

## SUMMARY OF APPEAL DECISION RECEIVED SINCE BEGINNING OF OCTOBER 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:          | 2005/0102  |
| Location:        | 287 Hainault Road, Leytonstone E11 1ES   |
| Development:     | Conversion to two self-contained flats with erection of single storey rear extension.  |
| LBWF decision:   | Refused  |
| Appeal type:     | Written Representations  |
| Appeal decision: | Allowed  |
| Commentary:      | <p>The Inspector felt that the stacking issue that formed the reason for refusal was insufficient grounds on which to refuse the application as she felt that the noise generated by a small bathroom would not cause undue disruption to the occupants below. Soundproofing required under the building regulations would also reduce any noise generated.</p> <p>The Inspector also felt that the property was of a suitable size for conversion, and that the conversion would not lead to an over concentration of conversions on Hainault Road. It was felt that there would not be an adverse effect on the character of the road, nor that the conversion would overburden parking in the street.</p> |
| Case officer:    | Michael Chalk   Phone: (020) 8496 6138   |

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| Ref no:        | 2004/1558  |
| Location:      | 156A Chingford Mount Road, Chingford E4                                      |
| Development:   | Change of use from residential (Use Class C3) to day nursery (Use Class D1). |
| LBWF decision: | Refused  |
| Appeal type:   | Written Representations  |

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| Appeal decision: | Dismissed  |
| Commentary:      | <p>The appeal was dismissed because the Inspector considered that inadequate access was available for parking, pickups and drop-offs, thus the proposal would have a detrimental impact on adjoining property.</p> <p>He also considered that the property was too small for the number of children proposed and that the garden area was inadequate. There was insufficient room for storage and ancillary activities associated with the proposal.</p> |
| Case officer:    | Jerry Bell   Phone: (020) 8496 6050  |
| Ref no:          | 2004/0049/ENF  |
| Location:        | Units 4, 6 & 10, 30 Borwick Avenue, Walthamstow E17  |
| Development:     | Without planning permission change of use from B1/B8 to B2 commercial car repairs garages and workshops.   |
| LBWF decision:   | Enforcement  |
| Appeal type:     | Inquiry  |
| Appeal decision: | Dismissed. A partial award of costs against the appellant is granted.  |

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| Commentary:   | <p>Although the appeal was made on ground (b) and (d), the appellant had no evidence to support a ground (b) appeal. After consideration of the planning and legal issues, the Counsel for the appellant agreed to withdraw the ground (b) appeal.</p> <p>There was no evidence to support a ground (d) appeal in relation to units 6 and 10 and so the enforcement notice took effect against the two units.</p> <p>With regards to unit 4, the appellant argued that the use at unit 4 had existed for ten years (the relevant period). He stated that he was simply carrying on from where the previous user stopped. He was supported by previous leaseholders and a local estate agent.</p> <p>The appeal was dismissed and the notice upheld because the evidence failed to convince the appeal Inspector that the use had existed for the relevant period.</p> <p>The appeal inspector granted the Council's application for a partial award of costs against the appellant on the grounds of unreasonable behaviour by the appellant and his Counsel.</p> |
| Case officer: | Cecilia Kadiri   Phone: (020) 8496 6138   |

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| Ref no:          | 2004/0041/ENF   |
| Location:        | 314A Blackhorse Lane, Walthamstow E17   |
| Development:     | Without planning permission use of a single family dwellinghouse for multiple occupation as 6 bedsits accommodation with shared facilities. |
| LBWF decision:   | Enforcement   |
| Appeal type:     | Written Representations   |
| Appeal decision: | Dismissed and notice is upheld subject to correction and the requirements. The deemed application has been refused.                         |

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| Commentary:   | <p>Description of the breach of planning control has been amended and the requirements of the enforcement notice also varied. See paragraphs 18 and 19 of the Inspector's letter dated 31<sup>st</sup> August 2005.</p> <p>The Inspector refused planning permission on ground (a) appeal because in his opinion the 2 flats are unacceptably cramped for family occupation as was evident during the appeal site visit. He took exception to the inadequate privacy by reason of the internal layout and noise transmission between the two units. He concluded that the use of the house as 2 non self-contained flats is unacceptable in principle in the light of adopted and emerging development plan policy in that the use is likely to lead to an increase in noise and disturbance to people living nearby.</p> <p>In relation to ground (b) appeal, the inspector believed that on the balance of probability the breach of planning control alleged in the notice has not taken place. But he amended the description of the notice to reflect the use seen during his site visit.</p> <p>In dismissing the appeal on ground (g) the Inspector agreed that the period for compliance required by the notice was reasonable and sufficient in the circumstances.</p> |
| Case officer: | Cecilia Kadiri   Phone: (020) 8496 6138   |

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| Ref no:          | 2005/0208  |
| Location:        | 64 Tower Hamlets Road, Walthamstow E17                                 |
| Development:     | Retention of 1 x 3 bedroom flat and 1 x 1 bedroom self-contained flat. |
| LBWF decision:   | Refused  |
| Appeal type:     | Written Representations  |
| Appeal decision: | Dismissed  |

Commentary:

On 23 June 2005, the owner submitted an appeal (written representation procedure) against the Council's decision to refuse planning permission for the conversion of the property into two self-contained flats.

A formal site visit by the Inspector was arranged for 13 September 2005. The owner was not there to meet the Inspector and he made an unaccompanied inspection of the area only.

The Inspector's decision sets out two main issues. The Inspector reasoned that although the proposal would result in the loss of a small family dwellinghouse, it is considered that the enlarged dwelling provides sufficient space for the formation of two separate units without an adverse impact on the character of the area or local amenity. The Inspector concluded the principal of the proposal acceptable.

For the second main issue, the Inspector determined that the internal layout of the conversion would provide unsatisfactory living accommodation due to poor stacking and insufficient provision of natural light and ventilation to habitable rooms.

The Inspector subsequently dismissed the appeal.

Case officer:

Joe Salim

| Phone: (020) 8496 6256

Ref no:

2005/0026

Location:

139 Station Road, Chingford E4

Development:

Erection of two storey rear extension to form one bedroom self-contained flat.

LBWF decision:

Refused

Appeal type:

Written Representations

Appeal decision:

Dismissed

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| Commentary:   | 139 Station Road stretches between Station Road and Springfield Grove to the rear. The appeal proposal comprised the addition of two floors on the garage at the rear to provide a self-contained flat. This was refused by Committee on grounds of the three storey building being out-of-character with the area, the use of a non-traditional mansard roof and impact on and overlooking of properties in Station Road. In dismissing this appeal the Inspector generally endorsed these reasons for refusal and was also concerned about the impact of the proposal on the garden of 1 Springfield Road. |                        |
| Case officer: | John Harrison  | Phone: (020) 8496 6175 |

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| Ref no:          | 2005/0201/OUT   |                        |
| Location:        | 1A Midland Road, Leyton E10   |                        |
| Development:     | Outline application for redevelopment of site to provide 5 x 1 bed flats and 1 x 2 bed flat in a 2 storey block.  |                        |
| LBWF decision:   | Refused   |                        |
| Appeal type:     | Written Representations   |                        |
| Appeal decision: | Dismissed   |                        |
| Commentary:      | <p>The Inspector concluded that whilst on site private amenity was limited it was sufficient in the light of advice in PPG3 and the proposals did not amount to overdevelopment.</p> <p>In addition whilst the site is not in a CPZ to enable a car free development to be enforced there was some spare on-street parking capacity in the area and to insist on off-street parking would take up a disproportionate amount of the site.</p> <p>However a first floor bedroom would cause an unacceptable loss of privacy to the occupiers of nos. 1 and 3 Wesley Road.</p> |                        |
| Case officer:    | Kevin Herring   | Phone: (020) 8496 6301 |

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| Ref no:      | 2005/0176/TC  |  |
| Location:    | Footpath adjacent to South Grove & Markhouse Road Roundabout, Walthamstow E17 |  |
| Development: | An application for the prior approval of the local planning                   |  |

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|                  | authority - Installation of 14.7m high telecommunication monopole incorporating tri-sector antenna with associated equipment cabinet and air conditioning unit at ground floor.  |
| LBWF decision:   | Refused  |
| Appeal type:     | Written Representations  |
| Appeal decision: | Allowed  |
| Commentary:      | This application related to a “prior notification” for a 14.7 metre high monopole mast and associated equipment panels. The “prior notification” means that the principle of the development is approved under the Town and Country Planning General Permitted Development Order 1995 (as amended) so the Council can only object on the grounds of design or siting. Though recommended for approval by officers, the application was refused by Planning Committee on grounds of visual intrusion being out of scale with surrounding street furniture and adding to street clutter. The Inspector noted that a thorough investigative process to find a suitable site for the mast had been carried out and considered this proposal would not result in any real visual harm to the street scene or the amenities of those who live and work nearby. Though the possibility of putting the mast on the nearby Brunner Industrial Estate was suggested by the Council, he considered this was ruled out as the factory units could not support a mast or a mast on the ground would result in loss of parking spaces. |
| Case officer:    | John Harrison   Phone: (020) 8496 6175   |
| Ref no:          | 2005/0266  |
| Location:        | 211 Newport Road, Leyton E10   |
| Development:     | Retention of single storey rear extension and loft conversion involving the installation of a rear dormer window. Retention of two self-contained flats.   |
| LBWF decision:   | Refused  |
| Appeal type:     | Written Representations  |
| Appeal decision: | Dismissed  |

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| Commentary:      | <p>On 12 April 2005, planning permission was refused for the conversion of the single family dwellinghouse into two self-contained flats and the retention of the existing single storey rear extension and rear dormer window. The reasons for refusal related only to the poor flat conversion which would result in the loss of a small family dwellinghouse and inadequate and cramped living accommodation within the proposed flats.</p> <p>The Inspector considered that although the layout addresses some of the objections raised on the previous application, the latter does not overcome the principal policy objection regarding the loss of a small family dwellinghouse. The appeal was dismissed in relation to the flat conversion.</p> <p>The Council has not raised any objection to the rear extensions and the Inspector allowed the appeal in respect of these elements and granted planning permission for the retention of the single storey rear extension and rear dormer window.</p> |
| Case officer:    | Joe Salim   Phone: (020) 8496 6256   |
| Ref no:          | 2005/0097  |
| Location:        | 317 Billet Road, Walthamstow E17   |
| Development:     | Formation of a vehicular crossover.  |
| LBWF decision:   | Refused  |
| Appeal type:     | Written Representations  |
| Appeal decision: | Dismissed  |
| Commentary:      | <p>Two issues identified by the Inspector:</p> <p>(i) Impact on on-street parking spaces,. Not seen to be an issue.</p> <p>(ii) Highway safety<br/> Proposal sited close to sharp right-angled bend, therefore, safety issue is of concern. Vehicles entering and leaving the site would be in conflict with moving vehicles that travel at speed on this busy road.</p> <p>Proposal dismissed on the ground of harm that would be caused to the safety of vehicles and pedestrians using Billet Road.</p>   |
| Case officer:    | Mahnaz Chowdhery   Phone: (020) 8496 6032  |

