

SUMMARY OF APPEAL DECISION RECEIVED SINCE BEGINNING OF MAY 2008

If you wish to receive a copy of any appeal decision please phone Brenda Danahar on (020) 8496 6732

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

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| Ref no: | 2007/1195 |
| Location: | 193 Farmer Road, Leyton E10 |
| Development: | Formation of room in the roof involving installation of dormer window. |
| LBWF decision: | Refused |
| Appeal type: | Written Representations |
| Appeal decision: | Dismissed |
| Commentary: | <p>The Inspector stated the proposal was unacceptable for the following reasons:</p> <ul style="list-style-type: none">(i) The rear dormer would be out of scale with host dwelling resulting in a top heavy appearance.(ii) The raising of roof ridge, would clearly be visible and detrimentally affect, the streetscene. <p>The proposal is contrary to Policy PSC5 of the Waltham Forest Unitary Development Plan (2006), and allowing this proposal would set an undesirable precedence for future developments within the locality.</p> |
| Ref no: | 2007/1784/CLE |
| Location: | 64 Abbots Park Road, Leyton E10 |
| Development: | An application for a certificate of lawfulness for an existing use as three self contained flats. |
| LBWF decision: | Refused |
| Appeal type: | Inquiry |

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| Appeal decision: | Withdrawn. |
| Commentary: | Withdrawn by applicant. |
| Ref no: | 2008/0063/ADV |
| Location: | Outside 262 Hall Lane, Chingford E4 |
| Development: | Installation of 2 (1760mm x 1160mm) poster panel forming an integral part of a bus shelter. |
| LBWF decision: | Refuse |
| Appeal type: | Advert |
| Appeal decision: | Withdrawn. |
| Commentary: | This appeal has been withdrawn. |
| Ref no: | 2007/0031/ENF |
| Location: | 27 Spencer Road, Walthamstow E17 |
| Development: | Without planning permission, erection of a ground floor rear extension and erection of a dormer window. |
| LBWF decision: | Enforcement |
| Appeal type: | Written Representations |
| Appeal decision: | Dismissed |
| Commentary: | <p>The Inspector found the dormer window to be bulky oversized and of unsympathetic design. The rear extension was found to significantly reduce daylight to the neighbouring property.</p> <p>The enforcement notice was upheld without alteration.</p> |
| Ref no: | 2007/0036/ENF |
| Location: | 72 Brooke Road, Walthamstow E17 |
| Development: | Without planning permission, the erection of a dormer and rear flank roof extension raising the ridge of the existing roof and changing the pitch of the front plane of the roof. The total volume of the development exceeds the 50m ³ |

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| | permitted development limit. |
| LBWF decision: | Enforcement |
| Appeal type: | Written Representations |
| Appeal decision: | Dismissed |
| Commentary: | The appeal was dismissed on the basis that this ridge raising L-shaped dormer and rear roof extension conflicted with Waltham Forest Unitary Development Plan (2006) policies BHE1, BHE3, PSC5 and Supplementary Planning Guidance Note 4 in addition. The Inspector argued that the development was inappropriate in terms of Scale 2 bulk and incongruous in the street scene. The appeal both on grounds a) and f) was therefore dismissed. |
| Ref no: | 2005/0037/ENF |
| Location: | 54 Ramsay Road, Forest Gate E7 |
| Development: | Without planning permission, construction of a large dormer window on front elevation. |
| LBWF decision: | Enforcement |
| Appeal type: | Inquiry |
| Appeal decision: | Dismissed |
| Commentary: | <p>The Inspector rejected the appellants argument that the dormer was immune from enforcement action since there was compelling evidence that the current dormer did not exist/was not substantially complete, more than 4 years prior to service of the original Enforcement Notice. The ground d) appeal therefore failed.</p> <p>As regards the ground a) appeal that planning permission should be granted, the Inspector concluded it was an incongruous addition and a discordant and harmful feature in the street scene. As such it was contrary to Policy BHE1 of the adopted Waltham Forest Unitary Development Plan (2006).</p> |
| Ref no: | 2007/1604 |
| Location: | 74 Poppleton Road, Leytonstone E11 |

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| Development: | Conversion of dwellinghouse into three self contained flats (2 x 1 bed, 1 x 2 bed) involving the erection of a single storey rear extension and the formation of rooms in the roof involving the installation of a rear dormer window. |
| LBWF decision: | Refused |
| Appeal type: | Written Representations |
| Appeal decision: | Allowed |
| Commentary: | <p>The Planning Inspector took the view that adequate insulation could be installed to limit the transmission of sound through walls and ceilings. He considered that this would be sufficient to prevent occupiers of the new flats and those of adjacent dwellings from suffering undue noise and disturbance.</p> <p>As there would be no increase in the number of bedrooms, the Inspector considered that the scheme would not result in an unacceptable increase in the intensity of the use of the site.</p> |
| Ref no: | 2007/1497 |
| Location: | Ching Court, 5 Friday Hill West, Chingford E4 |
| Development: | Construction of an additional floor to form 3 self-contained flats 2 x 2 bed and 1 x 1 bed, and provision of 5 additional car parking spaces. |
| LBWF decision: | Refused |
| Appeal type: | Written Representations |
| Appeal decision: | Dismissed |
| Commentary: | The Inspector considered that the appeal proposals would be significantly higher than the 2 storey hipped room semi-detached houses immediately to the north. This abrupt contrast would make the development over dominant and incongruous and would harm the character and appearance of the area, contrary to Policy BHE1 of the adopted Waltham Forest Unitary Development plan (2006). |
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| Ref no: | 2007/0008/CLE |
| Location: | 19Nottingham Road, Leyton E10 |
| Development: | Application for a Certificate of Lawfulness for an existing use – rear conservatory. |
| LBWF decision: | Refused |
| Appeal type: | Written Representations |
| Appeal decision: | Allowed |
| Commentary: | <p>This is a slightly unusual case. In May 2002 planning permission was granted for a single-storey rear extension 3 metres deep at this terraced house. Among the conditions imposed was one that the development should be carried out in accordance with the approved plans. When the extension was built, however, a conservatory was added so it was twice the approved depth. In August 2006 a Breach of Condition Notice was served requiring the demolition of the conservatory. The work was not carried out and the owner of the property was successfully prosecuted for non-compliance. He then submitted a Certificate of Lawful Development application, supported by an affidavit stating the work had been carried out in June or July 2002, so was therefore immune from enforcement action as the conservatory was built more than four years ago. In refusing the application the Council took the view that the successful Breach of Condition action meant the extension had not gained “four-year immunity” from enforcement action. The Inspector allowed the appeal, however, on the basis of his legal interpretation of the situation which he justified with case law support. When the extension and conservatory were built, the work was carried out as one operation. He therefore took the view that the appellant did not implement the planning permission granted in 2002, but carried out other development. As the permission had not been implemented, the condition requiring compliance with the approved plans did not “bite”, so the Breach of Condition action was not the correct procedure. Thus, the conservatory was immune from enforcement action.</p> <p>Your officers have sought Counsel’s opinion as to whether the Inspector’s decision can be challenged in the High Court but the advice is that a challenge would be unlikely to be successful.</p> |
