

SUMMARY OF APPEAL DECISION RECEIVED SINCE BEGINNING OF AUGUST 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:	2004/1201
Location:	276 - 278 Forest Road, Walthamstow E17
Development:	Construction of a part 4 storey, part 3 storey block of 21 self contained flats (13 x 2 bed and 8 x 1 bed), provision of 12 car parking spaces.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed
Commentary:	<p>The application was refused by Committee against officers recommendation to approve. The reasons for refusal related to lack of private amenity space constituting an overdevelopment. The Inspector disagreed with both reasons of refusal. Firstly she considered that whilst the amenity space is limited, it would provide an adequate, secure, secluded and potentially attractive area. Secondly she considered that the site is well served by public transport, shopping and other facilities and that future residents are likely to be people with low car ownership. She considered that the level of parking would be sufficient and would not adversely affect road safety.</p> <p>On both issues the Inspector gives sufficient weight to guidance in PPG's 3 and 13 PPG3 promotes a flexible approach to planning. Standards such as amenity space provision.PPG13 states that reducing the amount of parking is an essential part of promoting sustainable development.</p> <p>The appeal is allowed with conditions as set out by the Council. However it should be noted that a condition is attached to ensure the provision of an appropriate form and level of affordable housing within the development.</p>

Case officer:	Jon Price	Phone: (020) 8496 6251
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Ref no:	2005/0233
Location:	267-269 Forest Road, Walthamstow E17
Development:	Change of use from retail shop (Use Class A1) to restaurant (Use Class A3).
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	<p>Planning permission was refused on the grounds of the impact on residential amenity, effect on highway safety and the lack of suitable refuse storage and extract ventilation system to the kitchen.</p> <p>The Inspector considered that the general use would not affect surrounding residents and that the impact of a restaurant (which excludes takeaway) would not affect highway safety.</p> <p>The Inspector considered that the current scheme would not provide for suitable storage and disposal of refuse for the change of use proposed and that the ventilation system would not meet environmental standards.</p> <p>Although the Inspector considered that some or all of the objections could not overcome by conditions or amendments, this was determined that it would not be appropriate in this case due to the proximity to surrounding properties and dismissed the appeal.</p>

Case officer:	Joe Salim	Phone: (020) 8496 6256
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Ref no:	2004/0047/ENF
Location:	190/192 Winchester Road, Chingford E4
Development:	Unauthorised use of site as a hand car wash, and the erection of corrugated plastic sheeting along Evanston Avenue.
LBWF decision:	Enforcement Notice
Appeal type:	Written Representations

Appeal decision:	Dismissed
Commentary:	<p>Enforcement Notice upheld. Use a car wash noted to be unacceptable for following reasons:</p> <p>(i) Detrimental impact on living conditions for neighbours, due to noise and disturbance from activity on site, equipment and movement of traffic. Use regards as having greater impact than permitted use.</p> <p>(ii) Detrimental impact on highway safety, due to increased vehicular movement, encouragement of indiscriminative parking, and queuing causing both obstruction and unnecessary congestion on public highway.</p> <p>(iii) Detrimental impact character and appearance of locality, due to erection of plastic sheeting along site boundary. Dominate feature that detracts from appearance of locality.</p> <p>Variation to Enforcement Notice, compliance date extended from 28 days to 3 months. Request for 6 month extension was not seen as acceptable or justifiable.</p>
Case officer:	Mahnaz Chowdhery Phone: (020) 8496 6032
Ref no:	2004/0714
Location:	Rear of 65A Pearl Road, Walthamtw E17
Development:	Demolition of existing industrial units and erect four single storey one bed bungalows, bin and bike stores and conversion of existing building to two storey residential unit.
LBWF decision:	Refusal
Appeal type:	Written Representations
Appeal decision:	Allowed

Commentary:

The application was refused by Committee against officer's recommendation on grounds of overdevelopment, loss of industrial land, loss of privacy, overlooking and the cramped and poor standard of amenity for future occupiers. The Inspector considered the main issues as he saw them as follows:

1) Living conditions. He agreed with the appellants that the site has the potential to lead to more harm to the amenity of residents. Due to limited height and coverage of proposed building, there would be no overbearing impact on adjoining residents and design was acceptable. Proposed boundary treatments and single storey scale proposed would mean unreasonable overlooking would not occur. The living conditions, outlook and amenity space would be satisfactory for the future occupants of the development.

2) Industrial land. Although the development would lead to the loss of some small scale employment uses, this would be out-weighed by the environmental benefit from removing the industrial use in this residential area.

3) Other matters. The London Fire Brigade objected to the development. However the Inspector stated that this was a matter for Building Regulations and not planning legislation. He notes residents concerns that fire appliances could not access the site, but that this situation must occur now. Thus a worse situation would not arise. The removal of potential commercial traffic trying to access the site or stop on Pearl Road represents an improvement to highway safety.

The Inspector concluded that the appeal should be allowed subject to conditions.

Case officer:

Jon Price

Phone: (020) 8496 6251

Ref no:

2005/0342/ADV

Location:

Bus Stop Outside wall of 2 The Chantry, E4

Development:

Erection of 2 x poster panels (1760mm x 1160mm) forming part of bus shelter.

LBWF decision:

Refused

Appeal type:

Written Representations

Appeal decision:

Dismissed

Commentary:	<p>This appeal relates to the refusal of planning permission for advertisement panels on a resited bus shelter on Kings Head Hill within the Chingford Green Conservation Area.</p> <p>The Inspector agreed with Council that the introduction of advertisement panels on a re-sited bus shelter would be out of place within this residential area which enjoys conservation status. The Inspector concluded that the advertisement panels would appear as unduly conspicuous and obtrusive commercial features which would be detrimental to amenity.</p>
Case officer:	Alison Bernhart Phone: (020) 8496 6175

Ref no:	2005/0062/TC
Location:	58 Larkshall Road, Chingford E4
Development:	Installation of a 15 metre high pole telecommunications antenna with associated equipment cabinets.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Withdrawn
Commentary:	<p>This application related to a prior approval under the Town and Country Planning General Permitted Development Order 1995 (as amended) for a phone mast on a narrow belt of industrial land adjacent to the Chingford to Liverpool Street railway. The General Permitted Development Order effectively approves the development in principle but the Council; can object on the grounds of design and siting. This application was refused by the Planning Committee contrary to officer recommendation. The appeal has now been withdrawn.</p>
Case officer:	John Harrison Phone: (020) 8496 6175

Ref no:	2004/0050/ENF
Location:	28 Forest Glade, Chingford E4
Development:	Without planning permission the formation of a room in the roof involving the alteration from hip to gable end and installation of rear dormer with French windows.
LBWF decision:	Enforcement

Appeal type: Written Representations

Appeal decision: Withdrawn

Commentary: The notice was withdrawn since the demolition of a rear conservatory and garage resulted in the rear dormer/alteration of roof from hip to gable end constituting "permitted development". The enforcement notice could no longer be considered lawful.

Case officer: Kevin Herring | Phone: (020) 8496 6301
