

Appeal Decision

Site visit made on 9 November 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 9 December 2016

Appeal Ref: APP/W5780/W/16/3157361

52 Tavistock Road, South Woodford, London E18 2AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Woodford Estates against the Council of the London Borough of Redbridge.
 - The application Ref 1753/16, is dated 17 April 2016.
 - The development proposed is the creation of two no flats (one bed each) in basement.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The Council did not issue a decision within the prescribed period or within an agreed extension of time period. The appellants exercised their right to appeal against the failure of the Council, as the local planning authority, to determine the application.
3. A Statement has been submitted by the Council in response to the appeal which states that the Council would have refused planning permission for the proposal due to concerns relating to character and appearance, the living conditions of future occupiers of the flats and parking facilities.
4. Having regard to the evidence submitted by both parties, I consider that the main issues are:
 - Whether future occupiers of the flats would have adequate living conditions having regard to outlook, light and privacy;
 - The effect of the proposal on the character and appearance of the host building and the surrounding area;
 - The effect of the proposal on highway safety with particular regard to parking.

Reasons

Living conditions

5. The proposed basement flats would have window and door openings in the front and rear elevations serving lounges at the front and bedrooms at the
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rear. The openings would be set below ground level and would face onto retaining walls, the height of which would appear to be above the top of the openings. The rear openings in particular would be in close proximity to the proposed rear retaining wall. Access to the existing flats within the host building would be via a walkway bridge over the excavated area to the front of the building, with access to the communal rear garden via a shared walkway to the side of the host building and immediately to the side of the excavated area to the rear of the proposed flats. A railing is proposed at the top of the rear retaining wall separating the communal garden from the small excavated area to the rear of the proposed flats.

6. Though the window openings to the front of the proposed basement flats would be quite large, their position set well down from the ground level and their orientation means that light levels to the lounge areas would be likely to be significantly restricted, particularly given that there is no other light source to the affected rooms. Though I note that the appellants state that natural light solution products could be installed and that a light survey could be carried out to ensure that there is sufficient light for future occupiers, no such information has been provided with the application or appeal. In addition, the position of the front basement windows relative to the access walkway to the 9 existing flats within the host building would allow for overlooking into the front basement windows.
7. The rear bedroom windows/doors in the proposed basement flats would be very close to the rear retaining wall. Consequently although the size of the bedroom openings would be large, their close proximity and height relative to the rear retaining wall means that the outlook from them would be significantly restricted. In addition the position of the openings relative to the shared walkway and communal garden to be shared by a large number of flats would allow for overlooking of the rear openings from the walkway and the garden.
8. Taking the above matters into consideration, I conclude that future occupiers of the proposed flats would not have adequate living conditions having regard to outlook, light and privacy. The proposal is therefore contrary to the development plan, in particular Policy BD1 of the London Borough of Redbridge Borough Wide Primary Policies (BWPP), Policy SP3 of the London Borough of Redbridge Core Strategy (CS), Policy 3.5 of the London Plan (LP) and to guidance contained within the Mayor of London's Housing Supplementary Planning Guidance (2016). These policies and this guidance seek, amongst other things, high quality development including residential development that is designed to meet the needs of all and serves the long term needs of all residents.

Character and appearance

9. The host building is a substantial property set back from and located at the end of Tavistock Road close to the railway line. It is of a traditional design and appearance and is positioned adjacent to a pair of semi-detached properties to one side and a development site to the other. The immediate surrounding area is residential in character and comprises a mixture of building styles and designs with a more modern building located immediately opposite the appeal site.
10. At my site visit I noted that there are a limited number of examples of basement accommodation in the immediate vicinity of the appeal site and none

which appear to include excavation as extensive as that proposed. However having regard to the individual nature of the host building, its position at the end of the road and the mixed character of the area I do not consider that the proposed front lightwell and stairs would introduce an incongruous feature that would be detrimental to the visual amenity of the area. Though the lightwell and stairs would be visible from some parts of the road and from neighbouring properties, for the above reasons I do not consider that they would be harmful to the character and appearance of either the host building or the surrounding area.

11. Taking the above matters into consideration, I conclude that the proposal would not have a significant adverse effect on the character and appearance of either the host building or the surrounding area. It therefore complies with Policy BD1 of the BWPP, Policy SP3 of the CS and policies 7.4 and 7.7 of the LP insofar as they relate to character and appearance. These policies seek, amongst other things, high quality development that is compatible with and contributes to the distinctive character and amenity of the area in which it is located.

Parking

12. The appeal site is located in a predominantly residential area and both parties agree that part of the site has a public transport accessibility level (PTAL) of 3 (fair) with the remaining part PTAL 1b (poor). There is unrestricted on street parking available on Tavistock Road and at the time of my visit I noted that a number of car parking spaces were available. However a number of nearby streets including Lansdowne Road and Cleveland Road are within a controlled parking zone where parking restrictions operate. The appeal site is within walking distance to South Woodford and Snaresbrook railway stations and the appellant states it is within a 3 to 4 minute walk of a bus stop.
13. The proposal would provide two additional one bedroom flats at the appeal site. No on-site parking facilities are proposed. I have had regard to the concerns raised by the Highway Authority regarding existing parking demands in the area and about potential overspill parking. However I also note the small scale of the development proposed, the location of the appeal site relative to public transport facilities and the availability of on street parking nearby. Consequently in the absence of any substantive evidence demonstrating that the proposal is likely to exacerbate existing highway conditions to the detriment of highway safety and noting that cycle stores would be installed on site, I am satisfied that there would be no significant adverse impact on highway safety.
14. Taking the above matters into consideration, I conclude that the proposal would not have a significant adverse effect on highway safety with particular regard to parking. It therefore complies with Policy T5 of the BWPP which seeks to ensure adequate parking facilities for proposals.

Other Matters

15. In reaching my decision I have had regard to the fact that the proposal would provide two additional units of residential accommodation on an existing developed site in a reasonably accessible location. 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

16. Though the proposal would not have a significant adverse effect on either the character and appearance of the host building and the surrounding area or on highway safety, it would not provide future occupiers of the proposed flats with adequate living conditions having regard to outlook, light and privacy.
17. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR