

Appeal Decision

Site visit made on 1 December 2016

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/W5780/W/16/3156716

61 Cleveland Road, South Woodford, Greater London E18 2AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Altaf Bhurawala against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4210/15, dated 18 November 2015, was refused by notice dated 18 February 2016.
 - The application sought planning permission for development of 15 self-contained flats without complying with a condition attached to planning permission Ref 1475/06, dated 27 July 2006.
The condition in dispute is No2 which states that: *The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved.*
 - The reason given for the condition is: *In order to ensure that the development hereby permitted is carried out in accordance with the submitted drawings.*
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted amended plans with the submission of this appeal. The amended plans show reworked proposals for the light wells front and rear, setting out landscaping proposals and revisions to the pedestrian access to the building from Cleveland Road, including a relocated ramped access to that entrance.
 3. It is clear that these amended plans did not form part of the proposals before the Council at the time that the application was determined. However, as they were submitted with the appeal I am satisfied that the Council have had an opportunity to pass comment on the plans and their content, even if they chose not to do so. Moreover, the nature of the amendments set out on the amended plans is such that it could be capable of being secured by condition. I do not therefore believe that any party would be unfairly prejudiced by my determining the appeal with regard to the amended plans, and I have done so on this basis.
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Background and Main Issue

4. Planning permission¹ was granted in July 2006 for the development of 15 self-contained flats on a site at 61 Cleveland Road. That permission was subject to a number of conditions but, with regard to the matter before me, it included a condition stating that the development was to be carried out in accordance with the submitted plans (those being specifically stated elsewhere on the decision notice). The appellant now seeks to vary the wording of condition No 2 to amend the approved plans.
5. Both main parties agree that the development has commenced, albeit that there is not agreement on when it commenced; the Council indicating that work commenced on the building fronting Marlborough Road in 2007, the appellant stating that development commenced on site in August 2008. At the time of my site visit the site was boarded up and it was not possible to view the interior of the appeal site.
6. The nature of the amendment being sought is to construct a basement level within the building fronting Cleveland Road (the Cleveland Road building). This would provide individual storage rooms within the basement for each of the flats within the development. The proposed amendment also includes the creation of sunken light wells at the front, side and rear of the Cleveland Road building, together with external stepped access up from the front and rear light wells to street level and garden level, respectively.
7. With this in mind, the main issues are the effect of the proposed amendment on:-
 - The character and appearance of the surrounding area; and
 - The living conditions of future occupiers of the approved development, with particular reference to outdoor amenity space.

Reasons

Character and Appearance

8. Cleveland Road is a residential street comprised largely, but not exclusively, of semi-detached two storey dwellings. Interspersed amongst the prevailing built form are occasional, larger and more modern flatted developments, such as that adjoining the site at 59 Cleveland Road.
9. The well-proportioned semi-detached dwellings are set back from the roadside, generally behind small front gardens. Most retain low brick walls with railings, some with hedging supplementing or, in some instances, instead of, these modest front boundary features. There are examples of fully paved forecourt areas given over largely to car parking but overall the street retains a pleasant suburban feel to it, without being dominated by extensive areas of hardstanding or parked cars.
10. The appellant has stated that the construction of the proposed basement level would be below ground and within the overall Cleveland Road building envelope. The submitted plans indicate that the overall height, depth (front to rear of the building), width and siting within the site of the Cleveland Road building would not alter as a result of the proposed amendments. The Council

¹ 1475/06

have not sought to dispute these matters, nor have I been provided with any other evidence to lead me to conclude otherwise.

11. Basements, or rather the visible manifestation of basements in the form of light wells, are not a prominent part of the character or appearance of Cleveland Road, or the residential streets adjoining it. However, whilst the basement level itself would be a discrete addition to the approved building, the light well proposed at the front would be more prominent.
12. Although the plans submitted with the application and those submitted with the appeal show the proposed light wells to be enclosed by a low plinth wall with metal railings, these would not follow the form or pattern of enclosures found elsewhere along Cleveland Road. In both instances, these would be set back from the rear pavement edge behind an indicated boundary hedge.
13. Whilst that hedge might soften the incongruous appearance and siting of the light well railings to a degree, the deep recess of the light well immediately to the front of the building, and close to the back edge of the pavement would, I find, be both obvious and disruptive to the general layout, character and appearance of Cleveland Road. Further, the ramped access above the light well on one side, the steps emerging from the light well on the other, and the "bridge" across the middle of the light well would emphasise the void below and introduce levels and structures out of place within an otherwise traditional suburban residential street. The nature and form of adjoining front boundary treatments would also open up views of the void, the bridge, steps and railings from either side of the site, compounding in my judgement the incongruous nature of this element of the proposal.
14. Thus, for the reasons set out I conclude that the proposal would not be of a design or appearance compatible with, or appropriate to, the character or appearance of the surrounding area. The proposal would not therefore represent the high quality form of development that Strategic Policy 3 (SP3) of the London Borough of Redbridge Core Strategy or Policy BD1 of the London Borough of Redbridge Borough Wide Primary Policies Development Plan Document (DPDF) seek. The proposal would also be at odds with the National Planning Policy Framework which seeks high quality design.
15. I noted from my observations during my visit to the site and surrounding streets that there appears to be a basement level at the neighbouring property, No 63. However, in that instance only a narrow window, set at external ground level was evident, without any of the light well recesses and voids sought in this instance. In the case of No 63 this is a discrete feature of the front elevation and does not, in my judgement, provide parallels to the proposal before me in this instance. I therefore attach only limited weight to the presence of this apparent basement-level window in my considerations.
16. The proposed rear light well, the largest of the three, would not be visible from either Cleveland Road or Marlborough Road street frontages, whilst the light well at the side of the building would be set under a metal grille and non-slip glazed panel. As they would adjoin other private spaces at the rear of adjoining properties, and the car parking area of the approved development scheme, they would not adversely affect the character or appearance of the surrounding area. However, this lack of harm is not sufficient to overcome the harm identified above in respect of the front light well upon the character and appearance of Cleveland Road.

Living Conditions

17. The Council are concerned that the proposed light wells would result in the loss of some 45sqm of amenity space for the use of occupiers of the residential development. However, it seems to me that rather than the loss of the amenity space, the proposal would instead merely relocate this space to basement level.
18. I accept that the light well area at the front would not be particularly practical or usable for amenity purposes, but the area at the rear would provide a broadly equivalent level of space at basement level as it would have provided at ground level. Whilst there may be a small net reduction in the overall amount of the amenity space arising from the construction of the retaining walls to the sunken light well, it would not result in a significant or material reduction in the amount of outdoor space available to occupiers of the development. In qualitative terms, with appropriate landscaping, this area could provide an attractive sitting out area at a level that would avoid looking out directly over the adjacent car parking area.
19. I do not therefore agree that the extent of the loss of amenity space would be as great as the Council fear. Furthermore, in qualitative terms I am satisfied that it could be demonstrated that the area to the rear of the building would provide a pleasant area for residents to sit out. However, this is not sufficient to outweigh the harm that I have identified above in terms of the impact upon the character and appearance of the surrounding area.

Conclusion

20. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR