

SUMMARY OF APPEAL DECISION RECEIVED SINCE BEGINNING OF JULY 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

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| Ref no: | 2004/0543 |
| Location: | 17A Gunners Grove, Chingford E4 |
| Development: | Formation of a room in the roof involving the installation of a rear dormer window. Alterations to roof from hip to gable end. |
| LBWF decision: | Refused |
| Appeal type: | Written Representations |
| Appeal decision: | Dismissed |
| Commentary: | <p>Inspector agreed that the proposed gable and dormer would be prominent in the street scene, and the flat-top gable would be an awkward addition alongside more traditional roofs in the area.</p> <p>The proposal conflicts with policies ENV1 and PSC4 of the development plan.</p> |
| Case officer: | Sonia Malcolm Phone: (020) 8496 6068 |
| Ref no: | 2005/0240 |
| Location: | 4-10 Beresford Road, Walthamstow E17 |
| Development: | Demolition of existing block of flats and erection of block of 11 x 1 bed self-contained flats; provision for car and cycle parking. |
| LBWF decision: | Non-determination |
| Appeal type: | Written Representations |
| Appeal decision: | Withdrawn |

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| Commentary: | Planning permission granted under 2005/0618, this application is now withdrawn. | |
| Case officer: | Sonia Malcolm | Phone: (020) 8496 6068 |

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| Ref no: | 2004/1737 | |
| Location: | Ash Court, 29-30 Forest View, Chingford E4 | |
| Development: | Construction of additional floor and infill extension between blocks 1 and 2 to form new entrance lobby and 5 x 2 bedroom. Self-contained flats and formation of five additional parking spaces. | |
| LBWF decision: | Non-determination | |
| Appeal type: | Written Representations | |
| Appeal decision: | Allowed | |
| Commentary: | <p>The Council were minded to refuse the application on the grounds of overdevelopment, increase in height and bulk, the proposal would be out of character with the original building and wider area, increase in overlooking and loss of outlook to adjoining occupiers, loss of amenity open space and detrimental impact upon the amenity value of a preserved tree.</p> <p>The Inspector found that although the proposal would significantly effect the appearance of the building it would not be out of character with other development in the area. Furthermore the replacement of the existing flat roof with pitched roof would improve the appearance of the existing building. The increase in overlooking and loss of outlook to adjoining occupiers would be marginal, amenity space would be lost however compensated for by proximity to open space and although the preserved tree is visible from Forest View it is not particularly prominent.</p> | |
| Case officer: | Rachel Jagger | Phone: (020) 8496 6151 |

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| Ref no: | 2004/0022/ENF | |
| Location: | 82 Northbank Road, Walthamstow E17 | |
| Development: | Without planning permission, the formation of a room in the roof involving the installation of a rear dormer window and raised ridge level. | |
| LBWF decision: | Enforcement | |

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| Appeal type: | Written Representations | |
| Appeal decision: | Allowed | |
| Commentary: | <p>This mid terrace house has had a loft conversion which involved raising the ridge height, making the plane of the front roof significantly steeper than those of adjoining properties and a full-width and full-height rear dormer. This resulted in a very incongruous appearance, so an Enforcement Notice was served. In allowing the appeal the Inspector considered that the issues were finely balanced. The appellant presented evidence that she would have difficulty funding the necessary alterations to the property and this might jeopardise her rights to respect for her private life and home under the human Rights Act. He did not consider meeting the requirements of the Enforcement Notice would result in sufficient improvement to the appearance of the development to justify interference with her human rights, but he did indicate this decision should not be regarded as a precedent for allowing other loft conversions.</p> | |
| Case officer: | John Harrison | Phone: (020) 8496 6175 |
| Ref no: | 2004/1449/TC | |
| Location: | Highway Land in Hatch Lane, Opposite junction of Blackthorne Drive & Arbor Road, Chingford E4 | |
| Development: | Installation of telecommunication apparatus comprising 15m high column and associated equipment cabinet at ground level. | |
| LBWF decision: | Refused | |
| Appeal type: | Written Representations | |
| Appeal decision: | Dismissed | |

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| Commentary: | The Inspector concluded that: (a) the mast would have an unacceptable impact on the visual amenity of the surrounding area; (b) that other sites in the area would be more acceptable, and that these had not been fully considered; (c) that the excavations necessary for the installation were likely to damage the adjacent tree, and that the proposed alternate location could not be treated as a minor amendment that could be approved on appeal, especially as it would have resulted in greater visual prominence for the installation. | |
| Case officer: | Michael Chalk | Phone: (020) 8496 6151 |

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| Ref no: | 2004/0033/ENF | |
| Location: | 86 Dale View Crescent, Chingford E4 | |
| Development: | The construction of a rear dormer that is not in accordance with approved plans for the development. | |
| LBWF decision: | Enforcement | |
| Appeal type: | Written Representations | |
| Appeal decision: | Allowed | |
| Commentary: | In 2003 planning permission was granted for a single-storey rear extension, two storey side extension and a loft conversion including rear dormers to this property. The design of the extension was the subject of relatively lengthy negotiations to make it satisfactory before permission could be granted. This included making the dormers comply with the guidance in Supplementary Planning Guidance Note No. 4. The scheme, however, was then implemented on the basis of a previous set of plans with a large bulky single dormer rather than two smaller dormers as were approved. Particularly as the rear of the property was visible from Organ Lane, an Enforcement Notice was served. Whilst he felt the planning merits to be finely balanced, the Inspector considered the further building works that would be required to comply with the Enforcement Notice would be disproportionate as, now the side extension had been constructed, the dormer did not appear unacceptably bulky or disproportionately wide. | |
| Case officer: | John Harrison | Phone: (020) 8496 6175 |

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| Ref no: | 2004/0003/ENF | |
| Location: | 91 Bedford Road, Walthamstow E17 | |
| Development: | Without planning permission (1) Rear extension not built in accordance with approved plans; (2) Front gates and pillars over 1m high; (3) Railings on top of fence around rear garden; (4) Outbuilding. | |
| LBWF decision: | Enforcement | |
| Appeal type: | Written Representations | |
| Appeal decision: | Dismissed | |
| Commentary: | <p>This appeal relates to a detached house backing onto Lloyd Park. Planning permission was granted for a two storey rear extension, but when the work was carried out the development was not built as approved. A bulky roof extension was added and the windows on the rear elevation were not built as approved. A decision was made “under enforce” – the changes to the rear elevation were considered to be acceptable so the Enforcement Notice just required the roof to be altered to accord with what had been approved. The Inspector considered the alterations resulted in a bulky and top-heavy roof extension and a confusing juxtapositioning of differing roof planes. He therefore dismissed the appeal, though he did extend the period for compliance with the Enforcement Notice from 3 to 5 months.</p> | |
| Case officer: | John Harrison | Phone: (020) 8496 6175 |

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| Ref no: | 2004/0034/ENF | |
| Location: | 6 Rectory Road, Walthamstow E17 | |
| Development: | Without planning permission retention of 2 self-contained flats on the ground floor as shown on submitted drawing received 27th May 2004. | |
| LBWF decision: | Enforcement | |
| Appeal type: | Written Representations | |
| Appeal decision: | Dismissed | |

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| Commentary: | The appeal against the enforcement notice was dismissed and the enforcement notice is upheld, subject to minor changes and variation of the required steps. The Inspector concluded that the ground floor rear flat provides a sufficient acceptable standard of accommodation for one person and that the bedsitting room is unacceptable accommodation for one person. The Inspector considers the current development as an excessive over development. The appeal on grounds (f) succeeds in that the use of only the ground floor bedsitting room should cease. The time for compliance remains at 6 months. | |
| Case officer: | Sonia Malcolm | Phone: (020) 8496 6068 |
| Ref no: | 2003/1085 | |
| Location: | 54 Shernhall Street, Walthamstow E17 and Land at rear of 46-52 Shernhall Street & 80-94 Church Lane Walthamstow E17 | |
| Development: | Residential development. Erection of 7 houses comprising terrace of six (5 x 2-bed and 1 x 3 bed) and one detached (3 bed). Demolition of existing dwellinghouse at 54 Shernhall Street to form vehicular access. Provision for parking. | |
| LBWF decision: | Refused | |
| Appeal type: | Hearing | |
| Appeal decision: | Dismissed | |

Commentary: The site is an unusual backland one currently primarily used for light industry but also for some animal keeping and as a garden. At present the only access to it is through an archway under 54 Shernhall Street adjacent to the Chingford to Liverpool Street railway line which is a very poor one. A previous proposal for the residential development of this site providing access by demolishing a house at 84 Church Lane was refused planning permission and an appeal subsequently dismissed. This proposal involved demolishing the existing house at 54 Shernhall Street and relocating access further away from the railway bridge (thus improving visibility) and building a replacement dwelling between the new access and the railway bridge. The application was refused by the Planning Committee on grounds of road safety and the impact of noise and activity on the houses backing onto the site. In dismissing the appeal the Inspector agreed the proposed access was unsatisfactory because of poor visibility and substandard width, but considered the amended layout of this second scheme overcame the objections to the previous one based on impact on adjoining properties.

Case officer: John Harrison | Phone: (020) 8496 6175

Ref no: 2004/1743

Location: 7 Forest View Avenue, Leyton E10

Development: Erection of a 2 storey bedroom dwellinghouse at rear, fronting Fulready Road.

LBWF decision: Refused

Appeal type: Written Representations

Appeal decision: Dismissed

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| Commentary: | <p>The Inspector found that the proposal would not have an adverse impact upon the amenity of adjoining occupiers. However it would have a detrimental impact upon the wider area. The Inspector found that although the proposal would not harm neighbours living conditions, this is outweighed by the harm that would be caused to the character and appearance of the surrounding area.</p> <p>The Inspector found the rear garden of 7 Forest View Avenue to be a valuable visual break in the area allowing space and greenery to be seen across the rear gardens of houses in Forest View Avenue. This space was considered to be part of the local character.</p> |
| Case officer: | Rachel Jagger Phone: (020) 8496 6151 |

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| Ref no: | 2004/1899/TC |
| Location: | Land in front of Essex Hall, 313 Billet Road, Walthamstow E17 |
| Development: | An application for the prior approval of the local authority - Installation of 9.950m high tele-communication mast with associated metro street side cabinet painted midnight green at ground floor level. |
| LBWF decision: | Refused |
| Appeal type: | Written Representations |
| Appeal decision: | Dismissed |
| Commentary: | <p>This application relates to a proposal for a phone mast and associated equipment cabin. It was a prior notification application under the Town and Country Planning General Permitted Development Order 1995, i.e. the Council could not object to the principle of the mast only its design and siting. A previous application for a mast to be painted light grey in this location, 2004/0854/TC, was recommended for approval by officers but refused by Committee on the basis it would contribute to street clutter. This second application which involved attempting to disguise the mast as a telegraph pole was then refused for the same reason under delegated powers. In dismissing the appeal, the Inspector did not consider the mast itself would contribute significantly to the clutter but considered that the equipment cabin which would be in an open location would.</p> |
| Case officer: | John Harrison Phone: (020) 8496 6175 |

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| Ref no: | 2004/0045/ENF |
| Location: | 66 Sanderstead Road, Leyton E10 |
| Development: | Erection of a single storey rear extension. |
| LBWF decision: | Enforcement |
| Appeal type: | Written Representations |
| Appeal decision: | Dismissed with variations to Enforcement Notice |
| Commentary: | <p>Enforcement Notice served on 1 November 2004 against the unauthorised erection of the single storey rear extension. The notice was set to expire 3 months from 10 December 2004. However, the Inspector received an appeal against the notice. The appeal was on Grounds A and F.</p> <p>The Inspector considered the impact of the extended parapets on the adjoining neighbour at number 68 the only reason to dismiss the appeal on Ground A.</p> <p>The Inspector allowed Ground F with variations to the requirements as set out in the Enforcement Notice. Paragraph 5 of the Notice now reads: "Reduce the height of the parapets on both sides of the single storey rear extension to a level as close as practicable to the level of the roof of the extension". The time for compliance remains at three months which expires 30 September 2005.</p> |
| Case officer: | Joe Salim Phone: (020) 8496 6256 |
