

## Appeal Decision

Site visit made on 10 October 2016

**by Gareth Wildgoose BSc (Hons) MSc MRTPI**

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

**Decision date: 25<sup>th</sup> October 2016**

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**Appeal Ref: APP/W5780/W/16/3155004**

**Site adjacent to 1 Elm Close, Wanstead, London E11 2JE**

- 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 Dhani Properties Ltd against the decision of the Council of the London Borough of Redbridge.
  - The application Ref 2088/16, dated 28 April 2016, was refused by notice dated 1 July 2016.
  - The development proposed is construction of 5 No flats.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The occupiers of 1 Elm Close have expressed concern that the proposal would encroach onto land within their ownership which is enclosed by a boundary wall that lies within the site identified. However, the appellant signed a certificate of ownership which indicates sole ownership of the land to which the appeal relates and the Council determined the planning application on that basis. In addition, the appellant has provided a Land Registry plan (title number BGL112596) and a Transport for London plan (dated 30 October 2014) that are consistent with the site boundary indicated on the submitted plans. I determine the appeal accordingly. In any case, ownership of land and property remains a private matter between the relevant parties.

### Main Issues

3. The main issues of this appeal are:
  - the effect on the character and appearance of the site and the surrounding area;
  - the effect on the living conditions of occupiers of neighbouring properties, with particular regard to 1 Elm Close, and;
  - the effect on highway and pedestrian safety, with particular regard to parking arrangements.

### Reasons

#### *Character and appearance*

4. The appeal site consists of land located at the northern end of Elm Close, which is a residential cul-de-sac with a mix of two storey semi-detached houses and
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terraces accessed from Wigram Road. The southern boundary of the site adjoins 1 Elm Close and the western boundary adjoins a three storey apartment building accessed from Oakhall Court. The northern boundary of the site adjoins Eastern Avenue (A12) at the beginning of a slip road onto Harrier Avenue. There is a bus stop layby in close proximity accessed from a footway which has a splayed alignment along the eastern boundary of the site. The footway adjoins an existing vehicle turning area that is currently used as informal on-street parking. The site has a gentle upward slope to the west and currently has a landscaped appearance, but is not designated as public open space. The site is enclosed by boundary walls with supplementary trees and hedging, aside from its eastern boundary facing Elm Close which remains open.

5. The appeal proposal consists of 5 residential flats (3 x 2 bedroom 3 person and 2 x 1 bedroom 2 person) within a two storey building, including second floor accommodation in the roofspace accommodated by rear dormers and a high level window facing Eastern Avenue. The front elevation of the building seeks to replicate the scale, form, proportions, materials and fenestration of the adjacent semi-detached pair of houses located on Elm Close (Nos. 1 and 3) with a similar hipped roof design and two storey bay window feature. However, due to the angled frontage of the eastern site boundary, the building would be located in a set back position relative to the main build line of No 1 and Elm Close. In addition, the building would have a stepped arrangement to accommodate both the shared entrance and the northern section of the building comprising Flats 2, 4 and 5.
6. Having regard to the above, the set back position and closer proximity to Eastern Avenue than other properties on Elm Close would result in the property having a visual influence on both street scenes. The stepped arrangement of the building and resultant depth, bulk and massing of built form, together with the varied height and profile of the side gable and hipped roof forms, would be viewed as an overly complicated, contrived and incongruous development when viewed from Eastern Avenue. This harmful effect upon the Eastern Avenue street scene would be worsened by the failure to provide a coherent, balanced and legible elevation addressing this aspect in a similar manner to the adjacent three storey apartment building to the west and properties directly opposite.
7. The prominence of the building on Eastern Avenue would be marginally decreased by the smaller scale and proportions of the building relative to the adjacent apartment block, together with the difference in land levels, tree screening between the buildings and variation of building lines of the three storey buildings to the west. However, when taken together these factors would not be sufficient to overcome the harm identified due to the available views of the site as land levels gently rise from east to west. The detrimental impact on the character and appearance of the site and the Eastern Avenue street scene could not be mitigated by additional landscaping or boundary screening.
8. The proposal would be inconsistent with the existing pattern of development on the western side of Elm Close and its stepped frontage would be a departure from the consistency of building lines of adjacent dwellings to the south. However, the similar scale, materials and proportions of the building relative to adjacent properties and the reduced prominence arising from its set back would assist its assimilation when viewed from Elm Close and Wigram Road. I therefore consider that, on balance, the building would not be viewed as a

harmful addition to the Elm Close street scene. However, the absence of concern in this respect does not justify the harm otherwise identified.

9. The site is not designated within a conservation area or located within the setting of a listing building. However, the absence of such a designation or proximity to heritage assets does not justify harmful development. This is noting that the National Planning Policy Framework (the Framework) attaches great importance to the design of the built environment, whilst seeking high quality and inclusive design for all development.
10. I conclude that the proposed development would harm the character and appearance of the site and the surrounding area. The proposal would conflict, therefore, with Policy SP3 of the London Borough of Redbridge Core Strategy Development Plan Document (CS), adopted March 2008, Policy BD1 of the London Borough of Redbridge Borough Wide Primary Policies (BWPP), adopted May 2008, and Policy 3.5 of The London Plan, adopted July 2011 (as amended). When taken together these policies seek to ensure that new development is of a high quality design that responds positively to local character and distinctiveness, including in terms of style, massing, scale and design. The policies are consistent with the Framework which requires good design and seeks to promote or reinforce local distinctiveness.

*Living conditions – neighbouring properties*

11. The rear elevation of 1 Elm Close (No 1) has a western aspect and the proposed development would be located to the north which would ensure no potential loss of sunlight, daylight or overshadowing. The set back position of the proposed building would result in a rear projection of approaching 6m beyond the main rear elevation of No 1 in close proximity to the boundary. However, the bulk and massing of the section adjacent to No 1 would be reduced by the hipped roof design. Furthermore, the nearest habitable windows in the rear elevation of No 1 are distanced from the boundary at ground and first floor level. Consequently, there would be sufficient separation distance to prevent a harmful overbearing or overshadowing impact on the habitable (i.e. protected) windows at ground and first floor level.
12. The rear projection of the building would also not have a significant impact on the outlook from and enjoyment of the rear garden, given that the additional stepped back elements of the building would be sufficiently distant to prevent a harmful overbearing effect or sense of enclosure. In addition, the outlook from the non- habitable side window of No 1 that overlooks the site cannot reasonably be protected and the absence of proposed windows in the facing side elevation prevents any direct overlooking. Furthermore, the outlook from habitable windows of the rear elevation of the development would have only oblique views of the rear garden of No 1 relating to areas that are already overlooked by 3 Elm Close. The potential removal of trees, walls and hedging along the boundary could be mitigated by new boundary treatments and landscaping that could be secured by condition. I, therefore, consider that the proposal would not have a detrimental impact on the living conditions of the occupiers of No 1 with respect to matters of outlook and privacy.
13. Although not forming part of the Council's reasons for refusal provided by the decision notice, the officer report identified concerns with respect to the relationship of first and second floor windows of the development with side windows within the three storey apartment block to the west of the site.

However, I consider that this relationship would not result in harmful overlooking, a significant loss of privacy or an effect on outlook that would harm the living conditions of occupiers of the apartment block. In reaching this view, I have taken account of the potential separation distance between the respective windows, the extent of existing boundary screening on the western site boundary and the raised land levels of the apartment block.

14. The proposal would preserve the living conditions of the occupiers of all other surrounding properties in terms of outlook, light and privacy, due to the greater separation distances involved.
15. Interested parties raised additional concerns with respect to the loss of a landscape buffer and the potential for increased air pollution from the A12 as a result. However, there is no substantive that a detrimental impact would result in this respect, the land is not designated public open space and the addition of a building would not have a significant impact on air pollution. Furthermore, additional or replacement landscaping could be secured by condition if planning permission is granted.
16. I conclude that the proposed development would not harm the living conditions of the occupiers of neighbouring properties. The proposal would not conflict, therefore, with Policy SP3 of the CS and Policy BD1 of the BWPP in so far as the policies seek that development respects and does not prejudice the amenity of neighbouring occupiers by unreasonably restricting sunlight, daylight or privacy to their properties. The policies are consistent with the Framework which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

#### *Highway and pedestrian safety*

17. Elm Close is a residential cul-de-sac serving thirteen existing properties with a carriageway width of approaching 6 metres, accessed from Wigram Road with no direct access onto Eastern Avenue. There are footways to both sides of the carriageway and street lighting. During my visit to the site in the early afternoon, I observed some on-street parking, but that the road is lightly trafficked due to the absence of through access. A number of properties on Elm Close have off-street parking to their frontages. Elm Close is subject to on-street parking restrictions between the hours of 0930 - 1030 from Monday to Friday only.
18. The site has a PTAL rating of 4 which reflects good accessibility to public transport, given the close proximity of nearby bus stops with frequent bus services connecting to key destinations in east and central London and is within walking distance of Wanstead underground station which is on the Central line. There are also a range of local services and facilities nearby along Wanstead High Street.
19. Vehicle access to the development would be via the existing turning head at the junction of Elm Close and Wigram Road with 2 off-street parking spaces provided. Policy T5 of the BWPP indicates maximum parking standards of 1 to less than 1 space per 1-2 bed unit and indicates that lower provision is likely to be appropriate in many cases, particularly where public transport provision and pedestrian / cycle access is good. The Council's concerns relate to the development providing limited off-street parking spaces to serve the 5 flats and

the resultant impact on highway and pedestrian safety from an increased demand for on-street parking.

20. The appellant has provided evidence in the form of a Transport Report (May 2016) submitted as part of this appeal. The evidence includes a car parking stress survey that was carried out in the immediate vicinity of the site overnight on Tuesday 10<sup>th</sup> May 2016. The survey included Elm Close and Wigram Road, together with the nearby residential streets of Camden Road, Harrier Avenue, Oakhall Court, Rectory Crescent and a section of Redbridge Lane West within approximately 200m of the site. The survey indicated that the unused overall parking capacity in Elm Close was 30% of 15 spaces on-street and in Wigram Road was 26% of 28 spaces on-street, each of which accounts for existing accesses to off street parking. Although the survey also identified that Camden Road had available on-street car parking capacity, this location is subject to residential parking permit restrictions and is accessed from Harrier Avenue, rather than Wigram Road. Consequently, I consider that it would be unlikely to be suitable and practical overspill parking for the development as an alternative to Elm Close and Wigram Road.
21. I accept that small, cumulative increases in parking demand can become significant in areas with relatively limited capacity. However, having regard to the parking survey and the absence of any contrary evidence from the Council, I have no reason to disagree with the assessment of available parking capacity on Elm Close and Wigram Road. In this respect, I also observed some availability of spaces during my visit in the early afternoon on both Elm Close and Wigram Road. I, therefore, consider that Elm Close and Wigram Road are not roads that are subject to significant parking pressure or heavily parked at night to an extent that the modest increase in parking demand arising from the development could not be accommodated. In reaching this view, I have taken into account that there would be potential displacement of up to 3 spaces within the turning head to facilitate vehicular access to the development. Nevertheless, the limited increase in the parking requirement arising from the development and the available on-street parking capacity in the immediate surroundings of the site, lead me to consider that the proposal would not harm highway and pedestrian safety.
22. It is common ground between the main parties that the proposed cycle parking would be sufficient and provided in a convenient and safe location to accord with the requirements of The London Plan and Policy T5 of the BWPP.
23. I conclude that the development would not result in harm to highway or pedestrian safety. The proposal would not conflict, therefore, with Policy T5 of the BWPP given it does not exceed the maximum parking standards stated, is in an area of good public transport accessibility and there is substantiated evidence of availability of on-street parking whereby the reduction of existing on-street parking would not be harmful. The development also accords with paragraph 32 of the Framework in that there would be no severe residual cumulative impacts arising from the development on highway safety.

### **Other Matters**

24. The development offers potential benefits in terms of increasing housing supply and housing choice in a location that has good accessibility to sustainable forms of transport. The proposal would have economic benefits to the local area through support for local services and facilities, together with Council tax

- and CIL revenue. Furthermore, there would be short term and temporary economic benefits with respect to the necessary construction works associated to the development. However, the scale of these benefits is limited for a development comprising five flats and does not outweigh the harm identified.
25. The Council's officer report identified that the residential density arising from 5 flats in a site of 0.058 hectares would result in overdevelopment, although this did not form part of a reason for refusal. However, the site is within a suburban area with a PTAL rating of 4. On that basis, the proposed density of 86 units per hectare (u/ha) and 224 habitable rooms per hectare (hr/ha) would comply with Table 3.2 of the London Plan. However, the absence of concern in this respect is a neutral factor which does not outweigh the harm otherwise identified.
26. The development would comply with the minimum dimensions required by the nationally described space standard<sup>1</sup>, as adopted by minor alterations to the London Plan in March 2016 and the provision of appropriate communal amenity space would accord with Policy BD4 of the BWPP. The direct overlooking of the rear amenity area by habitable windows in the existing side elevation of the adjacent apartment block would not ordinarily be encouraged. However, given the communal nature of the amenity space, the effect on privacy would not be significantly harmful in this instance. In addition, the potential noise impact on existing residents due to the proximity to Eastern Avenue could be appropriately mitigated by a sound insulation scheme that could be secured by condition. Nevertheless, the absence of concern in these respects is a neutral factor.
27. An arboricultural impact assessment provided by the appellant indicates that the proposal would not have detrimental impact on the existing trees located along the perimeter of the site. Furthermore, I consider that the loss of ornamental trees of limited value within the site could be appropriately mitigated by the provision of additional landscaping. However, the absence of concern in these respects is also a neutral factor.

## **Conclusion**

28. I have found no harm in terms of the effect of the development on highway and pedestrian safety and in relation to the living conditions of occupiers of neighbouring properties. However, the absence of harm in these respects and the limited social and economic benefits of the proposal do not outweigh the harm arising from the development in terms of the character and appearance of the site and the surrounding area. This harm is decisive upon the outcome of this appeal and reflects conflict with the development plan and the Framework that is significant and overriding.
29. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

*Gareth Wildgoose*

INSPECTOR

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<sup>1</sup> As set out in Technical housing standards – nationally described space standard, March 2015