
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/16/3154368

381 High Road, Ilford, Essex IG1 1TF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Vijay Sharma against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0500/16, dated 20 February 2016, was refused by notice dated 6 May 2016.
 - The development proposed is three storey rear extension to provide two one-bedroom flats.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The proposal is for a number of amendments to a previous permission (0825/13), and a lengthy description of these has been provided on the application form. However, in the interests of clarity, taking into account the Council's reasons for refusal, I have taken the description of the development from the summarised version given on the appeal form.
3. I noted at my site visit that the appeal scheme has commenced and I have dealt with the appeal on this basis.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the living conditions of future occupiers of the development and those of Nos. 379 and 381 High Road with regard to privacy.

Reasons

5. The previously approved scheme included windows only in its side elevation. The appeal proposal seeks to alter this arrangement to provide increased internal space with windows facing the main rear elevations of No. 379 and 381. The previously included side windows would no longer form part of the overall scheme.
 6. There is dispute between the parties over whether the first floor of No. 379 is in residential or commercial use. However, permission was granted in 2006 for a change of use of the first floor to provide a self-contained flat. Consequently, in the absence of clear evidence to the contrary, I consider the current use of the first floor of No. 379 to be residential. Notwithstanding this, even if I were
-

to accept otherwise, based on the permitted use, there is nothing to prevent it from being used as a residential unit at some point in the future.

7. The first floor kitchen forming part of the development has two windows facing generally towards the main rear elevation of Nos. 379 and 381. Notwithstanding that the submitted plans show only one window, one of the two is set at an angle, thus having a restricted view of any windows opposite and the other, directly facing window, is obscure glazed. Consequently, I do not consider that this arrangement will lead to unacceptable effects on existing or future occupiers by way of being overlooked.
8. However, the bedroom window at second floor level will directly face the upper floor windows within the main rear elevation of Nos. 379 and 381. Combined with the proximity between these windows, I consider this to be an unacceptable relationship that would prevent existing and future occupiers from enjoying a satisfactory level of mutual privacy. Thus the appeal scheme runs counter to Policy BD1 of the Council's Borough Wide Primary Policies Development Plan Document (2008) (BWPP) that, amongst other things, seeks to prevent such effects. The appeal scheme also conflicts with Strategic Policy 3 of the Redbridge Core Strategy (2008), the aims of which include a requirement for development to respect the amenity of adjoining properties.
9. I recognise that the bay window at first floor level in the existing building has the potential to result in some mutual overlooking between Nos. 379 and 381. However, this is not sufficient justification to allow a scheme that would increase the number of mutually overlooking windows, thus adding to any existing harm.
10. The Council's reasons for refusal also cite BWPP Policy BD5, which relates to extensions to existing dwellings. However, the provisions of this policy do not include reference to the effects of development on the living conditions of existing or future occupiers. Consequently, I do not consider this policy to be relevant to the scheme before me.

Conclusion

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

Hayden Baugh-Jones

Inspector