

Appeal Decision

Site visit made on 19 December 2016

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 9 January 2017

Appeal Ref: APP/W5780/D/16/3163049
22 South Park Terrace, Ilford, IG1 1YA

- 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 Jason Freeman against the decision of London Borough of Redbridge Council.
 - The application Ref 2471/16, dated 19 May 2016, was refused by notice dated 24 August 2016.
 - The development proposed is provision of access and safety railing to roof of extension for purpose of keeping bees.
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Decision

1. The appeal is allowed and planning permission is granted for provision of access and safety railing to roof of extension for purpose of keeping bees at 22 South Park Terrace, Ilford, IG1 1YA in accordance with the terms of the application Ref 2471/16, dated 19 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following unnumbered approved plans that show: proposed elevations, proposed floor plan, proposed front elevations, proposed side elevations; and the 1:1250 scale Land Registry site location plan.
 - 2) The development hereby approved shall be used only to facilitate the keeping of bees in hives on the roof of the extension, and not for any other purpose.
 - 3) The access hereby permitted shall cease within one month of the cessation of bee-keeping on the roof of the extension, and the safety railing and fittings hereby permitted removed and the walls reinstated within a period of three months from the cessation of bee-keeping on the roof of the extension.

Procedural Matter

2. According to the planning application form, the development for which planning permission is sought was completed in May 2013. The retrospective nature of the proposal does not affect my consideration of its planning merits.
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Main Issues

3. I consider that these are the effects of the proposal on firstly, the living conditions of the occupiers of the adjoining houses with respect to overlooking and loss of privacy; and secondly, the character and appearance of the locality.

Reasons

4. The appellant keeps bees and has placed 4 hives on the flat roof of a ground floor extension at the rear of his semi-detached house. A door has been formed from the original window opening to the back bedroom. This provides a more convenient way of accessing the hives and moving equipment to and from the back garden. The railings ensure those tending the hives do not fall from the roof. There have been no objections to the keeping of bees here, from either the Council or any neighbours.
5. The appellant has drawn my attention to several instances in the Borough where it appears from the public highway that railings have been installed around the flat roof of ground floor extensions. His photographs illustrate them and I did not seek to view all of them for myself. I do not know the circumstances behind any of them, for example, whether they are permitted development, have planning permission or are unauthorised. It is not possible to see the immediate context at the back of these properties from the public highway or to assess the impact on adjoining levels of privacy. As a result it is not at all clear if any are directly comparable to this appeal proposal. Thus I am able to give these other cases only very limited weight. I consider this proposal on its own merits.

First main issue – effect on living conditions

6. The railings are along the outer edges of an extension that protrudes 4 metres from the main rear wall of the house. The side wall towards no.24 abuts the boundary with the attached house. Use of the roof top, especially with the security provided by the railings, allows clear views into the adjoining back bedroom window, potentially creating a very significant loss of privacy. The effect on ground floor accommodation is less pronounced, as the neighbour's conservatory extends out nearly as far as the appeal site extension and, at the time of my visit, it was not possible to see downwards through its roof.
7. The extension is set away from the boundary with no.20, and there is a gap between the two houses. The main habitable room windows at no.20 appear to be on the far side of the house from the appeal site. There is thus less scope for overlooking into windows on this side, although the parts of the garden just outside the house are clearly visible.
8. Without amendment or restriction, I consider that the proposal would fail to respect the amenity of the adjoining properties by unreasonably prejudicing the privacy their occupiers might expect to enjoy. This outcome would be contrary to Policy SP3 in the Redbridge Core Strategy (2008) and Policy BD1 in the Redbridge Borough Wide Primary Policies Development Plan Document (2008).
9. The appellant has suggested a number of conditions that might overcome this harm. Two would involve physical changes, but no details have been provided. Firstly, he suggests the use of perspex to provide screening. This would need

to be opaque and to be above eye level height to prevent overlooking. Secondly, he suggests setting the railings back from the edges. I am not clear how far he has in mind, so I am unable to assess the impact. In addition to doubts about the efficacy of either of these suggestions, I consider that both would change the appearance of the roof terrace area, possibly to its detriment. A reconsideration by the Council, including re-notifying neighbours, may thus also be required.

10. In his grounds of appeal, the appellant also suggests restricting the use of the roof top, either until sale of the property or on the cessation of bee keeping on it. The former may not be effective, and would not prevent the removal of the hives or the property being tenanted. So long as bees are kept on the roof of the extension, I consider that their presence would deter recreational or other activity there, especially during the warmer months when otherwise most intrusion into neighbours' privacy might occur. Conditions to restrict the use of the roof top only for the purposes of keeping bees would be needed in order to prevent significant loss of privacy.
11. I conclude that, subject to suitable conditions, the proposal would not harm the living conditions of the occupiers of the adjoining houses with respect to overlooking and loss of privacy. There would be no conflict with the development plan policies cited above.

Second main issue – effect on character and appearance

12. The railings and access door are not visible from the public domain. I was not able to see any similar forms of development from the appeal site. Views along the back gardens to the rear of the road and that behind it are somewhat restricted by mature trees. A variety of rear alterations can be seen, including various ground floor extensions and several loft conversions with large box dormers. The railings are painted black, and allow almost unimpeded views through them. Although they appear to be unique in this locality, I consider that they do not detract materially from the somewhat secluded and mixed backland area in which they can be seen.
13. I conclude that the proposal does not significantly harm the character and appearance of the locality. There would be no conflict with provisions in Policies SP3 & BD1 that require development to be compatible with its context.

Overall conclusion

14. The keeping of bees benefits the local ecology and environment and has not given rise to any objections. Nonetheless, if that activity was to cease, and the roof top be used for other domestic activities, a significant invasion of the neighbours' privacy would be possible. The retention of the railings after cessation of bee-keeping would facilitate such activity without the risk of falling off the roof. Consequently, I consider that, in addition to the cessation of bee-keeping, a condition is needed to require the removal of the railings. Whether an alternative means of preventing loss of privacy would be acceptable, for example inserting a Juliet balcony, would be a matter for the local planning authority to consider at the time.
15. Subject to certain conditions, I have found in favour of the proposal with respect to both main issues. I consider that these conditions meet the tests

set out in the National Planning Policy Framework. A condition to specify the relevant drawings is also needed in order to provide certainty as to what is being permitted.

16. Subject to these conditions, there is therefore no reason to withhold planning permission. I allow the appeal.

G Garnham

INSPECTOR