

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: 18th October 2016

Appeal Ref: APP/W5780/W/16/3153678

Land located to the rear of nos. 20 to 24 Virginia Gardens, the rear of nos. 112 and 114 Craven Gardens and the rear of nos. 1 to 4 Westminster Close, Barkingside, Ilford IG6 1PQ

- 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 Westminster Close Properties Limited against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4600/15, dated 19 November 2015, was refused by notice dated 18 April 2016.
 - The development proposed is construction of a single flatted building to provide 2no. one bedroom and 2no. two bedroom homes, together with associated amenity space, car parking, access and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are (i) the effects of the proposal on the character and appearance of the area; (ii) its effects on the living conditions of neighbouring occupiers in Virginia Gardens and Westminster Close with regard to outlook; and (iii) its effects on highway safety.

Reasons

Character and appearance

3. The appeal site comprises an overgrown area of land surrounded on three sides by existing residential development. To the east of the site are the playing fields associated with a nearby school. There are alleyways running north-south immediately beyond the site's eastern and western boundaries. The western alleyway links Westminster Close and Virginia Gardens. The other runs for some distance between the site and the playing fields and from what I observed, neither appears heavily used.
 4. The surrounding development pattern is formed by mainly inter-war housing comprising terraces, semi-detached two-storey dwellings and maisonettes arranged in linear form along streets and culs-de-sac to create blocks of development within a general grid pattern. There is significant separation between lines of dwellings, provided mostly by back-to-back rear gardens. The overall effect is one of a uniform and relatively spacious suburban area. The
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undeveloped state of the appeal site appears as somewhat of an anomaly in this context.

5. For the above reasons, a proposed development on what is essentially a backland site, cannot easily reconcile itself with the surrounding development pattern. However, because of surrounding development and the belt of trees along the edge of the playing fields, it would not be readily seen from many public viewpoints. Nevertheless, this does not mean there would be no harm to the overall character and appearance of the area and I turn to this now.
6. The proposed building has been designed to provide a central two-storey core aligned east-west, with lower-rise flanks utilising half-hipped roofs and dormers. However, despite this, it would nevertheless be a substantial, almost square building and whilst the proposed roof form would reduce its overall bulk to some extent, the overall sense would be one of a large built mass. This would be compounded by the spread of the building across the site and the very modest space between its flank walls and the boundaries. The absence of sufficient relief between the front elevation and the side boundaries, combined with the relative proximity of dwellings on both sides, would give the impression of the proposed dwelling being cramped on its plot and therefore out of scale with its surroundings. Furthermore, it would also be of substantial overall proportions in comparison to, and thereby at odds with, the character of the surrounding dwellings.
7. The existing pattern of development is such that the vast majority of rear gardens do not back on to built form. Where the end of a line of dwellings is opposite the rear elevation of another, the space between them is substantially greater than that proposed within the appeal scheme.
8. I recognise that the proposed building would be notably lower in height than those surrounding it. However, in my view, for this reason and by way of the use of half-hips and dormers, it would appear anomalous. I accept that this does not necessarily mean it should be considered unacceptable and I also recognise that the proposal would make good use of urban land. However, when taking into account my other findings in relation to this main issue, it nonetheless leads me to conclude that the proposal would be generally out of character with its surroundings.
9. To conclude on this main issue, the proposal would run counter to Policy BD1 of the Council's Borough Wide Primary Policies Development Plan Document (2008) (BWPP) that, amongst other things requires development to contribute to local distinctiveness and be appropriate to the locality through its style, massing, scale, density and design. Further I consider the proposal would conflict with the requirement to respect the locality generally as set out within Policy SP3 of the Redbridge Core Strategy (2008) (CS).

Living conditions

10. The proposed building would fill a substantial proportion of the gap between the rear of dwellings in Virginia Gardens and Westminster Close and its northern and southern flanks would have their side elevations facing directly towards some, but not all, dwellings in those streets. I recognise that the use of lower roof heights for these parts of the building and the proposed half-hipped roofs would, to some extent, reduce its overall effects on the outlook from neighbouring occupiers.

11. However, the proximity of the building's flanks to the neighbouring rear garden boundaries would not maintain sufficient separation distances to prevent the building from being omnipresent or appearing overbearing, particularly in the outlook from the neighbouring properties' upstairs rooms and rear gardens. Such a relationship would, in my view, be unsatisfactory and therefore harmful to the living conditions of neighbouring occupiers in Virginia Gardens and Westminster Close.
12. The number of properties in Craven Gardens that directly face the site is small – only Nos. 112 and 114. Because the proposed building would be set towards the site's eastern boundary, a substantial distance would be maintained between it and the rear elevations of these two properties. I therefore consider that the effects of the development on their occupiers' outlook would be minimal and acceptable.
13. BWPP Policy BD1 also seeks to prevent unacceptable effects on neighbouring occupiers. However, the wording of this policy is such that it does not have any clear reference to matters of outlook. Notwithstanding this, the proposal would run counter to CS Policy SP3 that requires development to respect the amenity of adjoining properties.

Highway safety

14. The proposed access would be formed by widening the area around the end of what is the current alleyway, where it meets the transition point between the straight part of Westminster Close and its turning head. At my site visit, I observed a significant number of parked vehicles in Westminster Close, which supports the evidence of a local resident that this is a congested cul-de-sac in terms of parking. I therefore have no reason to doubt that this is the prevailing situation and that visibility would be restricted when exiting from the proposed access, even taking into account the widening around the junction. However, given that Westminster Close is not a through road and thus, traffic speeds are likely to be low, I am not convinced that, in this case, any effects on highway safety would be severe.
15. There is good visibility along the western alleyway and I am satisfied that this would ensure that pedestrians and drivers would be aware of each other's presence. Whilst visibility would be more restricted into Westminster Close, given the proposed widening at the junction and the likely low traffic speeds, I am not persuaded that the proposal would result in a severe effect on pedestrian safety. Moreover, currently, the alleyway is clearly little used as evidenced by the vegetation growing along much of its length and it has no logical connection to nearby services and facilities. Its use would increase, albeit only along part of its length, as a result of the proposed development but not substantially so in my view, given the relatively modest number of dwellings proposed.
16. For the above reasons and also taking into account the absence of any objections from the highway authority or emergency services, I do not find that there would be any overall conflict with the aims of BWPP Policies BD1 and T6 or with CS Policy SP3. Moreover, paragraph 32 the National Planning Policy Framework is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. For the reasons already given, I do not consider that to be the case here.

Conclusion

17. Whilst I have found that the proposed development would not result in unacceptable effects on highway safety, this is substantially outweighed by the other clear identified harm to the character and appearance of the area and the living conditions of occupiers in Virginia Gardens and Westminster Close.
18. For the above reasons, and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector