

SUMMARY OF APPEAL DECISION RECEIVED SINCE BEGINNING OF JANUARY 2007

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 Blaithin Butler on (020) 8496 6138

APPEAL UPDATE REPORT

Ref no:	2006/0171
Location:	2 Dale View Gardens, Chingford E4
Development:	1. Erection of two storey side and rear extension. 2. Formation of a hip to gable end. 3. Formation of front porch.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed/Refused
Commentary:	<p>The Inspector concluded that the proposed gable end over the proposed 2 storey flank and rear extension would appear as assertive and would be bulky and out of place in the wider area. There would be no detrimental impact upon adjoining occupiers in terms of loss of daylight, sunlight or outlook and living conditions would not be adversely affected.</p> <p>In relation to the proposed front porch the Inspector concluded that this would not harm the character or appearance of the area and would compliment the original dwelling.</p> <p>The erection of the two storey side and rear extension and formation of a gable end was dismissed and the formation of a front porch was allowed.</p>
Case officer:	Rachel Jagger Phone: (020) 8496 6151
Ref no:	2006/0001/ENF
Location:	423 Lea Bridge Road, Leyton E10
Development:	Without planning permission, unauthorised erection of a single storey rear extension and loft conversion involving the installation of a rear dormer window.

LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	A large rear dormer was erected on this flat without the benefit of planning permission. As it was unacceptably bulky an Enforcement Notice was served and an appeal was lodged on the grounds that planning permission ought to have been granted for it and there was not a breach of planning control. The appropriate fee was not paid in support of the first ground of appeal, so the only issue to be decided was whether there was a breach of planning control. Whilst rear dormers on houses sometimes are permitted development, as this was a flat these rights did not apply. A partial award of costs was granted to the Council as it was considered the appellant had acted unreasonably in pursuing this appeal which had no reasonable prospect of success.
Case officer:	John Harrison Phone: (020) 8496 6175

Ref no:	2005/1734
Location:	Land adjacent to 196 Colchester Road, Leyton E10
Development:	Demolition of existing garage and erection of two storey, two bedroom dwellinghouse.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	The Inspector did not feel that the development would have any significant detrimental impact on the parking in the area. However, he felt that the visual impact of the development, in terms of its different style and design, would not blend in with the street scene and would be out of character with the terraces on either side of the site.
Case officer:	Michael Chalk Phone: (020) 8496 6138

Ref no:	2005/1565/CLE
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Location:	2A and 2B Tyndall Road, Leyton E10	
Development:	Use of building as two self-contained flats.	
LBWF decision:	Refused	
Appeal type:	Inquiry	
Appeal decision:	Dismissed	
Commentary:	<p>The appellant claimed immunity from enforcement action but the Inspector noted that an enforcement notice issued on 24th March 2003 had interrupted the 4-rul and as such the unauthorised development could not be regarded as lawful under the 4-year rule.</p> <p>The Inspector agreed with the Council's evidence and concluded that on the balance of probability the change of use to self-contained flats did not take place as claimed by the appellant but may have taken place during 2001 or 2002.</p>	
Case officer:	Cecilia Kadiri	Phone: (020) 8496 6138

Ref no:	2005/1879	
Location:	99 Windsor Road, Leyton E10	
Development:	Conversion of a dwellinghouse into 2 x 2 bed self-contained flats, and provision of light wells to front and rear of the basement.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	

Commentary:	<p>The Inspector supported the Council's view that the main function of the basement area should be for storage and that it should not be included in the calculation of the gross floor area for flat conversion. The Inspector further stated that the house with its modest room sizes and rear garden is exactly the kind of house that policy HSG12 seeks to retain for single family use.</p> <p>Although the Inspector considered that the proposal complies with the minimum gross floor area as set out in the SPG for flat conversion, she expressed concerns that the first floor flat would be too small to meet the needs of any occupiers. She concluded that the area provided for living and kitchen/dining area was insufficient for all the daily activities in the living room and kitchen/dining area. Consequently, the development would result in poor living conditions for the occupiers and would be contrary to the standards in Supplementary Planning Guidance.</p>
Case officer:	Cecilia Kadiri Phone: (020) 8496 6138
Ref no:	2006/0156
Location:	29 Pennant Terrace, Walthamstow E17
Development:	Change of use from retail (Use Class A1) to cafe with takeaway sales.
LBWF decision:	Refused
Appeal type:	Hearing
Appeal decision:	Withdrawn
Commentary:	This appeal has been withdrawn.
Case officer:	John Harrison Phone: (020) 8496 6175
Ref no:	2006/0650
Location:	32 Long Deacon Road, Chingford E4
Development:	Erection of a two storey flank extension and the formation of room in the roof involving a rear dormer window.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed

Commentary:	<p>The Inspector agreed the proposal would not be subordinate in appearance to the existing house as the uniformity of the main elevations of Nos. 30 and 32 would be reduced, giving the pair an unbalanced appearance. He considered that the proposed side extension would begin to create a harmful terracing effect between Nos. 32 and 34.</p> <p>The appellant had referred to other side extensions in the area but the Inspector considered that each case must be taken on its own merits and the existence of side extensions thereabouts, the majority of which differ in design in some respects from the proposal was not sufficient in this case to justify harmful development of the appeal site.</p>
Case officer:	Brenda Louisy Phone: (020) 8496 6300
Ref no:	2006/0011/ENF
Location:	125-129 Hoe Street, Walthamstow E17
Development:	Without planning permission unauthorised erection of additional floor on existing building and part single, part two, part three storey rear extension and formation of 9 x 1 bed self-contained flats.
LBWF decision:	Refused
Appeal type:	Enforcement
Appeal decision:	Dismissed

Commentary:

In February 2006, an enforcement notice was served requiring the removal of parts of first and second floor extension, to the rear of the main building that had been built without planning permission. The Inspector agreed with the Council's reasons for issuing the Notice and commented that the extension lead to an appearance of excessive bulk, and out of character. On the issue of privacy and outlook he concluded that the extensions would be overbearing and result in a significant loss of privacy to residents of houses behind in Eastfield Road.

He was also concerned about the standard of accommodation provided by the flats and because building regulations had not been complied with it was not possible to demonstrate at this stage that the accommodation is satisfactory in terms of the potential for the transmission of noise between flats.

He commented that the requirements of the Notice were necessary to remedy the injury to amenity and a period of 6 months given for compliance with the Enforcement Notice.

NB: This is a case which confirms the risk that some developers take in undertaking developments without planning permission hoping to obtain retrospective permission at a later date. Failure to comply with the requirements of the enforcement Notice will lead to legal proceedings and Court action.

Case officer:

Jon Price

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