.

An application for a partial award of costs was made by the appellant who claimed that the Council behaved unreasonably in failing to substantiate with evidence that the development would result in a loss of sunlight and that the future residents would suffer from excessive noise and disturbance given the location.

The Inspector was satisfied that the council put forward a reasoned argument and sufficient evidence to substantiate their reason for refusal on the noise issue.

In relation to loss of sunlight, the Inspector concluded that

Case officer:	Jon Price	Phone: (020) 8496 6251
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Ref no:	2005/0404
Location:	226 Chingford Road, Walthamstow E17
Development:	Change of use from launderette to takeaway and restaurant.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	This appeal related to the change of use of a former launderette to a takeaway hot food shop. Planning permission was refused on the grounds it would be likely to result in parking on the adjoining main road, especially the adjacent bus stop and because the bin storage arrangements, a storage area behind double doors taking up roughly a third of the frontage, were considered to be of unsatisfactory appearance. The appellant attempted to argue that the issue of parking should be covered by parking enforcement and did not justify refusing planning permission, but the Inspector did not consider that to be a reasonable approach. She also agreed the bin store was of unsatisfactory appearance.

Case officer:	John Harrison	Phone: (020) 8496 6175
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Ref no:	2005/0509
Location:	79 & 79A Adelaide Road, Leytonstone E11
Development:	Two storey building to rear to form 1 x 2 bed dwelling.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed

Commentary:	<p>The Inspector concluded that the proposal would be harmful to the visual character of the area primarily by reason of design and glazing bars contrary to ENV1 of adopted policy.</p> <p>Also considered that there would be insufficient amenity space, loss of privacy to No.79 Adelaide Road, and the development would be overbearing and oppressive to No. 77 Adelaide Road as well as blocking light to the garden of that property contrary to Policy ENV1 of the UDP 1996.</p>
Case officer:	Jerry Bell Phone: (020) 8496 6050
Ref no:	2005/0020/ENF
Location:	125-129 Hoe Street, Walthamstow E17
Development:	Without planning permission unauthorised erection of additional floor on existing building and part single, part two, part three storey rear extension and formation of 9 x 1 bed self-contained flats.
LBWF decision:	Enforcement Notice Withdrawn
Appeal type:	Enforcement
Appeal decision:	Not applicable
Commentary:	Following a review of the case and advice received, it was considered that there were some deficiencies in the wording and meaning of the requirements of the Enforcement Notice. Therefore the decision was taken to withdraw the Notice. However a revised notice will be prepared and reserved in due course.
Case officer:	Jon Price Phone: (020) 8496 6251