

Appeal Decision

Site visit made on 7 December 2016

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 13 January 2017

Appeal Ref: APP/W5780/W/16/3158275

Rear of 50-64 Tanners Lane, Barkingside, Ilford, IG6 1QE

- 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 Chigwell Construction against the Council of the London Borough of Redbridge.
 - The application Ref 0402/16, is dated 29 January 2016.
 - The development proposed is erection of 4no. 3 bedroom dwellings and associated parking and access.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 4no. 3 bedroom dwellings and associated parking and access at Rear of 50-64 Tanners Lane, Barkingside, Ilford, IG6 1QE in accordance with the terms of the application, Ref 0402/16, dated 29 January 2016, subject to the conditions in Annex A.

Background and Main Issues

2. As set out above, this appeal is against the failure of the Council to determine the planning application and there is not, therefore, a formal decision of the Council. However, the Council's evidence makes it clear that, had it been in a position to determine the planning application, it would have granted planning permission for the development.
3. There have been two previous applications at the site¹, one of which was subsequently dismissed at appeal².
4. In light of the above and having considered the submissions before me the main issues in the case are:
 - The effect of the dwellings on (a) the character and appearance of the area, having regard to the setting of the nearby Grade II Listed Buildings Pert Cottages; and (b) the living conditions of the occupiers of nearby properties, with particular regard to, privacy, outlook and garden space.

Reasons

Character and appearance

5. The current scheme has reduced the number of dwellings to four. They would be provided in a small terrace that would front onto Sandringham Gardens.

¹ LPA Refs 3388/14 & 3519/15

² Ref APP/W5780/W/15/3035919

The amended design would be two storey in scale. As a result the roof form and overall height would be similar to the nearby properties. The immediate area is primarily residential and predominantly two storey terraced dwellings. Therefore the appeal scheme would sit comfortably within the character of the area.

6. The previous appeal found the scheme design to be intrusive and cramped within the street scene. This was due to the overall height, design and appearance of the dwellings. The plans for this scheme also show hard standing areas to the site frontage. In contrast the current proposal shows an increased amount of soft landscaping.
7. The Planning (Listed Building and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.
8. The listed cottages are set back from Sandringham Gardens and have a substantial open frontage. The changes made to the scheme improve its design and scale such that it would commensurate with its immediate surroundings, including the listed cottages. The terrace now proposed would not appear cramped and therefore would preserve the setting of the listed buildings as it is appreciated from within Sandringham Gardens.
9. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area, having regard to the setting of the nearby Grade II Listed Buildings Pert Cottages. In this regard it would not be in conflict with Core Strategy (CS) policy SP3 or Borough Wide Primary Development Plan Document (DPD) Policies E3 and BD1 which amongst other things seek to realise the potential of land and seek new development that is of an appropriate style, mass, scale and design and is compatible with the character of the area in which it is located.

Living conditions

10. The back to back and back to side distances between the gardens of the new dwellings and the existing terrace on Tanners Lane would be substantial. I understand from the third party submissions that Nos 50 and 52 Tanners Lane have been extended since the previous scheme was considered. I appreciate that this would reduce the separation between these properties and the new dwellings. Nevertheless there are no opening proposed within the flank elevations of the new terrace and as a back to side relationship there would be no mutual overlooking. The new access would intervene with dwellings on Sandringham Close. Overall, therefore, the spaces and layouts proposed would not lead to loss of privacy to the occupiers of existing nearby properties.
11. The plans show that the new dwellings would each have regular shaped rear garden areas. These would be accessed directly from the dwellings. The properties along Tanners Lane would have their garden areas reduced in size. However, the garden areas that would remain would also be regular in shape, accessible and of a size that would be commensurate to the dwelling. In addition the appellant points out that the site is within Barkingside town centre. As such existing and future occupiers would be able to access nearby outdoor recreation facilities.

12. I therefore conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of nearby properties, with particular regard to, privacy, outlook and garden space. In this regard it would not be in conflict with CS policy SP3 or DPD Policies BD1 and BD4 which amongst other things seek well designed new development that protects the amenities of existing occupiers with acceptable relationships between buildings and appropriate quality and quantity of garden space.

Other Matters

13. I have carefully considered the matters raised by third parties regarding wildlife, highway safety and parking. There is no substantive evidence that the development would lead to harm to protected species and the local highway authority have raised no objection. I see no reason to disagree. The development is conditioned to be carried out in accordance with the submitted plans which include landscaping to the frontage areas of the dwellings.
14. I understand that the previous appeal found that the scheme would not represent a sustainable development. This conclusion was based on the Inspector's findings on the design and appearance of the scheme and the resultant impact. For the reasons given I have found that the amended proposal would not harm character and appearance. As such there would no longer be conflict with the core principles of the National Planning Policy Framework particularly that planning should be taking account of the different roles and character of an area and seeking a good standard of amenity for all existing occupants of land and buildings
15. There have been issues raised about the accuracy of the submitted information. However, my consideration of the appeal is based solely on the planning merits.
16. The Community Infrastructure Levy (CIL) has been adopted and a payment is required in respect of infrastructure improvements in the area. The collection of the CIL is undertaken by the relevant charging authority, on service of a notice that planning permission has been granted in relation to chargeable development. As such, the requirement for, and enforcement of, the payment of a contribution in relation to infrastructure within the area is not a matter for consideration in this appeal.

Conditions

17. I have considered the suggested conditions in the light of the relevant tests in paragraph 206 of the Framework. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord.
18. In the interests of the character and appearance of the area conditions requiring the details of materials, hard and soft landscaping including cycle and refuse storage to be agreed are necessary and reasonable. In the interests of highway safety it is appropriate to ensure that the parking spaces are provided. To protect the living conditions of nearby residents it is reasonable to require the submission of a construction management plan.
19. The Council has suggested two conditions that would require compliance with building regulation matters on accessibility of the dwellings and water efficiency. I have been provided with the policy basis for both these

requirements, which are reasonable in this case. I have amended the conditions to require the submission of schemes to meet these objectives.

20. The Council have also sought the removal of permitted development rights for extensions and outbuildings. Such conditions should not be imposed unless there is a clear justification to do so and should only be used in exceptional circumstances. In this case given the depth of the gardens I do not consider that such a restriction would be necessary.

Conclusion

21. For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

D J Board

INSPECTOR

Annex A – Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 11C, 12B & 13C.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) a statement setting out the design objectives and how these will be delivered;
 - ii) earthworks showing existing and proposed finished levels or contours;
 - iii) means of enclosure and retaining structures;
 - iv) boundary treatment;
 - v) hard surfacing materials;
 - vi) minor artefacts and structures, namely refuse and cycle storage units;
 - vii) lighting, floodlighting and CCTV;
 - viii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 5) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 14/6084 13 C for cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) construction traffic washing;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) No development shall take place until a scheme for ensuring the accessibility and adaptability of the dwellings (in accordance with Part M4(2) of the Building Regulations) has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until a scheme for water efficiency measures to be incorporated into the dwellings (in accordance with Part G2 of the Building Regulations) has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.