

SUMMARY OF APPEAL DECISION RECEIVED SINCE BEGINNING OF FEBRUARY 2006

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:	2005/0700
Location:	32 Oakfield Road, Walthamstow E17
Development:	Erection of a 2 storey flank and rear extension.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	The Inspector found that the proposed two storey flank and rear extension would represent an overbearing form of development that would unacceptably harm the neighbours living conditions.
Case officer:	Rachel Jagger Phone: (020) 8496 6151
Ref no:	2005/0227
Location:	76 St Barnabas Road, Walthamstow E17
Development:	Conversion of dwellinghouse into 2x1 bed self-contained flats.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed

Commentary:	<p>The Inspector accepted that the original floor area of the property was less than 105m squared; however because the dwelling had been substantially extended he now considered it to be of an adequate size for conversion.</p> <p>The Inspector did not accept that having a living room above a bedroom was unacceptable as in his view this was a matter for building regulations.</p>	
Case officer:	Rachel Jagger	Phone: (020) 8496 6151

Ref no:	2005/0018/ENF	
Location:	80 Northbank Road, Walthamstow E17	
Development:	Without planning permission conversion of a single family dwellinghouse into 2 self-contained flats.	
LBWF decision:	Enforcement	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	
Commentary:	<p>The Inspector concluded that the loss of this small family sized dwelling would erode the supply of such dwellings. He did however consider the standard of accommodation to be satisfactory but this did not outweigh the fundamental issue of the loss of housing stock.</p> <p>The Inspector considered the three month period for compliance with the notice to be insufficient and extended this to six months.</p>	
Case officer:	Joe Salim	Phone: (020) 8496 6300

Ref no:	2004/0802	
Location:	Potters House, Folkestone Road, Walthamstow E17	
Development:	Erection of a first floor extension over the ancillary hall for storage purposes.	
LBWF decision:	Refused	
Appeal type:	Hearing	
Appeal decision:	Dismissed	

Commentary:	The Inspector stated that the provision of additional area – for storage – would free up more space within original building, which would allow for additional activities and/or people to be accommodated on site. The current use is unregulated, in terms of intensity and hours of use and due to its active nature has a considerable adverse impact on nearby residents in terms of parking congestion, noise and disturbances. The Inspector clearly recognised the proposed development as further comprising the current problem. It was also recognised that regulating the development via conditions, to control/limit activity on site would not be practical or enforceable.	
Case officer:	Mahnaz Chowdhery	Phone: (020) 8496 6169

Ref no:	2005/0332	
Location:	Land adjacent 11 Carbis Close, Chingford E4	
Development:	Erection of a first floor extension. Conversion of existing garage into one bedroom house.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Allowed	
Commentary:	This appeal relates to the conversion of a garage within the Chingford Green Conservation Area to a dwelling by raising the roof. The Council objected on the grounds of visual appearance and inadequate amenity space provision. The Inspector considered that the conversion would not harm the Conservation Area as the garage marked the transition between the older buildings fronting The Green and the more modern ones in Carbis Close. Though the rear garden would not meet the Council's amenity space standards, the front garden would be screened by a high wall and therefore it would enjoy privacy, so considered this could be counted towards the amenity space provision. Thus the appeal was allowed.	
Case officer:	John Harrison	Phone: (020) 8496 6175

Ref no:	2005/0851	
Location:	2 Ferndale Road, Leytonstone E11	
Development:	Conversion of building into 4 x 1 bedroom self-contained flats involving the erection of a two storey side extension.	

LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed
Commentary:	<p>The Inspector felt that the proposed flats provided adequate accommodation despite minor shortfalls in size. Insulation in compliance with the Building Regulations would adequately prevent noise nuisance between flats.</p> <p>The appearance of the extension was felt to be acceptable in terms of impact on the character and appearance of the locality.</p> <p>Although the proposal makes no provision for off-street parking, the Inspector felt that advice in PPG3 and 13 regarding parking and the efficient recycling of land outweighed this concern, particularly in light of PPG3's encouragement of conversions as a means of providing new dwellings.</p>
Case officer:	Michael Chalk Phone: (020) 8496 6138
Ref no:	2005/0179
Location:	Land adjacent 29 Westward Road, Chingford E4
Development:	Erection of a two storey building to form 1 x 1 bed and 1 x 2 bed flats.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed

Commentary:	<p>The proposal was for the erection of a two storey building containing 2 flats positioned 1.85m from the flank wall of 31/33 Westward Road which contains windows securing habitable rooms.</p> <p>The application was refused on the grounds of loss of natural light and outlook to the existing flats at 31/33.</p> <p>The Inspector found that the windows in the flank wall of Nos. 31/37 were the only source of light to their habitable rooms and that the proposal would result in an unreasonable level of restriction of natural light and outlook.</p>
Case officer:	Rachel Jagger Phone: (020) 8496 6151
Ref no:	2005/0005
Location:	87 Station Road, Chingford E4
Development:	Change of use of shop (use class A1) to cafe/restaurant (use class A3). Installation of extractor system. Alterations to shopfront involving new entrance to flat. Erection of a single storey rear extension.
LBWF decision:	Refused
Appeal type:	Hearing
Case officer:	Rachel Jagger Phone: (020) 8496 6151
Ref no:	2005/0740
Location:	534 High Road, Leytonstone E11
Development:	Retention of ground floor shop and two upper floor flats and the construction of the rear addition for four self-contained flats.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed.

Commentary:

The Inspector considered there to be three main issues which were: (1) the effect of the proposed development on the character and appearance of the area, (2) the implications of the proposal for the living conditions of the occupiers of the new flats; and (3) the effect on highway safety and on-street parking in the locality.

- (1) The Inspector concluded that the scale and bulk of the building would overwhelm the original building and would be incongruous in the street scene in terms of size and because of the mansard roof. Therefore the character and appearance of the area and the original building would be harmed contrary to ENV1 and PSC4 of Waltham Forest Unitary Development Plan 1996.
- (2) The Inspector found that failure to provide amenity space in such a densely developed area was not fatal to the scheme and that the scheme would not be unacceptable in terms of living conditions for occupiers.
- (3) The Inspector considered that there would not be unacceptable additional pressures on kerbside parking in the locality and the development would not be of detriment to highway safety.

The Inspector decided that the development would harm the character and appearance of the street scene and original building, therefore dismissed the appeal.

Case officer:

Rachel Miller

Phone: (020) 8496 6068

Ref no:

2005/0008/ENF

Location:

155 Larkshall Road, Chingford E4

Development:

Without planning permission conversion of single family dwellinghouse into two self-contained flats.

LBWF decision:

Enforcement

Appeal type:

Hearing

Appeal decision:

Dismissed

Commentary:	<p>This is one of two sets of appeals considered at the same hearing. Planning permission had been granted for the erection of a new detached dwelling on a gap site in this road. The new dwelling was completed as two flats and the adjacent existing semi-detached dwelling was similarly converted.</p> <p>This appeal related to the conversion of the existing dwelling. This had a floor area of approximately 90 sq metres and did not produce a satisfactory conversion. The Inspector considered the loss of a house suitable for family occupation was not acceptable and agreed the conversion was not acceptable. He did not support the Council's view that the conversion was detrimental to the character of the area. The Inspector did not consider the occupants' personal circumstances outweighed the harm from the proposal and dismissed the appeal.</p>
Case officer:	John Harrison Phone: (020) 8496 6175
Ref no:	2005/0009/ENF
Location:	155A Larkshall Road, Chingford E4
Development:	Conversion of single family dwellinghouse into two self-contained flats.
LBWF decision:	Enforcement
Appeal type:	Hearing
Appeal decision:	Allowed
Commentary:	<p>This is one of two sets of appeals considered at the same hearing. Planning permission had been granted for the erection of a new detached dwelling on a gap site in this road. The new dwelling was completed as two flats and the adjacent existing semi-detached dwelling was similarly converted.</p> <p>This appeal related to the conversion of the new dwelling. This had a floor area of approximately 155 sq metres. The development resulted in a satisfactory conversion so the Council's objection was that the conversion was detrimental to the character of the area. The Inspector, however considered that there was little tangible evidence to show the property was converted to flats and therefore the development did not harm or conflict with the character of the area. He therefore allowed the appeal.</p>

Case officer:	John Harrison	Phone: (020) 8496 6175
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Ref no:	2005/0185/TC
Location:	Telephone Exchange, 6 Jesse Road, Leyton E10
Development:	Installation of telecommunications equipment comprising 3 antennae, 3 equipment cabinets and other minor ancillary works on roof of telephone exchange.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed
Commentary:	<p>The Inspector felt that the main consideration was the visual impact of the proposed development. In this context, the Inspector felt that the various other telecommunications installations on the building rendered the impact of the proposed development considerably less material than if it were the first such development.</p>

Although the site is near a Grade I* Listed Building, the Inspector felt that any damage to the outlook from the site had already been done, and that this would not be made materially worse by this development. The Inspector was satisfied by the appellant's evidence that the beam of greatest intensity would not fall on Dawlish Primary School.

Case officer:	Michael Chalk	Phone: (020) 8496 6138
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Ref no:	2005/1054
Location:	108 James Lane, Leyton E10
Development:	Conversion of a dwellinghouse into three self-contained flats (comprising 2 x 2 bedrooms and 1 x 1 bedroom).
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed

Commentary:	<p>In allowing the appeal the Inspector took the view that the new units would not represent a particularly unusual feature and the proposal would involve no significant physical changes to the existing building and no alterations to the front entrance. The Inspector was not convinced that conversion would result in a significantly greater number of occupiers or overdevelopment. The Inspector is of the view that the scheme complies with the broad aims of the adopted policy HSG9 of the UDP 1996 and makes a useful contribution to meeting the needs of small households.</p> <p>Two conditions are attached to the permission, Condition 01 is a standard condition requiring commencement of works within the three year period; and Condition 02 requires provision of storage facilities to be approved by the LPA before the occupation of the proposed flats.</p>
Case officer:	Cecilia Kadiri Phone: (020) 8496 6138

Ref no:	2005/0717
Location:	225 Chingford Mount Road, Chingford E4
Development:	Extension of hours of opening until 2.00am.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	<p>The appeal was considered on the issue of noise and disturbance to local residents. The premises (which are used as a wine bar) can currently remain open until 1a.m.</p> <p>The Inspector noted a number of nearby premises trading until 1am but none beyond. He concluded that the additional hour at the appeal site only would cause unacceptable noise and disturbance and would therefore conflict with the UDP.</p>
Case officer:	J Salim Phone: (020) 8496 6300

Ref no:	2004/1045
Location:	R/O 159 Westward Road, Chingford E4
Development:	Erection of a three storey building comprising 3 self-contained flats (1 x 3 bed, 2 x 2 bed).

LBWF decision:	Refusal
Appeal type:	Informal Hearing
Appeal decision:	Dismissed

Commentary:

The appeal Inspector acknowledged that the proposed development would extend the existing row of 8 x 3 storey townhouses. He accepted that the scale, bulk and design of the proposal would not be harmful to the character and appearance of the area.

The Inspector accepted that the proposed building fell short of the required minimum standard for separating distances with the existing property at the rear, but was satisfied that the provision of high-level windows, obscuration of windows would alleviate this problem. Although the Council stated that the overlooking distances mainly focus on back to back distances, the Inspector stated that the SPGN was not explicit in that regard, and the overlooking issue from balconies on the front elevation would be severe, and result in a loss of privacy to the residents opposite.

He felt that the removal of these balconies would not address the issue, because the windows would be just as severe. Setting back the building to increase the distance would result in the loss of amenity open space for the proposed flats, which would not be acceptable. He therefore concluded that the proposed flats would harm the living conditions of nearby residents through loss of privacy.

The appeal Inspector agreed that the 2-bedroom units have the potential to accommodate families; particularly as the bedroom sizes are generous. Likewise, non-family households could also be potential occupiers, but accepted that this would more likely within a town centre location as opposed to a suburban environment like this. He therefore concluded that the lack of amenity open space for the upper floor flats is not acceptable. The level of amenity open space left for the existing house would be reduced further as the submitted plans do not show the existing single storey extension to the house, so the actual amount of space left would fall short of the required 75m², which the Inspector found would compound the inadequacies of the scheme.

The appeal Inspector dismissed the appeal for the reasons discussed above, and also taking into account loss of light, loss of trees and an open area, the presence of an air raid shelter on the site and car parking.

Case officer:

Sonia Malcolm

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