

SUMMARY OF APPEAL DECISION RECEIVED SINCE BEGINNING OF JUNE 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:	2004/1279
Location:	4 Harford Road, Chingford E4
Development:	Erection of two storey side extension incorporating a front porch.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	<p>The Inspector considered the effect on the character and appearance of the dwelling and surrounding area the main issue for the case.</p> <p>The development is not set back and would not be subordinate. The application site is set to the front of other developments and the proposal does not relate to other extensions within the area. The Inspector considered the effects on the character and appearance to be contrary to policy and accordingly dismissed the appeal.</p>
Case officer:	Joe Salim Phone: (020) 8496 6256

Ref no:	2004/0995
Location:	85 Connaught Avenue, Chingford E4 7AP
Development:	Erection of two storey side extensions to both sides of existing house, raising height of roof, formation of flat crown roof and installation of dormer windows to front and rear to form room in roof. Erection of conservatory at rear.
LBWF decision:	Refused
Appeal type:	Written Representations

Appeal decision:	Dismissed
Commentary:	<p>The Inspector agreed with the Council's arguments that the increased mass and scale of both extensions and the roof structure would appear bulky and dominant. The extensive flat section of the main roof coupled with dormer windows to both front and rear roof slopes would add considerably to the bulk and massing of the upper part of the building. The alterations would fail to respect the original form of the building, a form that is characterised by pitched roof slopes without interruption.</p> <p>In conclusion, the dormers and flat roofs would be inappropriate and would be highly prominent given the position of 85 Connaught Avenue above the level of the street, and at the top of the slope adjacent to, and highly visible from Pole Hill.</p>
Case officer:	Jon Price Phone: (020) 8496 6251

Ref no:	2004/0027
Location:	52 King Edward Road, Walthamstow E17
Development:	Without planning permission loft conversion.
LBWF decision:	Enforcement
Appeal type:	Written Representations
Appeal decision:	Allowed
Commentary:	<p>This appeal followed the serving of an Enforcement Notice relating to raising the ridge of a terrace house and constructing a rear dormer. The rear dormer required permission because the ridge height was being raised. The Council's objection to the development was to the bulk of the rear dormer and the Enforcement Notice "under enforced" to require the bulk of the dormer to be reduced. Though normally raising the ridge of a roof on a terraced house would not be acceptable, in this instance there were parapet roofs between the houses, so the increase in ridge height was not discernible. The Inspector considered that, as this dormer was not particularly prominent and the Council's concern related to the appearance of the dormer which on its own would be permitted development, this was an exceptional case where it was considered the Council's usual requirements about the size of dormers should not be applied.</p>

Case officer:	John Harrison	Phone: (020) 8496 6175
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Ref no:	2004/0032/ENF & 2004/0678	
Location:	20 Fladgate Road, Leytonstone E11	
Development:	Storage shed in rear garden.	
LBWF decision:	Enforcement & Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	
Commentary:	<p>The Inspector dismissed both appeals upholding the Enforcement Notice and refusing to grant planning permission.</p> <p>It was felt that the shed had an unacceptable impact on the street scene. It was further felt that any works that might be carried out to improve the appearance of the structure would be insufficient to improve the appearance of the shed to the point that it would be of an acceptable appearance.</p> <p>Although garden sheds by nature are utilitarian, this particular development is unacceptable in this location.</p>	
Case officer:	Michael Chalk	Phone: (020) 8496 6068

Ref no:	2004/1498	
Location:	114 Waltham Way, Chingford E4	
Development:	Formation of a vehicular crossover.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	

Commentary: The Inspector accepts the Council's case for refusing permission. He reasoned that the fairly nature tree would have adapted to its present situation in that the majority of the root system providing nutrients are concentrated in the grass verge to either side of the tree. He considers that the loss of a significant area of the grass verge represents a serious threat to the tree's future, contrary to policies ENV1 and ENV12 in the adopted UDP.

In conclusion, the Inspector agreed that the threat to the health of the street tree is such as to be likely to lead to its loss, contrary to policies ENV1 and ENV12 of the adopted UDP.

Case officer: Cecilia Kadiri | Phone: (020) 8496 6138

Ref no: 2004/1077

Location: 202 Waltham Way, Chingford E4

Development: Formation of a vehicle crossover.

LBWF decision: Refused

Appeal type: Written Representations

Appeal decision: Dismissed

Commentary:

The Inspector accepts the Council's case for refusing permission. He reasoned that the rising ground away from the carriageway means that some depth would be needed to allow vehicles to enter and leave the crossover carriageway safely. He considers that the excavation works would cause severe damage to a significant proportion of the tree roots, which are relatively near the surface. He gave weight to the national Joint Utility Guidance's no construction zone of 4 x the circumference of the tree and found that the proposal would have a significant adverse effect on the tree that is likely to prejudice its long term health and survival.

The crossover he noted would destroy a part of the elevated verge and allow a vehicle to park on public land to the detriment of the street scene as has occurred on the other side of the road. The Inspector saw on the other side of the road that parked cars intrude into verge area distracting from its green-ness. He concluded that the proposal would introduce similar unsatisfactory effect into this part of Waltham Way.

In conclusion, the Inspector agreed that the proposal would detract materially from the pleasing avenue effect that has been established along the section of Waltham Way where the appeal site is situated. He also agreed that the health of a mature tree of landscape value would be harmed as well as the adverse effect of introducing vehicles onto verge as in the other side of Waltham Way, contrary to policies ENV1 and ENV12 of the adopted UDP.

Case officer:

Cecilia Kadiri

Phone: (020) 8496 6138

Ref no:

2004/0958

Location:

89 Cairo Road, Walthamstow E17

Development:

Conversion of dwellinghouse into 2 x 1 bedroom self contained flats.

LBWF decision:

Refused

Appeal type:

Written Representations

Appeal decision:

Allowed

Commentary:

In allowing the appeal the Inspector took the view that the proposal would be consistent with the aims of the adopted policy HSG9 of the UDP 1996 and HSG10 of the emerging UDP 2003. He reasoned that the adopted policy took a similar stance and states that the Council will be looking for a significant contribution to its additional housing requirements from conversions, such development being particularly appropriate in town centre locations. The Inspector remarked that this was in tune with the thrust of Planning Policy Guidance Note 3: Housing (PPG3) March 2000.

The Inspector accepts that the internal gross floor space of the dwelling house is below the necessary 105sq.m but was not persuaded that the conversion of an undersize property would result in unsatisfactory living conditions for future occupiers. He also remarked that the insufficient gross floor space was outweighed by the thrust of the PPG3 including the emphasis on conversions and on greater flexibility in planning standards. In addition, the Inspector does not agree that the proposed conversion would have a materially damaging effect on the housing stock of the Borough.

Whilst the Inspector agreed that there is a concentration of converted accommodation in the street he was not persuaded that it constitutes an over-concentration or that the conversion would lead to an over-concentration of converted accommodation to the detriment of character of the area or amenity of local residents. He remarked that little evidence had been submitted about the potential effect of the proposed conversion on the character or amenity. He noted however that the appeal site lies within an area well served by public transport.

Whilst the Inspector agreed that the proposed stacking is wrong, he refused to impose a sound proofing condition on the premise that this should be controlled through the Building Regulations rather than planning conditions.

Case officer:

Cecilia Kadiri

| Phone: (020) 8496 6138

Ref no:

2004/1401

Location:

1 & 3 Cooper Avenue, Walthamstow E17

Development:

Erection of one and two storey side extension and conversion of property into 1 x 3 bed house and 4 x 1 bed flats.

LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed
Commentary:	<p>This appeal relates to a somewhat unusual property, comprising two flats at the end of what is otherwise a terrace of houses. Both flats had been extended to the rear so they were four-bedroom flats. The application site also included a Council-owned single garage adjacent to these flats. The proposal involved the conversion of each of the flats to two flats and the erection of a new dwelling alongside on the site of the garage and what is currently the entrance porch to one of the flats. Though recommended for approval by officers, the application was refused by Committee on the basis proposal constituted an over intensive use and bulky development detrimental to the general character of the area and because of loss of parking. On the first issue the Inspector considered the site capable of being developed in the manner proposed without significantly affecting the spacious character of the area. Although there would be an increase in the density of development, this would accord with national guidance which seeks to encourage the efficient use of land and buildings in urban areas. On the parking issue he considered the development would not increase on-street parking to the extent it would result in a significant loss of amenity to neighbouring residents or a hazard to highway safety.</p>
Case officer:	John Harrison Phone: (020) 8496 6175

Ref no:	2004/1212
Location:	88 Forest Road, Walthamstow E17
Development:	Change of use from retail shop (use class A1) to hot food takeaway (use class A3). Installation of extract to side.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed

Commentary:	This appeal related to the change of use of a shop on the corner of Forest Road and Pretoria Avenue to a hot food takeaway. The Council refused permission on grounds of road safety and impact on the amenity of nearby residents. In dismissing the appeal, the Inspector accepted the use would result in hazardous manoeuvres close to a junction and would adversely affect nearby residents, particularly in the evening.	
Case officer:	John Harrison	Phone: (020) 8496 6175

Ref no:	2004/1265	
Location:	524-526 Lea Bridge Road, Leyton E10	
Development:	Variation of opening hours of restaurant - Sunday to Wednesday 11.00am - 12.00pm inclusive and Thursday to Saturday 11.00am - 3.00am inclusive as described in application ref 2004/1265.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	
Commentary:	The Inspector shared the Council's view that the proposal would be harmful to the living conditions of the occupiers of nearby residential properties due to noise and disturbance. The appeal was dismissed on the basis of conflict with UDP policy ENV1.	
Case officer:	Fred Doody	Phone: (020) 8496 6300

Ref no:	2004/1156	
Location:	2 Central parade, 137 Hoe Street, Walthamstow E17	
Development:	Variation to condition 3 of planning permission 2004/0567 to increase opening hours to 10:00 - 20:00 on Sundays, Bank or Public Holidays.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Allowed	

Commentary:	The Inspector concluded that there would not necessarily be a noticeable reduction in the general activities from 16.00 – 18.00 to that during 18.00 – 20.00. The site is also considered as relatively small and the extension of the opening hours to 20.00 on Sundays would not result in further loss of amenity to the nearby residential accommodation. Conditions from previous applications were added to the formal decision and an additional condition requires further details to be submitted within 2 months from the date of the decision.
Case officer:	Joe Salim Phone: (020) 8496 6256

Ref no:	2003/1319
Location:	108 & 110 Vicarage Road, Leyton E10
Development:	Change of use of two dwellinghouses into 1 x 20 bedroom hotel incorporating two storey side extension and single storey rear extension.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	<p>The Inspector considered that the development was unacceptable on two counts:-</p> <p>(i) <u>Loss of residential accommodation</u> No compelling reason why property cannot be retained in residential use. It has suitable indoor and outdoor environment.</p> <p>No overriding policy reasons to justify loss of residential.</p> <p>(ii) <u>Loss of amenity for neighbouring properties</u> Single storey extension comprises outlook for the occupant of 106 Vicarage Road, as it would be a dominant feature.</p> <p>Parking in rear garden would be unacceptable due to noise disturbance to neighbours as a result of guest and staff movement at rear.</p>
Case officer:	Mahnaz Chowdhery Phone: (020) 8496 6032

Ref no:	2004/1863
Location:	30 Carisbrooke Road, Walthamstow E17
Development:	Conversion of dwellinghouse into 4 s/c flats (4 x 1BR) and erection of a single storey rear extension.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed
Commentary:	<p>This application related to the conversion of a large double-fronted house close to the centre of Walthamstow to four flats. This was recommended for approval by officers but refused by the Planning Committee on the basis the layout did not meet the floorspace standards of Supplementary Planning Guidance Note 2. The Inspector, however, considered that the proposed flats would have all necessary facilities and would provide reasonable accommodation which would not appear cramped. She also considered the introduction of small units of accommodation close to the town centre and public transport accorded with government policy. She therefore allowed the appeal.</p>
Case officer:	John Harrison Phone: (020) 8496 6175

Ref no:	2004/0996
Location:	401 Hoe Street, Walthamstow E17
Development:	Change of use from Class A1 to coffee shop/sandwich bar (Use Class A3).
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed

Commentary:	<p>The appeal Inspector allowed the appeal on the grounds that the use would have no serious effect on the Bakers Arms Shopping Centre and he was of the view that the use is more likely to make a significant contribution to the vitality and viability of that part of the Centre.</p> <p>The Inspector states that the coffee bar would make no noticeable difference to the traffic and parking conditions prevailing before the change took place and that it does not conflict with policies ENV1 and TSP9 of the adopted Development Plan.</p> <p>The Inspector states that the main concerns are the effect of the internal noise on residents living above the coffee shop/sandwich bar and the need to deal with fumes and smells from the cooking of food. He reasoned that planning conditions would be sufficient to deal with soundproofing and the opening hours. Accordingly, he allowed the appeal subject to conditions.</p>
Case officer:	Cecilia Kadiri Phone: (020) 8496 6138

Ref no:	2004/1079
Location:	143 Waltham Way, Chingford E4
Development:	Formation of a vehicle crossover.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed
Commentary:	The Inspector acknowledged that the construction of the crossover could have an impact on a mature street tree immediately adjacent. He considered that there were significant benefits to providing off-street parking in this location. The Council would retain control over the construction of the crossover and can therefore ensure that rules or construction around trees are fully adhered to.
Case officer:	Cecilia Kadiri Phone: (020) 8496 6138

Ref no:	2004/1460
Location:	197 (A & B) Capworth Street, Leyton E10
Development:	Retention of use as 2 x 1 bed self-contained flats.

LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	<p>Planning permission was refused for the retention of the use of the premises as 2 self-contained flats on the grounds that the proposal would result in the loss of a small family dwelling with a gross floor area of less than 105 square metres. The premises had previously been in use as a shop (A1) at ground floor with non-self contained residential accommodation above. The premises had also been recently extended so that at the time the application was considered the gross floor area was over 105 square metres.</p> <p>The Inspector found that the retention of the flats would be contrary to Policy HSG9 which seeks to maintain a stock of small family dwellings.</p>
Case officer:	Rachel Jagger Phone: (020) 8496 6151

Ref no:	2004/1182
Location:	105 Nottingham Road, Leyton E10
Development:	Erection of a two storey side extension.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed
Commentary:	<p>The application was for the erection of a 2 storey flank extension to an end of terrace dwelling. The proposal was refused on the grounds that the extension would be an unacceptable feature in the street scene due to its overall size and being positioned forward of the building line.</p> <p>The Inspector found that the extension would not have a detrimental impact upon the character of the existing dwelling and that the building line in Peterborough Road had already been significantly reduced by other development in the area.</p>
Case officer:	Rachel Jagger Phone: (020) 8496 6151

Ref no:	2004/1836/CLE
Location:	4 Century Road, Walthamstow E17
Development:	An application for a certificate of lawfulness for an existing development - Formation of a room in the roof involving the installation of a rear dormer window and erection of a single storey rear extension.
LBWF decision:	Refused
Appeal type:	Inquiry
Appeal decision:	Withdrawn
Commentary:	<p>A full width rear dormer has been built on this property. Because the dormer involves raising the parapet party walls which necessitates taking them above the ridge of the roof and the dormer “trespassing” onto adjacent property, officers consider this requires planning permission, though the owner disagrees. As the rear dormer was bulky and did not conform to Policy PSC4 of the Unitary Development Plan and Supplementary Planning Guidance Note 4, an Enforcement Notice was served against the dormer. Also, an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD) was refused.</p> <p>Appeals were lodged against both decisions, but the CLEUD appeal has now been withdrawn. Though no specific reason for this withdrawal has been given, it is presumed it is because the appeal effectively duplicated the enforcement appeal (one of the grounds of appeal against the Enforcement Notice was that the work did not require planning permission). Furthermore, as a CLEUD appeal was involved, for procedural reasons a public inquiry would have been necessary. Now, however, the enforcement appeal can proceed under the informal hearing procedure.</p>
Case officer:	John Harrison Phone: (020) 8496 6175

Ref no:	2004/1971
Location:	12 Blyth Road, Walthamstow E17
Development:	Conversion of dwelling into 2 self-contained flats (1 x 2 bed and 1 x 1 bed) including one and two storey rear extension and rear dormer extension.

LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	The appeal related to the conversion of a property of less than 105 sq metres to two flats. Although policy is more flexible under the Unitary Development Plan – First Review in regard to the conversion of smaller dwellings, this application had been refused under delegated powers as, at 76 sq metres floor area, it was considered too small for conversion. In her decision letter the Inspector indicated the evidence available to her supported following the existing Unitary Development Plan Policy. Also, she considered the impact and appearance of a first floor rear extension 1.5 metres deep to be unacceptable and also objected to overlooking from a “Juliet balcony” at first floor level, i.e. a door with railings across so one cannot sit out as on a conventional balcony.
Case officer:	John Harrison Phone: (020) 8496 6175

Ref no:	2004/1691
Location:	132-134 New Road, Chingford E4
Development:	Construction of 1 x 3 bedroom detached dwellinghouse with access from Grove Road. Provision for off-street parking.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed

Commentary:

Proposal acceptable and has overcome previous reason for dismissal. Alteration rear elevation design, with high level windows at first floor level, has reduced implications for overlooking neighbouring properties. New dwelling is sufficiently far away from 126-132 New Road, for their to be concerns on visual impact on outlook or overshadow.

Appeal allowed, and condition (1) 5 years begin works; (2) LPA agreement materials and external fittings of pipes; (3) LPA agreement soft and hard landscaping; (4) Flank elevation windows to be obscured with lower section permanently fixed; and (5) Removal permitted development relating to alteration or insertion of new windows, including dormer windows.

Case officer:

Mahnaz Chowdhery

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