

Appeal Decision

Site visit made on 6 October 2016

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 06 December 2016

Appeal Ref: APP/W5780/W/16/3152182

Garage Block Rear of 109-121, Wensleydale Avenue, Clayhall, Ilford IG5 0ND

- 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 Plamen Lyubomirov Georgiev against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0707/16, dated 19 February 2016, was refused by notice dated 22 April 2016.
 - The development proposed is demolition of existing garages and provision of two detached single storey dwellings with associated garden and parking spaces and cycle stores.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development varies between the application form and the subsequent documents. I have used the description given on the decision notice as it describes the development more accurately.

Main Issues

3. The main issues are:
 - Whether or not the proposal would amount to inappropriate development in the Green Belt, and its effects on the Belt's openness, visual amenity, and purposes;
 - Whether the proposal would provide adequate living conditions for future occupants, with particular reference to natural light, ventilation and outlook, and;
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not the proposal would amount to inappropriate development

4. Section 9 of the National Planning Policy Framework (NPPF) attaches great importance to the Green Belt, the essential characteristics of which are its openness and permanence. Whilst new buildings are generally found to be inappropriate in the Green Belt, NPPF paragraph 89 sets out a number of exceptions, including the limited infilling or the partial or complete redevelopment of previously developed sites.
5. Policy SP2 of the Redbridge Local Development Framework Core Strategy Development Plan Document (CS, March 2008) states a general presumption against inappropriate development in the Green Belt, and Policy E1 of the Borough Wide Primary Policies Development Plan Document (DPD, May 2008) states that, within the Green Belt, national policy will apply. Policy 7.16 of the London Plan (March 2015) also aims to protect the Green Belt from inappropriate development.
6. The appeal site is located in the Metropolitan Green Belt. It comprises a narrow strip of land to the rear of a row of properties on Wensleydale Avenue. To the south of the site are a number of garages which have fallen into a state of disrepair, having apparently been disused for some time. However, they were evidently built as permanent structures, and therefore the site falls within the definition of previously developed land, as set out in Annex 2 of the NPPF. In the case of previously developed land, paragraph 89 sets out the further proviso that the proposed redevelopment should not have a greater impact on the openness of the Green Belt or the purposes of including land within it than the existing development.
7. Previously, a planning application¹ was submitted for the development of four new dwellings on the site. Permission was refused, and the proposal was subsequently dismissed at appeal². The current proposal has reduced the scheme to a total of two new dwellings, which would have a combined footprint of approximately 280sqm. The garage block has a footprint of approximately 288sqm, and so the proposal would occupy a footprint of around 8sqm less. The new single storey, flat-roofed dwellings would mirror the existing form of the garages, and would have a small gap in between them. They would sit low in comparison to the adjacent dwellings and outbuildings. The north of the site would be retained as open space. I therefore find that the overall impact of the development on the openness of the Green Belt would be broadly comparable to that of the existing development.
8. However, NPPF paragraph 80 sets out the five purposes of including land within the Green Belt, one of which is to check the unrestricted sprawl of large built-up areas. Whilst not of any aesthetic merit in themselves, the existing structures have a low-key, understated appearance which accords with their function as ancillary buildings.
9. The proposed dwellings would be of a very different character to the existing garages. They would introduce a residential use which would markedly intensify the use of the ancillary land. The roof terraces in particular would introduce habitable spaces where none previously existed.
10. The design would incorporate glass balustrades to the front of the terraces, which it is stated would, together with the proposed soft landscaping, read

¹ 118/15

² APP/W5780/W/15/3129032

against the woodland backdrop, ensuring no loss of openness. However, it is inevitable that these living spaces would accrue domestic paraphernalia, which would be visible through the balustrades. Furthermore, the new dwellings would incorporate two solar panel arrays on each of the roofs. These solid, reflective structures would exceed the height of the balustrades, increasing the visual impact of the development. In addition to the built form of the houses, the development would incorporate car parking areas and areas of hard and soft landscape which would formalise the space, in stark contrast to its existing character.

11. The appellant argues that, if the garages were to be brought back into use, they would give rise to a greater degree of impact in terms of activity and vehicle movement. However, there is no evidence before me to suggest that this is a likely prospect. In any case, such activities would be in keeping with the ancillary function of the buildings. I can therefore attach little weight to this matter.
12. The appellant states that the proposal would enhance this part of the Green Belt, but I disagree. Whilst the garages are in poor condition, they are in keeping with the prevailing pattern of suburban development in the area in terms of their subservient relationship to the dwellings on Wensleydale Road. In contrast, the development would appear incongruous in this restrictive backland location, and so have a significantly greater impact on the visual amenity of the area. Whilst it would not be widely visible within the streetscene, it would appear distinctly at odds with the surrounding development in the immediate vicinity.
13. Whilst the proposal would have a neutral impact on openness, the domestication of the site would have an unacceptably urbanising effect on the land. It would therefore have a greater impact on the Green Belt purpose of checking unrestricted urban sprawl, and would thus be inappropriate development, contrary to paragraph 89 of the NPPF. It would also conflict with CS Policy SP2 and DPD Policy E1, and Policy 7.16 of the London Plan.

Living conditions of future occupants

14. The main living areas would be located to the south-east end of each new dwelling, and would have large areas of glazing opening out onto the ground floor garden areas. However, the main aspect from each dwelling would be constrained by the close proximity of the boundary walls at just over 4m from the south-east elevations. The proposed planting within the gardens would further constrain the outlook. The west elevations of both dwellings would be blank, and bedroom windows would be orientated to face into the adjacent courtyards. Whilst some oblique views from these rooms could be achieved towards the west, the outlook from these windows would be limited by the opposite courtyard walls at a distance in each case of around 2.5m.
15. The Council has voiced concerns over the levels of natural light that would be experienced within the new dwellings. In response, the appellant has submitted a Daylight Analysis (dated June 2016), which states that daylight values received within the habitable rooms would be above minimal requirements, and therefore acceptable. The Council accepts the findings of the report, and in the absence of any evidence to the contrary, I am satisfied that the levels of daylight within the new dwellings would be adequate.

16. The Council has also raised concerns in regard to the ventilation of the new accommodation. However, I am satisfied that, if the scheme were to be found otherwise acceptable, this matter could be dealt with by the imposition of a suitable planning condition.
17. Nevertheless, in view of the substantially constrained outlook that I have identified from the main habitable rooms, there would be an unacceptable sense of enclosure and confinement for future occupants within the new dwellings. The proposal would thus unacceptably fail to provide adequate living conditions for those occupants, contrary to DPD Policy BD1, insofar as it requires development to be designed to meet the needs of all.

Other considerations

18. Inappropriate development is, by definition, harmful, and should not be approved except under very special circumstances. The NPPF confirms that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
19. The Council intends to release land from the Green Belt to allow for housing and infrastructure growth. A number of sites have been identified for release in the emerging draft Redbridge Local Plan (draft LP). However, the appeal site does not fall within any of these sites. Therefore, although other Green Belt land may be released in the future, I am bound to consider the appeal scheme before me on its own merits, and against the relevant existing local and national policies. This matter has therefore not led me to a different conclusion.
20. Turning to housing land supply, I have been provided with an extract from the emerging draft LP, identifying a five year supply of 6,848 dwellings which the Council considers would meet the five year target for the period 2015/16-2019/20. The appellant disputes the validity of the Council's figures, and anticipates a significant shortfall in housing supply. I have had regard to the conclusion of the Bedfordshire appeal decision³ in respect of the need for a 20% buffer. I accept that the Council's evidence has not been tested, but unmet housing need in itself is unlikely to outweigh harm to the Green Belt and other harm to constitute very special circumstances.
21. In the event that the Council could not satisfactorily demonstrate a five year housing land supply, the relevant housing supply policies would be out-of-date. If that is the case, NPPF paragraph 14 indicates that planning permission should be granted unless specific NPPF policies, which include Green Belt policies, indicate that development should be restricted.
22. The addition of two dwellings to the housing supply within a sustainable location, and their social and economic benefits are to be given some weight, however modest their contribution. I note also the appellant's analysis of sustainable development principles in respect of the scheme. However, sustainable development must satisfy all of the three dimensions, which are economic, social and environmental. Whilst small benefits would arise from the development, they would not clearly outweigh the harm to the Green Belt I have identified.

³ APP/P0240/A/14/2228154

23. The appellant argues that the recent Meadowgate development, which comprises 28 dwellings, occupies a similarly discreet backland location. However, I do not have sufficient detail of that scheme before me to be certain of the circumstances in which it was found to be acceptable. In any event, having taken this development into account, I am not persuaded that it represents a suitable example to follow on the present site. I have considered the appeal case on its own merits, and I can afford only limited weight to the Meadowgate development.
24. I note that the Council's second reason for refusal refers to a serious and adverse effect on the amenities enjoyed by neighbours. However, the planning officer's report does not object on these grounds, and there is no amplification of the point in the Council's statement of case. On the evidence before me, I am satisfied that no specific harm to the amenity of neighbouring occupants would arise from the proposal.

Conclusion

25. In conclusion, I have identified that the appeal scheme would be inappropriate development in the Green Belt, as defined by the NPPF, which establishes that substantial weight should be attached to such harm. It would harm the visual amenity of the Green Belt, and would fail to check unrestricted urban sprawl. It would also fail to provide adequate living conditions for future occupants. Conversely, some modest benefits would arise from the provision of two dwellings. However, I consider that the substantial weight to be given to the Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. Consequently, the very special circumstances to justify the development do not exist.
26. For those reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR