
Appeal Decision

Site visit made on 4 October 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 October 2016

Appeal Ref: APP/W5780/W/16/3151549

15 Spearpoint Gardens, Aldborough Road North, Newbury Park, Ilford IG2 7SX

- The appeal is made under section 78 of the Town Country Planning Act 1990 against the failure of the local planning authority to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ali Ozturk against the Council of the London Borough of Redbridge.
 - The application Ref 2553/15 is dated 24 June 2015.
 - The development proposed is erection of new bungalow and crossover including new fences, parking space and garden to rear of 15 Spearpoint Gardens.
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Decision

1. The appeal is dismissed and planning permission for erection of new bungalow and crossover including new fences, parking space and garden to rear of 15 Spearpoint Gardens is refused.

Background and main Issues

2. Had the Council issued a decision on the application within the prescribed period, it is clear that it would have refused the application on the grounds of character and appearance and highway safety. I have therefore had regard to this in my consideration of the appeal. The officer report also refers to an absence of information relating to the ownership and/or right of way over the proposed access. I note that this has not been reflected in the reasons for refusal that the Council argues it would have used had it issued a decision notice. I have, however, made my decision based solely on the planning merits of the case and consider the main issues to be:
 - the effects of the proposal on the character and appearance of the area; and
 - its effects on highway safety.

Reasons

Character and appearance

3. The appeal site is surrounded by the extensive rear gardens of nearby properties, a number of which contain domestic scale outbuildings. The overall effect is one of a spacious verdant area to the rear of surrounding residential development.
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4. I note that the various outbuildings within the immediate vicinity of the appeal site combine to create a general concentration of low single-storey built form. However, the proposed dwelling would be larger in terms of its floor area than the combination of outbuildings currently on the site and would also be of substantially greater height. It would therefore have a much greater presence than those it would replace. Whilst the appeal site is located well away from surrounding dwellings, due in part to their extensive rear gardens, it would nonetheless be omnipresent in views from the outdoor spaces of those nearby.
5. For the above reasons, I consider that the overall sense of spaciousness currently experienced within this residential area formed by the combination of gardens and low rise structures would be diminished. Given that this is a key characteristic of the area around the appeal site, the effect would, in my view, be harmful.
6. I recognise that the proposed dwelling would replace the current buildings which have a dilapidated appearance and improve the appearance of the existing untidy site by removing a substantial amount of stored material. However, this does not give credence to a proposal that would have an overall harmful effect on the character and appearance of the area.
7. I have also considered the appellant's argument that the appeal scheme is comparable to a previously permitted development to the rear of Nos. 831-839 Eastern Avenue. However, it is clear to me that this site shares less affinity with surrounding rear gardens than the appeal proposal, notwithstanding that it was permitted under different policy circumstances. I am not therefore persuaded that any direct comparisons can be drawn between the two schemes.
8. To conclude on this main issue, I am not satisfied that the proposed development would assimilate satisfactorily into its surroundings. Thus it would conflict with the aims of BWPP Policy BD1 that requires, amongst other things, development to be designed to respect, and be compatible with its surroundings. The appeal scheme further conflicts with Strategic Policy 3 of the Redbridge Core Strategy (2008) (CS), the aims of which include a requirement for development to respect the amenity of the locality generally.

Highway safety

9. The appeal site lies at the end of the appellant's rear garden and can be accessed through an existing garage beyond an unmade track that leads off a Macadam surfaced access (Benina Close). Benina Close leads, in turn, to Ramsgill Drive, which is located a significant distance to the east.
10. Benina Close provides access to a number of detached garages and the bungalow built in the rear gardens of No's. 831-839 Eastern Avenue. Beyond Benina Close, a narrow unmade track provides access to further detached garages to the rear of a number of properties along Aldborough Road North and Eastern Avenue. The spur off Benina Close that leads to the appeal site also provides access to detached garages to the rear of properties in Ramsgill Drive and Spearpoint Gardens.
11. At my site visit, I observed that the track leading to the appeal site was somewhat congested with parked vehicles. I also noted that the turn from this

track onto Benina Close is very tight and visibility is significantly constrained by the rear boundary fence of No. 1 Ramsgill Drive.

12. Given that the proposal includes parking for two cars and would provide sufficient space and rooms to be considered as family accommodation, the number of vehicle movements along Benina Close is likely to materially increase. I therefore consider that vehicles leaving the appeal site should be able to do so in a forward gear. This is necessary in my view, in order to avoid conflict with other vehicles and pedestrians, particularly those associated with the dwelling constructed to the rear of Nos. 831-839 Eastern Avenue (now accessed from along Benina Close) given its proximity to and juxtaposition with the proposed site access.
13. The layout of the proposed development on the submitted plans shows that two parking spaces would be provided under a detached carport. However, there is no clear indication that there is sufficient space available within the confines of the site to allow for two vehicles to park such that they could exit it in a forward gear. I note the appellant's assertion that this matter could be addressed by the imposition of a suitably worded condition. However, a condition must be workable without materially altering the proposal. Consequently without adequate details, I am unable to determine whether such a condition would be a practical proposition and thus, that it would meet the tests set out in paragraph 206 of the National Planning Policy Framework (the Framework) and National Planning Practice Guidance.
14. Clearly, the existing garage could be used by the appellant for parking a car. However, I consider this unlikely given the off-street parking more conveniently located directly at the front of the existing dwelling. Moreover, the existing garage would provide space for only one car whereas the appeal proposal includes parking for two. Therefore, the appeal proposal would be likely to generate a higher number of vehicle movements than is currently the case, notwithstanding that the appellant's garage currently appears to be used only for storage.
15. I note that the Council has cited Policy T5 of the Borough Wide Primary Policies Development Plan Document (2008) (BWPP), which clearly refers to maximum parking standards. However, the government abolished national maximum parking standards in 2011 and the Framework makes it clear that local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network. I do not have such justification before me and therefore consider this policy to be somewhat out of step with the Framework thereby reducing the weight that I afford it in my decision. Notwithstanding this, I do not consider that the appeal proposal would conflict with the overall objectives of Policy T5. However, this does not overcome the clear identified serious harm to highway safety and consider that the proposal runs counter to the paragraph 32 of the Framework.

Other matters

16. The appellant has put to me that the proposal would meet demand for this type of housing. However, this claim is not substantiated by any evidence and I have not been made aware of any specific unmet need for housing of the type proposed. Accordingly, such an argument carries very little weight.

Conclusion

17. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector