

## SUMMARY OF APPEAL DECISION RECEIVED SINCE BEGINNING OF NOVEMBER 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:	2004/0035/ENF
Location:	60 Spruce Hills Road, Walthamstow E17
Development:	Without planning permission loft conversion.
LBWF decision:	Enforcement
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	<p>This appeal related to an Enforcement Notice against a rear dormer on a flat which had been erected without planning permission being obtained. The dormer was unduly large and therefore contrary to Policy PSC4 of the Unitary Development Plan and Supplementary Planning Guidance Note No. 4. The appellant argued that the dormer should be allowed as it was not visible from the public domain, but in a closely argued decision the Inspector did not accept this view, notwithstanding the fact that similar dormers could be erected on houses in the vicinity as permitted development whereas permission was required for this proposal as it was a flat. He considered the dormer had a very damaging impact on the surrounding residential area. He therefore dismissed the appeal made on the grounds that permission ought to be granted for it. He did, however, extend the period for compliance with the Notice from 3 to 12 months on the basis the works would disrupt the occupation of the flat and a smaller dormer might be possible.</p>
Case officer:	John Harrison   Phone: (020) 8496 6175
Ref no:	2005/0831/ADV
Location:	313A Hoe Street, Walthamstow E17
Development:	An application for consent to display an advertisement - display of one internally illuminated 6 sheet panel on side

	wall.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	The application relates to a proposal for an advertisement panel on the flank wall of a shop.. Advertisement Consent was refused because the Council was concerned that the panel would be visible against a backcloth of adjoining residential flats. The Inspector did not agree with this reason for refusal but nevertheless dismissed the appeal. There was an existing larger panel on the same wall, a 48-sheet one, and the combination of the two lots of advertisements would constitute an incongruous and harmful display.
Case officer:	John Harrison   Phone: (020) 8496 6175

Ref no:	2004/1281
Location:	569-571 Lea Bridge Road, Leyton E10
Development:	Change of use of ground floor from retail shop (use class A1) to betting office (use class A2).
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed

Commentary:	<p>This appeal related to the change of use of a shop unit between the “Bakers Arms” and Stanley Road to a betting office. The change of use is contrary to Policy SHP4 of the existing Unitary Development Plan and Policy TRL3 of the emerging one as it is located in a primary frontage. The Inspector considered there was insufficient evidence to support the Council’s view that a betting office is not directly related to a shopping trip and that the short terrace in which the property was located was not appropriate to apply the normal policy restricting non-retail uses to no more than 40%.</p> <p>When the appeal decision was received it was considered appropriate to seek judicial review on several points of law as the Inspector appeared to be raising objections to the principle of the plan policy, but this was not successful.</p>
Case officer:	John Harrison   Phone: (020) 8496 6175
Ref no:	2005/0337
Location:	91 Forest Road, Walthamstow E17
Development:	Erection of a two storey rear extension to enlarge existing flats.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	<p>The appeal related to a 2.7 metre deep two-storey rear extension to a terraced house with a Lawful Development Certificate for use as four flats. It was refused on the basis of unacceptable impact on the windows of adjoining properties and unsatisfactory stacking arrangements. The Inspector dismissed the appeal on the basis of impact on adjoining property, but did not accept the stacking objection.</p>
Case officer:	John Harrison   Phone: (020) 8496 6175
Ref no:	2004/0039/ENF
Location:	4 Century Road, Walthamstow E17
Development:	Without planning permission erection of rear dormer (and single storey rear extension).

LBWF decision:	Enforcement
Appeal type:	Hearing
Appeal decision:	Allowed
Commentary:	<p>This appeal related to a full-width rear dormer on a terraced house. Enforcement action was taken against it as it was considered unacceptably bulky and was considered to require planning permission. The appeal was allowed on the basis the proposal did not require permission. The dormer was built off the party walls and the Council considered that it was not “development within the curtilage of a dwellinghouse” as it “trespassed” onto adjoining property. The owners of the neighbouring properties indicated an intention to build similar dormers and the appellant claimed the work on the adjoining properties was for this purpose. The Inspector considered it was therefore permitted development.</p>
Case officer:	John Harrison   Phone: (020) 8496 6178

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