

Appeal Decision

Site visit made on 9 November 2016

by Beverley Wilders BA (Hons) PgDurt MRTPI

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

Decision date: 09 December 2016

Appeal Ref: APP/W5780/W/16/3157739

Land at the rear of 9 Audley Gardens, Ilford IG3 9LB

- 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 Arun Gadhvi against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4410/15, dated 5 November 2015, was refused by notice dated 9 June 2016.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties having regard to outlook and privacy;
 - Whether future occupiers of the dwelling would be provided with satisfactory living conditions having regard to outlook and privacy;
 - The effect of the proposal on pedestrian and highway safety;
 - The effect of the proposal on flood risk.

Reasons

Character and appearance

3. The appeal site comprises part of the rear garden of the dwelling at 9 Audley Gardens. No 9 is a two storey end of terrace property, the rear garden of which backs onto Water Lane. Nearby dwellings on Audley Gardens have a similar rear garden arrangement. The length of rear gardens increases the further south along Audley Gardens/Water Lane the dwelling/garden is located up to a point at which there are dwellings on the eastern side of Water Lane. This includes two dormer bungalows built at the rear of properties fronting Audley Gardens. With the exception of these bungalows, the immediate surrounding area is generally characterised by two storey dwellings.
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4. Though the design, scale and appearance of the proposed dormer bungalow is similar to the two existing bungalows nearby on Water Lane and whilst the proposed materials are to match existing, the size and in particular the length of the rear garden of No 9 is smaller than the gardens of dwellings to the south, including those within which it appears that the existing bungalows were built. Consequently the proposed dwelling would appear cramped within the plot and the garden sizes of both No 9 and the proposed dwelling would be smaller than the average garden size in the immediate vicinity resulting in a development that would be out of character with the prevailing pattern of development in the locality. In addition unlike the existing bungalows which are positioned adjacent to other dwellings fronting onto Water Lane, the proposed dwelling would be positioned between and surrounded by the rear gardens of properties fronting Audley Gardens. This means that the proposed dwelling would be prominent in the streetscene and visually intrusive.
5. Taking the above matters into consideration, the proposal would have a significant adverse effect on the character and appearance of the area. It is therefore contrary to the development plan and in particular Policy SP3 of the London Borough of Redbridge Core Strategy (CS) and Policy BD1 of the London Borough of Redbridge Borough Wide Primary Policies (BWPP). These policies require development, amongst other things, to be compatible with and contribute to the distinctive character and amenity of the area in which it is located.

Living conditions (existing)

6. The proposed dwelling would be located directly to the rear of the dwelling at No 9, the rear garden of which would be significantly reduced in size by the proposal. It would be positioned very close to the side boundaries of the appeal site adjacent to the rear gardens of the neighbouring properties at 7 and 11 Audley Gardens. The proposed dwelling would contain a first floor dormer bedroom window in the rear elevation facing towards the rear elevation and rear garden of No 9 and close to the side boundary with the rear garden of No 11.
7. The position of the first floor dormer bedroom window in the rear elevation of the proposed dwelling would result in significant overlooking of the rear elevation and rear garden of No 9 and of the rear garden of No 11 and would therefore result in a significant loss of privacy to these properties. In addition the scale of the proposed dwelling together with its position very close to the boundaries with neighbouring gardens means that it would also have a significant adverse impact on the outlook from neighbouring gardens.
8. Taking the above matters into consideration, the proposal would have a significant adverse effect on the living conditions of the occupiers of neighbouring properties having regard to outlook and privacy. It is therefore contrary to the development plan and in particular Policy SP3 of the CS and Policy BD1 of the BWPP. These policies require development, amongst other things, to respect the amenity of adjoining properties.

Living conditions (future)

9. The ground floor of the proposed dwelling would contain an open plan lounge and kitchen and would be served by a door and window in the front elevation and a window and patio doors in the rear elevation. The proposed site plan

shows that the area in front of the front lounge/kitchen window would be used as an off road parking space. Consequently the outlook from the front window would be extremely poor when the parking area is in use.

10. Though the rear ground floor window and patio door would have an outlook towards the proposed rear garden, the garden would be small in size and depth. In addition in order to ensure an adequate level of privacy within the proposed garden some form of solid boundary treatment would be required between it and the retained rear garden at No 9. At my site visit I noted that there is a slight drop in levels beyond the existing patio area in the rear garden of No 9 meaning that any boundary treatment would need to be of a reasonable height to maintain privacy between the proposed dwelling and the rear elevation and rear garden of No 9. Any such boundary treatment would severely restrict the outlook from the proposed dwelling.
11. Though I note the Council's concerns I do not consider that the rear garden of the proposed dwelling would be significantly overlooked by any other properties on Audley Gardens other than by the rear extension and rear garden at No 9 having regard to the distance between the rear elevations of these properties and the garden, their relative positions and to the nature and height of existing side boundary fences. Though it may be possible to prevent any significant overlooking from No 9, this would require the provision of a solid boundary treatment of a reasonable height which for the reasons stated would adversely affect the outlook from the proposed dwelling.
12. Taking the above matters into consideration, I conclude that the proposal would not provide future occupiers of the dwelling with satisfactory living conditions having regard to outlook and privacy. It is therefore contrary to the development plan and in particular Policy SP3 of the CS and Policy BD1 of the BWPP. These policies require development, amongst other things, to be of a high quality that is designed to meet the needs of all and serves the long term needs of all residents.

Pedestrian and highway safety

13. Vehicular access to the proposed dwelling would be taken from Water Lane and one off street parking space would be provided in front of the dwelling. There would be no turning facilities within the site meaning that cars would either have to reverse into or out of it from Water Lane. At the time of my visit I noted that the rear boundary of the rear garden of No 11 is marked by a high brick wall located at the back edge of the pavement on Water Lane and that the rear boundary of No 7 is also marked by a high wall and gates. At the time of my visit Water Lane was reasonably busy with vehicles and I also observed pedestrians walking along the road.
14. The position of the proposed parking space close to the side boundary and rear boundary wall of No 11, to the rear boundary wall and gate at No 7 and the lack of turning facilities within the site mean that the visibility of drivers exiting the site would be severely restricted. Though I note the comments of the Highways Authority that it may be possible to provide adequate pedestrian visibility splays within the site, this requirement together with the need to ensure that the proposed parking space is of an adequate size are likely to require amendments to the proposal. As submitted and based on the evidence available, the proposal would be likely to unacceptably increase the risk of

collision with pedestrians and other road users. This would be detrimental to pedestrian and highway safety.

15. Taking the above matters into consideration, I conclude that the proposal would have an adverse effect on pedestrian and highway safety. It is therefore contrary to the development plan and in particular Policy T5 of the BWPP. This policy seeks to ensure, amongst other things, adequate parking facilities.

Flood Risk

16. The appeal site is located within Flood Zone 3 and as such is in a location with a high probability of flooding. No Flood Risk Assessment (FRA) was submitted with the application as is required by paragraph 103 of the National Planning Policy Framework (the Framework). In the absence of this the Environment Agency objected to the application and recommended the refusal of planning permission until a satisfactory FRA has been submitted.
17. Having regard to the high probability of flooding at the appeal site and to the fact that an additional dwelling is proposed, in the absence of a FRA, the appellant has failed to demonstrate that issues relating to flood risk could be adequately addressed, as is required by paragraph 103 of the Framework. The proposal is therefore contrary to the development plan and in particular Policy SP3 of the CS and Policy BD1 of the BWPP. These policies seek, amongst other things, to control surface runoff and to ensure that there is no significant adverse impact on surrounding uses in terms of water. Though the Council made reference to Policy BD5 of the BWPP in the reason for refusal relating to flooding, this is not relevant to the proposal as it relates to extensions to existing dwellings.

Other Matters

18. In reaching my decision I have had regard to the fact that the proposal would provide an additional dwelling in a location with good access to services and facilities. There would also be some modest economic and social benefits arising from it. However these matters do not outweigh the harm that I have identified.

Conclusion

19. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR