

Appeal Decision

Site visit made on 15 November 2016

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 15th December 2016

Appeal Ref: APP/W5780/W/16/3156324

Rear of 17-21 Hermon Hill, Wanstead E11 2AR

- 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 Swanbrae Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1754/16, dated 20 April 2016, was refused by notice 17 June 2016.
 - The development proposed is described as 'development to provide 2 No 2 bedroom dwellings'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the red line plan before me does not accord with the other appeal plans. If I was minded to allow this appeal, I would have sought comment on this matter from the two main parties. However, on the basis of my decision on this appeal, I have no reason to consider this matter further.

Main Issues

3. The effect of the appeal development on the character and appearance of the locality, the living conditions of the nearest neighbouring occupiers of properties in Hermon Hill and Wellington Road, with regard to outlook, privacy, daylight and sunlight, and whether the appeal development would result in satisfactory living conditions for future occupiers, with regard to garden space.

Reasons

Character and Appearance

4. The appeal site includes an overgrown site which accommodates a number of garages. It is situated at the rear of properties in Hermon Hill and Wellington Road. There is an access from Wellington Road between No's 30 and 32. The Council refers to it as a back garden site. This matter is not in dispute between the two main parties.
 5. The character and appearance of the locality is mixed. The properties on Hermon Hill are large, mainly four storey terraced properties, with modest rear gardens. Those on Wellington Road are a mixture of bungalows and two storey detached and semi-detached houses with some variation in their size. Many in the locality have shallow rear gardens, although those to properties on Hermon Hill are generally long. Properties generally line the streets with gardens behind.
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6. The appeal development would be set back from the street and in this respect would not follow the established pattern of development in the locality. However, some development already exists at the appeal site, such that the development proposed would not appear out of character.
7. Furthermore, the appeal dwellings would be two storey and semi-detached. The proposed development would therefore not appear out of place with the mixed type and size of properties in this locality. It would successfully make the transition from the tall terraced properties in Hermon Hill to the lower development in Wellington Road. As it would be tucked behind the street frontage, it would not be visually intrusive. Whilst the individual gardens would be smaller than most in the locality, there would be open space at the front and some space for planting within it. Due to these matters, the proposed development would not appear cramped on the site. As some properties in Wellington Road are modern and some include hipped and gabled roofs, small porches with pitched roofs, windows in modern materials and brick elevations, the external appearance of the proposed dwellings would generally blend into the locality.
8. I conclude that the appeal proposal would not adversely affect the character or appearance of the locality. It would, therefore, generally accord with London Borough of Redbridge Core Strategy Development Plan Document (2008) (CS) Policy SP3, Policy BD1 of the London Borough of Redbridge Borough Wide Primary Policies Development Plan Document (2008) (BWPP) and Policies 7.1 and 7.4 of The London Plan. These, together, aim for a built environment that will be of high quality that serves the long term needs of all residents and that new development should have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.

Living Conditions of Existing Occupiers

9. Due to the orientation of the proposed dwellings in relation to the properties on Wellington Road, a material loss of sunlight received into those properties would not result. However, due to the orientation and proximity of the appeal dwellings, some harmful reduction in morning sun received into the rear of No's 19 and 21 Hermon Hill would result.
10. In terms of daylight, as the proposed dwellings would be so close to 19 and 21 Hermon Hill and 32 and 34 Wellington Road, and those dwellings have shallow rear gardens, their height, width and general mass would materially affect the daylight received into the rear gardens and rooms of those properties, such that the rear gardens would be materially darker and the rear rooms of those properties materially more gloomy. Furthermore, for the same reasons, the proposed dwellings would be dominant in views from the same rear gardens and rooms. It would result in a harmful sense of enclosure for those residents. This would be the case, taking into account the existing fencing and planting and some outbuildings positioned near the rear boundary of 34 Wellington Road. Whilst I accept that a view towards the side elevation of a property is a common occurrence in a suburban area such as this, as the proposed relationship would be so close, it would be harmfully overbearing.
11. The flank elevations of the appeal properties would not include windows to habitable rooms at first floor level, therefore no material overlooking into the rear gardens or rooms of the nearest neighbouring properties would result from

them. Views into the rear garden of 23 Hermon Hill and those on Wellington Road from the ground floor windows of the proposed rear elevations would be mainly blocked by the existing fence and planting.

12. However, the proposed bedroom windows on the rear elevations would afford views into the rear garden of 23 Hermon Hill. Whilst, those views would be interrupted by planting, as those windows would be so close, it would still result in some harmful loss of privacy for the users of that garden. Whilst I accept that No 23 has a long garden, some views would be afforded towards the parts of the garden nearest to that dwelling, which increases my concern in this regard. Overlooking into other properties, including the small rear gardens of 32, 34, and 36 Wellington Road, would also result. Even though such views would be at an oblique angle and there is planting and some outbuildings near those boundaries, as those rear gardens are so shallow and planting not a permanent feature, material harm to the privacy of those occupiers would result. Due to the separation distance, views into the rear gardens of properties further away would not be harmful.
13. In coming to the above conclusion, I have taken account of extensions that could be carried out at 32 Wellington Road, which would reduce the separation distance and the rear garden to that property. However, I have no assurance that such development would be carried out, which reduces the weight I accord this matter. Taking this factor into account, in any event, does not change my conclusion on this matter.
14. I conclude that, the appeal development would result in harm to the living conditions of the nearest neighbouring residents in Hermon Hill and Wellington Road, with regard to outlook, daylight and privacy. I have, however, found that in respect of sunlight, no material harm would result to the nearest neighbouring occupiers in Wellington Road but some harm would result to the nearest neighbouring occupiers in Hermon Hill. Overall, it would be contrary to BWPP Policy BD1. That policy aims to ensure that all development is of a high quality and respects the character and amenity of the area within which it is located. It also states that new development should not prejudice the amenity of neighbouring occupiers by unreasonably restricting sunlight, daylight or privacy to their properties.

Living Conditions of Future Occupiers

15. Although not a reason for refusal, the Council raises concern regarding the configuration of the outdoor space that would be provided. The appeal development would result in quite small individual gardens concentrated at the side and rear of the proposed dwellings. Even though the gardens at the rear would be shallow, both would provide adequate outdoor space. As they would be regular in shape, they would be in a usable configuration.
16. Whilst the proposed gardens would not be totally private, due to the existing boundary features and their proposed enhancement, and the separation distance from surrounding properties in Hermon Hill and Wellington Road, even taking into account that some of those properties would afford high level views into the proposed gardens, this would not be intrusive. I noted, on my site visit, that some inter-visibility between properties and rear gardens was possible in the locality, but that this was no more than would be expected in a suburban area such as this. I also note that some outdoor space, although not private, would be provided in front of the proposed dwellings, which would be

in addition to the garden space. Taking all factors into consideration, on balance, satisfactory outdoor space would be provided by the appeal development.

17. I conclude that the proposed development would provide satisfactory living conditions for future occupiers and would generally accord with BWPP Policy BD4, which aims for new residential development to provide acceptable amenity space.

Other Matters

18. I have noted that trees have previously been removed from the appeal site. However, I have no evidence before me to indicate that they were protected or evidence that the appeal development would harm valuable species or their habitats. Although the proposed gardens would be quite small, room would be available for new planting, which could help to improve the site's natural habitat.
19. I have noted concern regarding the absence of other reports to support the appeal application, including a Sustainable Urban Drainage System report and Energy Statement. However, I have determined the appeal on the basis of the information provided. On the basis of the limited scale of development proposed, such information would be unlikely to lead me to a different conclusion on its merits.

Conclusion

20. The appeal development would result in some benefits. These would include the provision of two additional dwellings, built to current standards, close to local facilities, services and public transport. Even though the appeal site does not fall within the definition of previously developed land as set out in annex 2 to the Framework, I acknowledge that it would make a more efficient use of a suburban site. However, in this case, significant harm would result to the living conditions of some of the nearest neighbouring residents, with regard to outlook, daylight, sunlight and privacy. The benefits of the appeal development, when taken together, would not outweigh that harm. Therefore, the appeal development would not fall within the definition of sustainable development as set out throughout the Framework and should not be permitted.
21. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR