
Appeal Decision

Site visit made on 11 October 2016

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 27 October 2016

Appeal Ref: APP/W5780/W/16/3154353

Public Conveniences adjacent McDonalds, Horns Road, Barkingside, Ilford IG2 6BE

- 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 Gulam Ahmed against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3070/15, dated 31 July 2015, was refused by notice dated 14 January 2016.
 - The development proposed is a mixed use development over 4 floors with retail on ground and lower ground floors and residential use in the floors above.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) whether the proposal would provide acceptable living conditions for its occupants in terms of local environmental conditions and amenity space provision;
 - iii) whether the design of the entrance to the flats would be acceptable;
 - iv) the effect of the proposal on highway safety;
 - v) whether adequate bicycle parking provision would be made; and
 - vi) any implications for potential future redevelopment of the local area.

Reasons

Character and Appearance

3. The area around the junction of Horns Road and Eastern Avenue forms the Newbury Park Local Centre as defined in the Core Strategy (CS)¹. Eastern Avenue is a multi-lane dual carriageway forming part of the A12. There are small shops on the southern side of that road and a number of retail warehouses on the northern side where the appeal site is located. The site is next to the car park of a McDonalds restaurant and opposite a car park to a

¹ London Borough of Redbridge Core Strategy (2008)

B&Q store. Adjacent to the site is a vehicle repair garage and an Indian restaurant. The immediate area is commercial and does not have a clearly defined architectural character although McDonalds occupies a former public house which is of traditional appearance and there are buildings of similar appearance on the other side of Eastern Avenue.

4. The proposed building would occupy a substantial proportion of the site and would be significantly taller than the adjacent buildings. As such it would have a large and bulky appearance in relation to its immediate surroundings. The various architectural elements which would include a recessed third floor in a contrasting material and projecting terraces with a central area of solar panels would contribute to the overall scale of the building giving it particular prominence in relation to its surroundings.
5. I noted on my visit that there are large and tall buildings on Eastern Avenue which are quite close to the site but those buildings relate more closely to each other and are in a prominent setting adjacent to the main road. The immediate context of the appeal site, by contrast is of buildings of more modest scale and height. In that context the proposal would be unacceptably dominant and out of character.
6. For these reasons the proposal would not enhance the public realm as required by policy 7.6 of the London Plan (2011). Its massing, density and scale would not be appropriate to the locality as required by policy BD1 of the Borough Wide Primary Policies (BWPP)² and policy 3.5 of the London Plan which has a similar requirement. The design would for these reasons not be of sufficient quality to accord with policy 7.4 of the London Plan. The retail frontage would be consistent with the character of the centre but for the reasons given the proposal considered as a whole would be harmful to the character and appearance of the area.

Living Conditions

7. The proposed flats would be built up to the site boundaries and would have openings which would adjoin the vehicle repair garage and the car park to McDonalds. The garage has a rear yard which gives access to the repair workshop. Part of that yard is included within the appeal site and is leased to the garage operator. The proposal would result in the yard being reduced in area but it would still be a potential source of noise and disturbance as a result of the movement of vehicles and activities associated with vehicle repairs. Although vehicle repair activities would be likely to be restricted to day time working hours, there would be traffic using the car park and the drive-through facility of the McDonalds restaurant over longer hours including in the evenings and at weekends.
8. Mitigation measures such as sound insulation could be employed but the occupants of the flats would reasonably expect to open doors and windows and to use the terraces. There is no evidence before me to demonstrate that noise levels in the area would preclude acceptable living conditions. However for the reasons given I find that the likely levels of noise and disturbance would not be conducive to the provision of good living conditions and that there would be potential for future occupants to make complaints to the Council in this respect.

² London Borough of Redbridge Borough Wide Primary Policies Development Plan Document (2008)

This may in turn have implications for the future operation of the adjacent businesses.

9. The proposal would not provide any communal open space but there is a public park in quite close proximity at the Ilford War Memorial Gardens. The flats would each have a terrace but these would be less than 1.5m in depth which is the minimum required in the Mayor of London's Housing Supplementary Planning Guidance (SPG) (2012).³ The third floor terraces at 4.5 m² in area would not meet the 5 m² required⁴. The SPG states that the extent to which proposed developments depart from the baseline standards should be taken into account and that those which depart significantly are unlikely to be acceptable. The proposal would not significantly depart from the standards but the shortfalls in amenity space provision do not indicate a high standard of design as is required by policy SP3 of the CS and policy 7.6 of the London Plan. The proposal would not accord with those policies or with policy BD4 of the BWPP which requires 20 m² of amenity space per habitable room.
10. The shortfalls in amenity space provision are not determinative in my decision but considered overall, for the reasons given I find that the proposal would not provide acceptable living conditions for its occupants.
11. Policy 3.6 of the London Plan requires play and informal recreation facilities for children and young people. There is no evidence before me to demonstrate a specific need in this respect in relation to the proposal. The Council has confirmed that the internal space of each unit would be acceptable and on this basis the proposal would accord with policy BD7 of the BWPP.

Entrance to the Flats

12. Access to the entry lobby to the flats would be via gates and an enclosed path along one side of the building. The entrance door would be some distance back from the street behind the refuse/recycling store. The SPG⁵ recommends that main entrances to communal entrance lobbies should be visible from the public realm and clearly identified. I am concerned that the entrance to the flats would not be readily visible from the street and would not be clearly defined. This would not provide a welcoming entrance to the development and would not accord with policy 3.5 of the London Plan in this respect. On this basis I find that the design of the entrance to the flats would not be acceptable.

Highway Safety

13. The proposal would not provide any off-street parking facility and therefore any occupant with a car would have to park on the street. The site has moderate accessibility by public transport, there being bus stops on both sides of Horns Road and an underground station about 600 metres away. Occupants would not need to own a car but there would still be likely to be a need for on-street parking arising from the development. This would arise from the retail unit as well as the residents and their visitors.
14. The appellant has submitted a Transport Statement which includes surveys of parking stress on local roads that indicate the availability of on-street parking spaces in the area. The nearest areas where such parking can take place are

³ SPG standard 4.10.3

⁴ SPG standard 4.10.1

⁵ SPG standard 3.1.1

south of the A12 (about 200 – 500 metres away) and at Uppark Drive which is about 350 metres from the site. The need to cross the A12 may discourage the use of areas to the south of that road. Although it has been demonstrated that there is on-street parking space available in the area this is not conveniently located. This increases the possibility of parking in contravention of the parking restrictions in force which would be likely to affect highway safety.

15. Policy T5 of the BWPP requires car parking provision in accordance with standards set out in that document but allows consideration of a lesser standard on the basis of green travel planning measures, public transport accessibility and other factors including the availability of public parking. Although there are car parks in the immediate area there is no indication that these are available for public parking. No specific green travel planning measures have been proposed. Given that public transport accessibility is moderate there is insufficient justification for the lack of on-site car parking space and for this reason the proposal would not accord with policy T5. It is evident that parking stress would increase and although the appellant's assessment indicates that this would remain within acceptable limits day-time parking stress could rise to 91% which to my mind would be significant.
16. There are double yellow lines on Horns Road adjacent to the site and single yellow lines to the north. The appellant has explained that service vehicles would stop temporarily on the single yellow line which would entail carrying goods to the retail unit or transporting waste bins about 40 metres. Details of the shop occupier are not known at this stage but the carrying distance from a parked service vehicle would seem to me quite onerous. The length of time that any vehicle is parked on the single yellow line would affect the flow of traffic on Horns Road which is a busy route.
17. There is no evidence before me to demonstrate any severe impact in terms of highway safety but for the reasons given the proposal would result in increased parking of service vehicles on Horns Road and an increased likelihood of on-street car parking in contravention of the restrictions. For these reasons the risk of accidents would be increased and on this basis I conclude that the proposal would be prejudicial to highway safety.

Bicycle Parking

18. The plan submitted with the application appears to indicate the provision of 6 bicycle stands although the appellant states that 12 bicycles could be accommodated. Assuming this to be practicable the proposal would accord with policy T5 and Table 1 of the BWPP which require a total of 9 bicycle spaces. However the Council states that the London Plan⁶ has a higher requirement of 16 spaces which the proposal would not meet. For these reasons I have some doubt as to whether adequate provision for bicycle parking would be made and find that the proposal would not accord with policy 6.9 of the London Plan on this basis.

Implications for Potential Redevelopment

19. Policy SP1 of the CS focusses new development upon the hierarchy of town centres including Newbury Park and the proposal would accord with that policy

⁶ Table 6.3

in principle. There are no details before me of any other proposal in respect of the immediately adjoining area. While I note the Council's concern that development should be planned comprehensively and that the proposal would be a piecemeal development there is no evidence to demonstrate that the proposal would necessarily be harmful in this respect. Indeed the proposal would accord with the finding of the Redbridge Characterisation Study (2014) which considered that the area may benefit from a finer grain of mixed use development. For these reasons I find that the proposal would not adversely affect future potential redevelopment of the local area.

Other Considerations

20. The provision of new units of housing in a generally accessible location would benefit housing supply although there is no evidence before me of any shortfall in this respect. For this reason I can give only limited weight in favour of the proposal on this basis.
21. The proposed retail unit would contribute to the retail attractiveness of the local centre but I saw on my visit that there is already a good level of representation by national retailers there. The proposal would be of benefit in redeveloping a disused building which detracts from the quality of the area. These factors attract moderate weight in favour of the proposal.
22. The development would also enable greater surveillance of the local area reducing opportunities for crime and anti-social behaviour. This has been referred to by the appellant as a problem but there is no specific evidence before me to substantiate this. For this reason I give limited weight to the proposal in this regard.

Other Matters

23. The appellant has referred to other permitted developments in the area which are said to be similar to the proposal. No details of those developments have been provided but in any case the circumstances of each site vary and this does not alter my conclusions on the main issues.

Balance and Conclusion

24. I have found that the proposal would be generally beneficial in terms of the provision of housing and a retail facility and in terms of potentially reducing opportunities for crime. I have given limited and moderate weights to those benefits. On the other hand I have found there to be harms in terms of the character and appearance of the area, the living conditions of the future occupants and in terms of highway safety. Those harms would be significant and accordingly I attach significant weights to them. The limited and moderate weights that I have given to the benefits are not sufficient to outweigh those significant weights.
25. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR