

SUMMARY OF APPEAL DECISION RECEIVED SINCE BEGINNING OF JANUARY 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:	2004/0871
Location:	29 Pennant Terrace, Walthamstow E17
Development:	Change of use from retail shop (use class A1) to hot food/takeaway (use class A3).
LBWF decision:	Refused
Appeal type:	Hearing
Appeal decision:	Withdrawn
Commentary:	<p>This appeal related to the change of use from a shop to a takeaway hot food shop which was refused on amenity grounds. At the informal hearing it emerged the applicant's intention was now to operate a café and sandwich bar with much reduced hours. The Inspector indicated that he could only deal with the proposal which was the subject of the planning application and what was now proposed was materially different. Following an adjournment to enable the appellant to consult his agent, the appeal was withdrawn. On the basis the appeal had been withdrawn at a very late stage the Council sought costs against the appellant, but the Inspector did not award these as he did not consider the appellant would necessarily have foreseen that his latest proposal could not be considered at the hearing.</p> <p>It should be noted that the Council has resolved to take enforcement action against the current unauthorised café and sandwich bar use of these premises.</p>
Case officer:	John Harrison Phone: (020) 8496 6175
Ref no:	2005/0756
Location:	14 Palmerston Road, Walthamstow E17
Development:	Change of use of part of ground floor from hairdressers

	(Use Class A1) to takeaway (Use Class A5) involving the installation of extract ducting to rear.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	The Inspector concluded that the proposal would result in an increase in noise and disturbance for neighbouring residents, particularly in the evenings. He dismissed the appeal on the basis of conflict with UDP policy ENV1.
Case officer:	Fred Doody Phone: (020) 8496 6300

Ref no:	2005/0099
Location:	15 Connaught Road, Leytonstone E11
Development:	Retention of single storey rear conservatory and rear single storey extension.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed in part, dismissed in part.
Commentary:	<p>Two extensions have been constructed at the rear of this Victorian terrace house, one is sited at the rearmost point of the house, the other is located in the tunnelback section.</p> <p>The Inspector felt that the rearmost extension was acceptable. Although of a considerably greater depth than recommended in Supplementary Planning Guidance 4, the only room affected in the adjoining property was non-habitable and the Inspector felt that it was therefore not significantly affected. The Inspector therefore granted permission for this development. The inspector felt that the side/rear extension located in the tunnelback area of the property was not acceptable. The Inspector felt that, due to its size and proximity to the kitchen and living room windows of the adjoining property, the extension was oppressive and caused an unacceptable loss of light to the adjoining properties. For this reason, the Inspector dismissed this section of the appeal and refused to grant planning permission.</p>

Case officer: Michael Chalk | Phone: (020) 8496 6138

Ref no: 2005/0548

Location: 2 Gordon Road, Chingford E4

Development: Demolition of existing dwelling and erection of three-storey block to provide three residential apartments.

LBWF decision: Refused

Appeal type: Written Representations

Appeal decision: Dismissed

Commentary: The Inspector considered there to be one main issue, the effect of the proposed development on the character and appearance of the surrounding area.

The Inspector decided that the strong vertical emphasis and fussy detailing would make the building appear incongruous on the street scene. She decided that the roof design would be over-complex and prominent, out of character with the generally low-key, well-mannered design of the existing buildings in close proximity. The proposal would be contrary to ENV1 and SP1 of Waltham Forest Unitary Development Plan 1996.

The Inspector concluded that the appeal should be dismissed.

Case officer: Rachel Miller | Phone: (020) 8496 6068

Ref no: 2004/0054/ENF & 2005/0188

Location: 33 Barclay Road, Leytonstone E11

Development: Planning Proposal
Conversion of single family dwelling into 3 self-contained flats incorporating the erection of 2 storey rear extension and the installation of rear dormer window.

Breach of Control
Unauthorised use of a single family dwelling for multiple occupation.

LBWF decision: Written Representations

Appeal type: LBWF Decisions: To refuse the planning application and to serve an enforcement notice in respect of the

Appeal decision:	unauthorised development. Dismissed				
Commentary:	<p>1. <u>The Planning Proposal</u> The Inspector concluded that the proposal involved convoluted layouts which provided a poor quality of accommodation for occupiers. He dismissed the appeal on the grounds of conflict with UDP policy ENV1 and guidance in Supplementary Planning Guidance Note 2.</p> <p>2. <u>Enforcement Notice</u> Service upheld based on: (i) Contrary to Policy HSG10, loss of small housing, with property having floor area less than 105m². (ii) Contrary to Policy ENV1 and SPGN3, providing an unsatisfactory internal living environment. (iii) Contrary to Policy ENV1, comprise amenity neighbouring property in terms of layout and noise problems.</p>				
Case officer:	<table border="1"> <tr> <td>(1) Fred Doody</td> <td>Phone: (020) 8496 6300</td> </tr> <tr> <td>(2) Mahnaz Chowdhery</td> <td>Phone: (020) 8496 6032</td> </tr> </table>	(1) Fred Doody	Phone: (020) 8496 6300	(2) Mahnaz Chowdhery	Phone: (020) 8496 6032
(1) Fred Doody	Phone: (020) 8496 6300				
(2) Mahnaz Chowdhery	Phone: (020) 8496 6032				
Ref no:	2004/1940				
Location:	Bourne House, 1 Bourne Road, Forest Gate E7 9EU				
Development:	Erection of a two storey rear extension.				
LBWF decision:	Refused				
Appeal type:	Written Representations				
Appeal decision:	Dismissed				

Commentary:	<p>The Inspector considered there to be one main issue, the effect of the proposed development on living conditions of the occupants of adjacent dwellings.</p> <p>The Inspector decided that the volume of the proposed development would have a detrimental impact on nearby dwellings. The increase in height and volume adjacent to the site boundary would lead to an unacceptable increase in overshadowing of nearby houses on Cann Hall Road. The proposal would also exacerbate the sense of enclosure for occupants in Ramsay Road. It would be contrary to ENV1 and PSC4 of Waltham Forest Unitary Development Plan 1996.</p> <p>The Inspector concluded the appeal should be dismissed.</p>
Case officer:	Rachel Miller Phone: (020) 8496 6068

Ref no:	2005/0306
Location:	41 Langthorne Road, Leytonstone E11
Development:	Retention of security enclosure fronting the entrance door.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	<p>Structure was seen to be different in style from the rest of the property and incongruous against both the house and in the street scene. The structure is harmful to the character and appearance of the area, contrary to Council policy. Inspectorate recognises that personal security of disabled person is valid material consideration, however it does not outweigh the harm of the development in other respect. The locality is not in a high crime area, and other neighbouring properties do not have such structures for security reasons.</p>
Case officer:	Mahnaz Chowdhery Phone: (020) 8496 6032

Ref no:	2005/0769/TC
Location:	Highway Land west of Waltham Way adjacent to roundabout with Mansfield Hill, Chingford E4
Development:	An application for prior approval of the Local Planning

	Authority - installation of 11.7m high telecommunications column incorporating three antennas and two associated equipment cabinets at ground level.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed
Commentary:	The appeal related to a prior notification of a proposal for a mobile phone mast refused by Committee against officer recommendation. Under the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), certain categories of mast are permitted in principle but the planning authority can object on the basis of unsatisfactory design or siting. The application was refused as, by reason of its height and position, it would have a detrimental impact on nearby residential properties and the adjoining Green Belt and it would add to the clutter of street furniture in the location where it was proposed. Given the location by a main road where street furniture was to be expected, he did not consider the mast would be significantly more prominent than the existing lighting columns, especially as it would be slimline and painted light grey. Whilst there was street furniture at the front of the grass verge where the mast was proposed, this mast would be located to the rear and therefore he did not consider it to constitute clutter. He therefore allowed the appeal.
Case officer:	John Harrison Phone: (020) 8496 6175
Ref no:	2005/0396/TC
Location:	Land opposite 186-188 Sewardstone Road, Chingford E4
Development:	Erection of 12 metre high telegraph pole-style mast and two equipment cabins.
LBWF decision:	Refused
Appeal type:	Written Representatives
Appeal decision:	Allowed

Commentary:	<p>This appeal related to a prior notification of a proposal for a mobile phone mast refused under delegated powers. Under the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), certain categories of mast are permitted in principle but the planning authority can object on the basis of unsatisfactory design or siting. The application was refused as the proposal would constitute a prominent feature in the street scene and particularly as it lay within the Green Belt and directly opposite houses it was considered unacceptable. In assessing the proposal, the Inspector considered whether it was inappropriate development within the Metropolitan Green Belt. He took the view that it was but the need for the mast and the lack of suitable alternative sites constituted very special circumstances. He also considered whether it would harm the character and appearance of the area. The mast was to be camouflaged so it appeared like a telegraph pole, it would be partially screened by planting and there were other vertical features in the area such as lamp posts and telegraph poles. He therefore considered it was acceptable in this respect and allowed the appeal.</p>	
Case officer:	John Harrison	Phone: (020) 8496 6175

Ref no:	2005/0834/TC	
Location:	Traffic Island at junction of Oak Hill and Hale End Road IG8 9LP	
Development:	Installation of 11.7 metre high telecommunications monopole with three antennas, and one equipment cabinet at ground floor level.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	
Commentary:	<p>The Inspector felt that the mast would appear incongruous and alien in the area. In addition, she felt that the presence of a mast would affect residents enjoyment of the island.</p> <p>As well as this, the Inspector felt that other locations in the area had not been fully investigated and that the location was too prominent for such a dominant development.</p>	
Case officer:	Michael Chalk	Phone: (020) 8496 6138

Ref no:	2005/0239
Location:	32 Mount View Road, Chingford E4
Development:	Erection of a rear conservatory.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed
Commentary:	<p>The appeal related to the proposed erection of a single storey rear conservatory. The planning application was refused by the Council because it was considered to have an unacceptable impact on the outlook and visual amenity of the adjoining property. The Inspector considered that the conservatory was acceptable because it would not extend as far back as the rear projection, and the low eaves and shallow pitch roof would not be an obtrusive feature. The Inspector concluded that the conservatory would appear modest in scale and proportion and lightweight in character that would not have a harmful impact on the outlook enjoyed by the adjoining property.</p>
Case officer:	Alison Bernhart Phone: (020) 8496 6175
