

SUMMARY OF APPEAL DECISION RECEIVED SINCE BEGINNING OF MAY 2006

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APPEAL UPDATE REPORT

Ref no:	2005/0735
Location:	4 Eatons Mead, Chingford E4
Development:	Erection of 2 storey, 2 bedroom dwellinghouse adjoining No. 4 Eatons Mead.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed
Commentary:	This appeal related to the erection of a third dwelling onto the side of an existing pair of semi-detached houses. The Council considered that the development would not conform to the pattern in the vicinity and the proposal did not make satisfactory provision for disabled access. The new dwelling would erode the gap between properties and unbalance the pair of semis. The Inspector, however, considered that alterations, extensions and new dwellings on the estate had already affected the character of the area and the loss of this gap was acceptable. The adjoining house had already been extended so the pair would not be unbalanced. He considered the issue of disabled access could be covered by condition so allowed the appeal.
Case officer:	John Harrison Phone: (020) 8496 6175
Ref no:	2005/1342
Location:	1-3 Crownfield Road, Stratford E15
Development:	Demolition of public toilets and erection of two storey building to provide retail shop (use class A1) on ground floor and 2 bed flat on first floor.
LBWF decision:	Refused

Appeal type:	Written Representations	
Appeal decision:	Dismissed	
Commentary:	<p>The Inspector considered there to be one main issue whether the development would provide adequate useable private amenity space.</p> <p>The Council stated that 45m² of private useable amenity space should be provided. In the Inspector's view the proposed 2-bed flat could be used as a family unit therefore sufficient open space would be imperative for children. The roof terraces would provide only 16m² of amenity space which the Inspector believes would be of extremely limited value particularly for families. He concluded that the proximity to other local facilities was not a sufficient justification to accept a shortfall in amenity space.</p> <p>For the reasons of inadequate provision of useable private amenity space for the occupiers of the flat, the Inspector dismissed the appeal.</p>	
Case officer:	Rachel Miller	Phone: (020) 8496 6068

Ref no:	2005/0985	
Location:	15 Falmouth Avenue, Chingford E4	
Development:	Retention of raised terrace at rear.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	
Commentary:	<p>The Inspector felt that the impact of the terrace on adjoining properties was significant.</p> <p>Although the adjoining gardens were overlooked by the first floor windows of the appeal property the Inspector felt that the terrace was likely to result in prolonged use at much closer quarters.</p>	
Case officer:	Michael Chalk	Phone: (020) 8496 6138

Ref no:	2005/0662/TC	
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Location:	Highway Land, Chingford Lane Roundabout, Chingford E4	
Development:	Erection of a 10.3m column with 1 no. antenna and 1 Devon street side cabinet at ground level.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	
Commentary:	<p>Although the Inspector accepts the principle of development, he criticises the siting of the proposed monopole in that it would be incongruous and be out of step with the regular spacing of lampposts along the stretch of classified road. He expresses concern that evidence was not submitted as to why the street side cabinet could not be located underground. He considers that given the sensitive location of the site close to MOL, these factors need to be fully addressed.</p> <p>With regards to residents' concerns about potential health risks to those living in the vicinity of the site, he made reference to Guidance in PPG8, which confirms that health considerations and public concern can, in principle, be a material consideration to the determination of planning applications and appeals. Nevertheless, he states the Government's view that where an application meets the ICNIRP guidelines it should not be necessary to consider further the health aspects and concerns about them.</p> <p>The decision to dismiss the appeal supports the Council's reasons for refusal of permission.</p>	
Case officer:	Cecilia Kadiri	Phone: (020) 8496 6138

Ref no:	2005/1160	
Location:	48 Inks Green, Chingford E4	
Development:	Erection of a single storey side extension.	
LBWF decision:	Refused	
Appeal type:	Written Representations	
Appeal decision:	Dismissed	

Commentary:	<p>The Inspector agreed with the Council's decision that the proposed side extension represents a significant infilling of the existing gap, which is typical of the estate layout and spacious quality, in the Conservation Area.</p> <p>The appeal was dismissed in that the proposal would harm the character and appearance of the Conservation Area, contrary to policy ENV16 of the adopted UDP 1996 and the emerging First Review UDP 2003.</p>
Case officer:	Cecilia Kadiri Phone: (020) 8496 6138

Ref no:	2005/0598
Location:	13 Beaconsfield Road, Leyton E10
Development:	Conversion of dwellinghouse into 2 x 1 bedroom self contained flats.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed
Commentary:	<p>The Inspector's main concern was whether the proposal led to an over-concentration of converted accommodation in the are detrimental to its character and amenities of local residents including availability of on-street parking.</p> <p>The Inspector is satisfied that the proposed flats would provide adequate accommodation in terms of size. He finds no evidence of a correlation between flat conversions and the deterioration in the quality of the residential streets. He recognises that the area is heavily parked and that there is insufficient space to provide parking within the curtilage; however the lack of off-street parking provision is not a sufficient reason to dismiss the appeal. The Inspector considers that 20% of converted properties on the road cannot be classed as an over-concentration and that the road is still typified by single dwellinghouses.</p>
Case officer:	Rachel Miller Phone: (020) 8496 6068

Ref no:	2005/1126
Location:	70 Vernon Road, Leytonstone E11
Development:	Erection of a new two bedroom dwellinghouse.

LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	<p>The Inspector agreed with the Council's reasons for refusal, which includes loss of a mature sycamore tree and insufficient private amenity open space for both the existing and new dwelling, contrary to policies ENV1 and PSC2 of the adopted UDP 1996 and SPGN1 adopted in 1996.</p> <p>He also reasoned that the rear facing bedroom window of the proposed new dwelling could result in the loss of privacy to occupiers of houses Harrington Road, contrary to policy ENV1(i) of the adopted UDP 1996 and the emerging policy BHE1A(x), First Review UDP 2003.</p>
Case officer:	Cecilia Kadiri Phone: (020) 8496 6138

Ref no:	2005/0022/ENF
Location:	9 Lytton Road, Leytonstone E11
Development:	Conversion of a single family dwellinghouse into 3 x 1 bedroom self-contained flats.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed

Commentary:	<p>The Inspector agreed that the unauthorised development has deprived potential occupiers of the opportunity to obtain accommodation in a small dwelling suitable for the needs of a family.</p> <p>He also agreed that the conversion would be likely to result in unacceptably increased levels of noise and disturbance to residential neighbours, contrary to the main thrust of policy ENV(i) of the adopted UDP 1996 and the standards for internal alterations to dwellings in paragraph 2.11 of SPGN2, adopted 1996. He concluded that it would not be practicable in this case to impose effective planning conditions on the use as three self-contained flats to justify a grant of planning permission. Consequently, the appeal failed on ground (a).</p> <p>The appeal also failed on ground (g) because the Inspector considers 6 months compliance period sufficient for the appellant to comply with the notice and restore the property to its use as a dwelling house.</p>
Case officer:	Cecilia Kadiri Phone: (020) 8496 6138

Ref no:	2005/0138/CLE & 2005/0028/ENF
Location:	10 Stirling Road, Walthamstow E17
Development:	CLE - use as car repair centre (use class B2); and (Enforcement) Without planning permission unauthorised change of use from Light Industrial (Use Class B1) to Car Repairs (Use Class B2).
LBWF decision:	Refused
Appeal type:	Inquiry
Appeal decision:	Dismissed

Commentary:

These are premises used for the manufacture of snooker tables and subsequently partition walls. In addition a car repair business had been commenced. The Council took the view that this was a change of use from light industrial to general industrial and, as there were dwellings nearby and permission had been granted to convert industrial premises opposite to residential, served an Enforcement Notice because of the amenity impact of the use on nearby residents. The owner of the property also made an application for a Certificate of Lawful Development for the car repair use as he considered it had been operating for more than 10 years, but this application was refused by the Council. The appeal was against the refusal of the Certificate and the service of the Enforcement Notice on the basis the use had been operating for more than 10 years so was immune from enforcement and that planning permission ought to be granted for it. The Inspector considered that, although car repairs had been carried out at the property for more than 10 years, a material change of use had occurred when the part now used for car repairs was let out to a separate occupier, so the use had not achieved immunity from enforcement. She considered that the car repair use resulted in harm to the occupiers of nearby dwellings and would harm the residents of the proposed new dwellings. Thus she dismissed both appeals, though some amendments were made to the Enforcement Notice including substituting a plan that just related to the part of the premises used for car repairs rather than the whole premises.

Case officer:

John Harrison

Phone: (020) 8496 6175

Ref no:

2005/1310

Location:

429-437 High Road, Leyton E10

Development:

Demolition of existing building and erection of a 5-storey block comprising ground floor restaurant (Use Class A3) and 28 x 1 bed and 1 x 2 bed self-contained flats.

LBWF decision:

Refused

Appeal type:

Written Representations

Appeal decision:

Allowed

Commentary:	<p>The Inspector considered the main issues to be whether the proposals amounted to overdevelopment, detrimental to the character and appearance of the area. He found:</p> <ol style="list-style-type: none"> 1. The building fitted into the street scene in spite of the extra height, due to the recessed upper storey and would improve the relationship with Grange Park Road which is poor at present. 2. It would add visual interest at this prominent location. 3. Density ranges are only a guide, those in the London Plan are met but this is not critical in this case. The amenity space shortfall similarly is not critical given the predominance of non family housing and proximity to a local park. <p>The appeal was allowed subject to 11 conditions including hours restrictions on the restaurant, requirements for affordable housing and a demolition method statement and sound insulation for the flats.</p>
Case officer:	Jerry Bell Phone: (020) 8496 6050

Ref no:	2005/0650
Location:	29 Elsham Road, Leytonstone E11
Development:	Conversion of dwellinghouse into 2x1 bed self-contained flats. Erection of a single storey rear extension.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Dismissed
Commentary:	The Inspector concluded that there was a loss of a small family dwelling for which there was an identified need and which was contrary to adopted UDP Policy. The proposals were therefore unacceptable in principle although the internal layout was satisfactory.
Case officer:	Cecilia Kadiri Phone: (020) 8496 6138

Ref no:	2005/0781
Location:	Land rear of 10-12 Clarendon Road and 1 Granville Road, Walthamstow E17

Development:	Erection of a 2 bedroom detached house.
LBWF decision:	Refused
Appeal type:	Written Representations
Appeal decision:	Allowed
Commentary:	This appeal related to a proposal tod build a new dwelling on this site which fronts onto Pembroke Road, situated between two terraces in Clarendon Road and Granville Road. The Council's sole objection to the scheme was the impact of the dwelling on the rear-facing windows of the house in 1 Granville Road. The house was proposed 6 metres away from this, whereas the Council's standards in Supplementary Planning Guidance Note 1 would require 12 metres. The Inspector, however, considered that this proposal would be satisfactory as the rooms which would be affected by loss of daylight also had secondary side-facing windows and the proposed dwelling was quite narrow.
Case officer:	John Harrison Phone: (020) 8496 6175
Ref no:	2005/1338/OUT
Location:	91 Vicarage Road, Leyton E10
Development:	Outline application for demolition of existing dwelling house and erection of a 4 storey block comprising 12 x 2 bed self-contained flats. Provision of 12 parking spaces.
LBWF decision:	Refused
Appeal type:	Hearing
Appeal decision:	Dismissed

Commentary:

The Inspector considers there to be three main issues:

- (1) The effect of the proposed development on the character and appearance of the locality.
- (2) The impact the proposal would have on the living conditions of neighbouring residential occupiers.
- (3) Whether acceptable living conditions would be created for the future occupiers of the development.

1) On this matter he considers that the proposed development would fail to relate satisfactorily to its surroundings and detract from the character and appearance of the locality due to the excessive height and bulk and unattractive parking area contrary to BHE1 and BHE2 of the Unitary Development Plan (First Review) 2006.

2) The Inspector concludes that the proposed development would detract from neighbouring living conditions due to significant overlooking into the gardens of neighbouring properties, exacerbated by the proposed balconies and undue noise and disturbance to the tranquil rear garden areas caused by vehicular movements and car parking conflict contrary to BHE1 and BHE3 of Waltham Forest Unitary Development Plan (First Review) 2006.

3) The Inspector considers that the restricted outlook from the proposed development at the rear of the development would be unsatisfactory, looking out onto the blank wall of the school gymnasium. This would result in a poor standard of accommodation and contrary to BHE3 of the Unitary Development Plan (First Review) 2006.

For the reasons above, the Inspector dismisses the appeal.

Case officer:

Rachel Miller

| Phone: (020) 8496 6068
