

## SUMMARY OF APPEAL DECISION RECEIVED SINCE BEGINNING OF APRIL 2005

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

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### APPEAL UPDATE REPORT

Ref no:	2004/0716 & 2004/0023/ENF
Location:	63 Lyne Crescent, Walthamstow E17
Development:	Retention of rear conservatory.
LBWF decision:	Refusal
Appeal type:	Written Representations
Appeal decision:	Allowed
Commentary:	This appeal relates to an end-of-terrace house which had previously had a 3.3 metre deep rear extension. The occupiers added a conservatory 2.3 metres deep to the rear of that without obtaining planning permission. A retrospective planning application was refused and an Enforcement Notice was served and an appeal was lodged against both of these. The Inspector considered the main issue was impact on neighbours and took the view that neither neighbour would be sufficiently affected to justify refusing planning permission, so he allowed both appeals.
Case officer:	John Harrison   Phone: (020) 8496 6175

Ref no:	2004/0479
Location:	165 Larkshall Road, Chingford E4
Development:	Erection of a 2 storey, 2 bedroom dwellinghouse. Provision for parking.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed

<p>Commentary:</p>	<p>Main issues</p> <ul style="list-style-type: none"> <li>(a) effect of development on character and appearance of the area, especially street scene.</li> <li>(b) Impact on living conditions of neighbouring occupiers, especially amenity open space, privacy and outlook.</li> </ul> <p>The appeal inspector agreed that the appearance of the proposed house would be inconsistent with the position of other front elevations and be harmful to the established and attractive pattern of development in the area. In relation to the impact on the living conditions of the surrounding occupiers, the Inspector concluded that due to the orientation of the buildings, and the spacing between them, the lack of windows facing existing habitable rooms or amenity open space, there would be no notable impact on the living conditions of neighbouring occupiers.</p>
<p>Case officer:</p>	<p>Sonia Malcolm   Phone: (020) 8496 6068</p>
<p>Ref no:</p>	<p>2004/0008/ENF &amp; 2004/0144</p>
<p>Location:</p>	<p>47 Beresford Road, Walthamstow E17</p>
<p>Development:</p>	<p>Retention of use as two self-contained flats.</p>
<p>LBWF decision:</p>	<p>Refused and Enforcement Action</p>
<p>Appeal type:</p>	<p>Written Representations</p>
<p>Appeal decision:</p>	<ul style="list-style-type: none"> <li>1. Enforcement Notice quashed.</li> <li>2. Appeal allowed</li> </ul>

Commentary:	<p>The appeal Inspector agreed that the appeal property failed to comply with the adopted policy (HSG9) by having a gross floor area of less than 105m<sup>2</sup>, but was consistent with the additional factors in policy HSG9.</p> <p>Turning to the emerging policy HSG10 and PPG3, the Inspector considered that the policy is now less discouraging to dwelling conversions in properties with less than 105m<sup>2</sup>, and that the inspection of the flats showed that a satisfactory conversion has taken place.</p> <p>The Inspector considered that the planning merits of the case were finely balanced, but concluded that the conversion of the property had been carried out to a satisfactory standard, the converted property does not detract from the street scene, and that the conversion appears to meet a current demand for this type of accommodation. In conclusion, the development is in accordance with emerging policy HSG10 and PPG3.</p>
Case officer:	Sonia Malcolm   Phone: (020) 8496 6068
Ref no:	2004/0779
Location:	1043 Forest Road, Walthamstow E17
Development:	Formation of a vehicle crossover.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	<p>Planning permission refused on 5 July 2004 as it was considered that the crossover would cause a hazard to pedestrians and other road users.</p> <p>The Planning Inspector concluded that the development due to its location and lack of sufficient space within the front garden would have a detrimental effect on pedestrian and highway safety.</p>
Case officer:	Joe Salim   Phone: (020) 8496
Ref no:	2004/0668
Location:	10 Forest Drive West, Leytonstone E11
Development:	Conversion of property into four self-contained flats

	involving the erection of a single storey rear extension and the demolition and construction of first floor rear extension.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Withdrawn	
Commentary:	Applicant withdrew appeal on 29 March 2005 – no reason given.	
Case officer:	Sonia Malcolm	Phone: (020) 8496 6068

Ref no:	2004/0778	
Location:	1041 Forest Road, Walthamstow E17	
Development:	Formation of a vehicle crossover	
LBWF decision:	Refused	
Appeal type:	Written Representations.	
Appeal decision:	Dismissed	
Commentary:	<p>Planning permission refused on 5 July 2004 as it was considered that the crossover would cause a hazard to pedestrians and other road users.</p> <p>The Planning Inspector concluded that the development due to its location and lack of sufficient space within the front garden would have a detrimental effect on pedestrian and highway safety.</p>	
Case officer:	Joe Salim	Phone: (020) 8496 6256

Ref no:	2004/0985	
Location:	32 Wallwood Road, Leytonstone E11	
Development:	Erection of a single storey rear extension to enclose swimming pool.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	

Commentary:	The Inspector concluded that an additional extension would be unduly dominant and intrusive and would harm the living conditions of residents of 30 Wallwood Road.	
Case officer:	Fred Doody	Phone: (020) 8496 6300

Ref no:	2004/1487	
Location:	Land r/o 32 Mount Pleasant Road, Walthamstow E17	
Development:	Erection of a 3 bedroom dwellinghouse at side/rear.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	
Commentary:	32 Mount Pleasant Road is one half of a pair of semis splayed across a corner in a residential area. There is a large area of garden alongside this house and this proposal was to erect a dwelling on this land. The application was refused as the dwelling would be out of character with adjoining ones, there was inadequate provision for private amenity space, the new dwelling would unsatisfactorily impact on the rear windows of the existing dwelling and the plans were not accurate. In dismissing the appeal the Inspector agreed with these objections except for the one relating to lack of amenity space which he indicated he could not assess because of the inaccurate plans.	
Case officer:	John Harrison	Phone: (020) 8496 6175

Ref no:	2004/0396/OUT	
Location:	725-729 High Road, Leyton E10	
Development:	Redevelopment of site to provide a part 2, part 4-storey hotel/restaurant with provision of function rooms and 26 double bedrooms, Off-street parking and servicing.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	

Commentary:	The Inspector dismissed the appeal because the proposed development would be harmful to the character and appearance of the area, including the street scene, and the effect on the trees on the site. He also concluded that there would be a harmful impact on the living conditions of the occupiers of neighbouring properties, with particular reference to outlook and privacy. The Inspector also considered that the site would be inadequate to cater for the traffic movements needed to service the proposed development.	
Case officer:	Fred Doody	Phone: (020) 8496 6300

Ref no:	2004/1096/TPO	
Location:	33 Endlebury Road (land adjacent to) E4	
Development:	Removal of one London Plane T1 of 6/95.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	
Commentary:	Appeal to remove a protected tree was dismissed as the removal would be highly detrimental to the visual amenity of the area. It was suggested the tree was causing subsidence, however the Inspector did not wholly agree and suggested regular maintenance would be sufficient to alleviate any problems. Significant crown reduction will lead to significant drops in water usage by the tree. No reasonable case was made to justify the felling of this tree.	
Case officer:	Alex Hutson	Phone: (020) 8496 6231

Ref no:	2004/0894	
Location:	29 Borthwick Road,	
Development:	Conversion of dwellinghouse into 3 self-contained flats (2 x 1-bed, 1 x 2-bed) involving the erection of a single storey rear extension.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	

Commentary:	The Inspector dismissed the appeal because of concerns over the standard of accommodation provided by one of the ground floor flats, particularly with regard to the outlook from the French window at the rear. He also took the view that the proposal would be intrusive on the privacy of occupiers of 31 Borthwick Road.	
Case officer:	Fred Doody	Phone: (020) 8496 6300

Ref no:	2004/0817	
Location:	12 Park Grove, Leytonstone E11	
Development:	Erection of basement, ground and first floor side extension.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	
Commentary:	<p>This was refused on the grounds of its overall size, bulk and position having a detrimental impact upon the amenity of adjoining occupiers due to loss of sunlight, outlook and general amenity.</p> <p>The Inspector concluded that there would be a serious loss of privacy, sunlight and outlook to Nos. 5 and 7 Melford Road, premises which back onto the extension and are in close proximity.</p>	
Case officer:	Rachel Jagger	Phone: (020) 8496 6151

Ref no:	2004/0451 & 2003/0054/ENF	
Location:	145-151 Whipps Cross Road, Leytonstone E11	
Development:	2004/0451: Erection of conservatory at rear. 2003/0054/ENF: Without planning permission erection of ground floor rear extension.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	The enforcement notice was upheld. The appeal regarding the conservatory was allowed.	

Commentary:	<p>1. <u>Section 78 Appeal</u> This application was refused by Planning committee contrary to the officer recommendations. The Inspector took the view that the proposal would enhance the rear elevation of the building and would both preserve and enhance the Leytonstone Conservation Area. He also concluded that the conservatory would not significantly worsen the living conditions of neighbouring residents.</p> <p>2. <u>Section 174 Appeal</u> This appeal was lodged on the basis of ground (e) – that the notice was not issued correctly, ground (f) – that the requirements of the notice are unreasonable, and ground (g) – unreasonable time to comply with the notice. The appeal was dismissed in respect of all grounds and the enforcement notice upheld.</p>
Case officer:	Fred Doody   Phone: (020) 8496 6300
Ref no:	2003/1486
Location:	Rear of 132/134 New Road, Chingford E4
Development:	Residential development incorporating the erection of a 3 bedroom detached house including the provision of off-street parking.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	The Council's decision was upheld based on grounds that there would be a loss of privacy for neighbouring properties at 1 Grove Road and 130 New Road and in particular overlooking from a first floor rear bedroom window in the new dwelling into rear gardens of neighbouring properties.
Case officer:	Mahnaz Chowdhery   Phone: (020) 8496 6032