

## SUMMARY OF APPEAL DECISION RECEIVED SINCE BEGINNING OF MARCH 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:	2003/1216
Location:	1 Flempton Road & 221-223 Lea Bridge Road E10
Development:	Erection of first and second floor extensions and formation of 14 flats (8 x 1 bed and 6 x 2 bed) on upper floors.
LBWF decision:	Refused
Appeal type:	Hearing
Appeal decision:	Dismissed
Commentary:	<p>The Inspector agreed with the majority of the Council's reasons for refusing this application...In terms of policy housing development within a designated employment area was unacceptable in principle on employment and environmental grounds.</p> <p>In terms of design the roof extension and the mixing of a residential roof form with a commercial structure would be out of keeping.</p> <p>The internal layout of the development with poor stacking would lead to undue disturbance between individual flats. The quality of the development for future occupiers would be substandard with poor outlook, lack of amenity space and an unacceptable conflict with the existing commercial use at ground floor level. In addition the Inspector was concerned that no off-street parking could be provided resulting in additional stress in Flempton Road.</p> <p>Overall the Inspector had serious concerns about the proposed development and the appeal was dismissed accordingly.</p>
Case officer:	Jon Price   Phone: (020) 8496 6251

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Ref no:	2004/0024/ENF
Location:	6 Northbank Road, Walthamstow E17
Development:	A change of use from a single family dwellinghouse to a mixed use as a dwellinghouse and cat rescue centre; erection of first floor loft and ladder and associated mesh wire, clear plastic sheets and timbers at ground level at the rear of the property.
LBWF decision:	Enforcement Notice
Appeal type:	Hearing
Appeal decision:	Dismissed

Commentary:

The Inspector accepted the Council's case as alleged in the notice that the house was being used for the keeping of 70 cats, 2 dogs, and a rabbit and residential family use. He said that whether the number of stray cats kept at the property was 21 or greater number, the activity of housing such a number in the house and the rear yard and the coming and goings associated with the rescue service provided by the appellant has altered the residential character of the property. Furthermore, he states that the regular presence of stray cats and the rescue and re-housing service provided for these cats was more than incidental or ancillary domestic use of this small terrace house. He remarked that as a matter of fact and degree, there has been a material change in the use of the dwelling house. Therefore a breach of planning control has occurred.

With respect to the structures in the rear yard fixed to the rear extension, the Inspector concurred that the timber framework is not permitted by (Limitation A.1 (e) of Class A in Schedule 2 of the GPDO) because the total area of ground covered by buildings and structures within the curtilage exceeds 50% of the total area of the curtilage. He also said that even if the alleged structure were treated as an enclosure under Class E, it would not be permitted development because it covers more than 50% of the curtilage area (Limitation E.1 (e) of Class E). He concluded that as permission has not been obtained for the structures, a breach of planning control has occurred.

He concurred that the requirements of the notice do not exceed what is necessary to remedy the breach of planning control or injury to amenity.

The Enforcement Notice had been upheld with corrections and variations to section 3 and 5.

The use must be ceased 25 April 2005 to avoid the instigation of legal proceedings.

Case officer:

Cecilia Kadiri

Phone: (020) 8496 6138

Ref no:

2004/0663

Location:

231 Larkshall Road, Highams Park E4 6NT

Development:

Erection of a front porch and extension of existing garage to front.

LBWF decision:

Refusal

Appeal type:	Written Representations	
Appeal decision:	Dismissed	
Commentary:	The Inspector concluded that the proposal would have a materially harmful effect on the character and the appearance of the terrace and the local street scene. The appeal was dismissed on the basis of conflict with UDP policies ENV1 and PSC4 and guidance in Supplementary Planning Guidance Note 4.	
Case officer:	Fred Doody	Phone: (020) 8496 6300

Ref no:	2004/0965	
Location:	17L Poppleton Road, Leytonstone E11	
Development:	Conversion of ground and first floors into 3 self-contained flats.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Allowed	
Commentary:	The Inspector accepted that the stacking for the flat conversion was poor and that the size of the rear first floor flat was sub-standard in relation to Council standards, however he concluded that the particular structural constraints of the property amounted to special circumstances and that the appeal should be allowed on this basis.	
Case officer:	Rachel Jagger	Phone: (020) 8496 6151

Ref no:	2004/0909	
Location:	818 High Road, Leyton E10	
Development:	Change of use from shop (use class A1) to cafeteria/cafe (use class A3). Elevational changes to front and rear and new extract duct.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	

Commentary:	The Inspector concluded that the proposal would have a harmful effect on the vitality and viability of the Bakers Arms shopping centre. This is because the proposal would be the non-retail frontage up to 39%, contrary to UDP policy. The Inspector also took the view that the extraction duct at the rear would have a harmful effect on the residential occupiers of the adjoining property.	
Case officer:	Fred Doody	Phone: (020) 8496 6300

Ref no:	2004/0130	
Location:	109 Orford Road, Walthamstow E17	
Development:	Erection of a two storey rear extension.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	
Commentary:	This appeal related to a two storey rear extension 3 metres deep to a terraced house. Supplementary Planning Guidance Note No. 4 states a single storey extension 3 metres deep would be acceptable, but not a two-storey one, so this proposal was refused on grounds of impact on neighbouring property, a view that the Inspector endorsed.	
Case officer:	John Harrison	Phone: (020) 8496 6175

Ref no:	2004/0765/OUT	
Location:	White House Farm, Hawksworth E4 7NA	
Development:	Demolition of existing building and construction of 8 dwellinghouses. Provision for parking.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	

Commentary:	<p>This appeal related to the redevelopment of a sensitive site adjacent to Epping Forest currently occupied by a single bungalow. Though the Council would not be opposed to the principle of redevelopment of this site, this proposal for eight houses was considered to be over-intensive and was refused on grounds of impact on the adjoining Green Belt and Epping Forest, unsatisfactory visual relationship with adjoining property, impact on trees on the site and adjoining, impact on neighbours and unsatisfactory parking layout. The Inspector endorsed these views considering the proposal had an unacceptable impact on the character and appearance of the area and on neighbouring properties and dismissed the appeal.</p>	
Case officer:	John Harrison	Phone: (020) 8496 6175
Ref no:	2004/0294/OUT	
Location:	Havelock House, 60 The Avenue, Highams Park E4	
Development:	Erection of additional storey to form a penthouse apartment.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	
Commentary:	<p>The application was refused on the grounds that the proposed development would involve an increase in height of the building that would be out of character with the area and give rise to an increase in overlooking of neighbouring properties contrary to Policy ENV1.</p> <p>The Inspector concluded that the addition of an additional storey and the subsequent increase in height would not be out of character with the area and there would be no significant increase in overlooking of neighbouring properties from the high level windows in the proposed penthouse. However the Inspector did find that there would be an increase in overlooking from the proposed roof terrace and on this ground along the appeal was dismissed.</p>	
Case officer:	Rachel Jagger	Phone: (020) 8496 6151

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Ref no:	2004/0731
Location:	263 Old Church Road, Chingford E4
Development:	Formation of vehicle crossover at front.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	<p>263 Old Church Road is located in the inside curve of Old Church Road going into The Ridgeway, E4. The crossover is at an angle to avoid existing features. The main issue is the effect of the proposal on highway safety.</p> <p>Regard is given to existing condition and current policy. The Inspector considered that the new development would create a significant road safety hazard and the appeal is dismissed.</p>
Case officer:	Joe Salim   Phone: (020) 8496 6256

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