
Appeal Decision

Site visit made on 3 October 2016

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 8 November 2016

Appeal Ref: APP/W5780/W/16/3149299
267 Green Lane, Seven Kings, Ilford IG3 9TN

- 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 Yousef Bhailok (Green Properties (Ilford) Ltd) against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3151/15, dated 3 August 2015, was refused by notice dated 18 January 2016.
 - The development proposed is change of use to provide a mixed use scheme consisting of 9 no. residential units of townhouses and apartments, ground floor retail and small first floor office unit.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - The effect of the proposal on the character and appearance of the surrounding area;
 - Whether the development would make sufficient provision for private amenity space for future occupiers; and
 - The effect of the proposal on the living conditions of neighbouring occupiers, with regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site is a corner plot laid to hardstanding that is in use as a car wash. A single storey flat roofed building is located at the eastern end of the site. Properties within the area are generally two storeys in height but there are some three storey buildings in the vicinity, including Oak Tree Medical Centre a short distance to the east of the appeal site, Tarragon Court at 205-223 Green Lane to the west beyond Highbury Gardens and the Betchworth Road Business Centre on the corner of Green Lane and Betchworth Road.
 4. The proposed building would have two, three and four storey elements, with the tallest section situated adjacent to the corner of Green Lane and Highbury Gardens. Whilst taller, landmark buildings may be appropriate in some circumstances, the development would be substantially greater in height than
-

the roof ridge height of adjacent dwellings, and would be out of character with prevailing building heights in the area. Furthermore, the four storey corner section in combination with the adjoining three storey elements fronting both Highbury Gardens and Green Lane would result in a building with a massing significantly out of proportion with other properties in the area. The existence of a small number of three storey buildings in the surrounding area, and the stepping down in height on each frontage of the site would not justify the excessive scale of the development proposed.

5. I therefore conclude that the proposal would harm the character and appearance of the surrounding area by reason of height and massing, and thus it would be contrary to policy BD1 of the Borough Wide Primary Policies DPD (BWP) (2008). This requires new development to be compatible with and contribute to the distinctive character and amenity of the area in which it is located. It would also be contrary to the National Planning Policy Framework, insofar as it requires a high quality of design in all new developments.

Living conditions – adequacy of amenity space

6. Only a third of the proposed flats would have private amenity space, and 4 of the 5 three bedroom units would not have any amenity space. These larger units would be suitable for families, and thus the lack of outdoor space for amenity would be detrimental to the living conditions of the occupants.
7. I therefore conclude that the development would not provide satisfactory living conditions for future occupiers. This would conflict with BWP Policy BD4, and the Framework, insofar as it requires development to provide a good standard of amenity for all existing and future occupiers.

Living conditions of neighbouring occupiers

8. The rear wall of the proposed building would be approximately 18 metres from the rear of Nos 1 and 3 Kent View Gardens, and the section of the building facing these properties would be two storeys in height, with accommodation in the roofspace. The appellant has submitted drawings showing obscure glazing to a height of 1.5m above finished floor level to the first and second floor windows in the rear elevation, which serve bedrooms. This could be secured by condition, and would prevent direct overlooking into the windows of properties on Kent View Gardens. As such any harm arising from overlooking would not be so severe as to warrant dismissal on this matter alone.
9. Turning to outlook, the proposed development would be located further away from properties on Kent View Gardens than the existing single storey building, but would be two storeys in height, and about 6m from the common boundary with No 1 Kent View Gardens, and about 7m from the boundary with No 3. Whilst the residents of the new properties would occupy them in full knowledge of the surrounding context, the close proximity of the building to the rear main walls of existing properties at Nos 1 and 3 means that it would appear unacceptably overbearing when viewed from the rear windows, and from within the rear gardens of these properties. This would cause material harm to the living conditions of the occupants, in respect of outlook.
10. I conclude that the proposal would harm the living conditions of neighbouring occupiers and would conflict with policy SP3. This requires new developments to safeguard the amenity of existing occupiers.

Other Matters

11. There are concerns regarding the potential for generation of noise and light pollution from the car park at the rear, but external lighting could be controlled by condition and activity associated with the use of the 6 proposed car parking spaces would not be significantly greater than that arising from on-street parking. As such I have afforded these matters little weight in reaching my decision.

Conclusion

12. For the above reasons I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR