

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/16/3157895

1 Spring Gardens, Woodford Green, IG8 7DD

- 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 K Stylianou against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2027/16, dated 5 May 2016, was refused by notice dated 30 June 2016.
 - The development proposed is erection of a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a new dwelling at 1 Spring Gardens, Woodford Green, IG8 7DD in accordance with the terms of the application, Ref 2027/16, dated 5 May 2016, subject to the conditions in Annex A.

Main Issues

2. The main issues are the effect of the new dwelling on (a) the character and appearance of the area and (b) the living conditions of the future occupiers, with particular regard to outlook.

Reasons

3. The site would be irregularly shaped and adjacent to the existing dwelling No 1 Spring Gardens. The dwelling would be located broadly centrally within the site. Its front elevation would be broadly in line with No 1. It would be a two storey dwelling with a hipped roof form. The materials would be brick, render and tile.
 4. Spring Gardens is laid out in groups of terraces and pairs of dwellings. There are some gaps however many dwellings have been extended or altered with variation in the design and appearance of additions. The overall feeling is of an enclosed street. The position of the dwelling would be close to the newly formed site boundary with No1. Nevertheless the driveway for No 1 would intervene. In addition there would be space between the opposing flank of the new dwelling and the pavement edge. Taking all of this into account alongside the wider character of the street scene I do not consider that the dwelling would appear cramped. Therefore, the design and appearance of the dwelling would not be out of place or visually intrusive.
 5. The Council are concerned about the size and shape of the garden that would be created. I appreciate that many of the dwellings in Spring Gardens have long gardens. However, the shape and depth of gardens in the cul-de-sac and
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surrounding area is variable. In particular the corner plots, those adjacent and some dwellings in Broadmead Road. Therefore, I do not consider that the garden of the new dwelling and the resultant garden for No 1 would be fundamentally out of character.

6. I therefore conclude that the dwelling would not have a harmful effect on the character and appearance of the area. In this regard it would not be in conflict with Core Strategy (CS) policy SP3 or Borough Wide Primary Development Plan Document (DPD) Policy 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. Paragraph 7 of National Planning Policy Framework (the Framework) sets out the three dimensions to sustainable development. The environmental dimension encompasses issues of character and appearance as it requires development to protect and enhance the built environment. In this case I have found that the dwelling would not harm the street scene. As such it would not conflict with the Framework.

Living conditions of future occupiers

7. The new dwelling would have two rear facing windows at ground floor for both the kitchen and dining and lounge area. A side window would also be provided for the dining area and a large bay window would face the front garden area and serve the lounge. In addition the kitchen window would benefit from the greatest garden depth to the rear boundary. The internal layout at ground floor is open plan and would have varying views of the garden areas. Therefore none of the windows would be the sole window serving the areas. In combination the windows would provide adequate light and outlook to these rooms.
8. I therefore conclude that the proposal would provide acceptable living conditions for future occupiers. As such the proposal would not conflict with CS policy SP3 or DPD Policies BD1 which amongst other things seeks well designed new development that is of a high quality and designed to meet the needs of all. The proposal would also accord with a core principle of the Framework that seeks a high quality design and good standard of amenity for all existing and future occupants of land and buildings.

Conditions

9. The Council has suggested a number of conditions which it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of the relevant tests at paragraph 206 of the Framework and where necessary amended them.
10. Conditions relating to commencement and plan numbers are necessary for the avoidance of doubt and in the interest of proper planning. In the interests of the character and appearance of the area a condition requiring material samples to be submitted is also reasonable and necessary. For the same reason conditions requiring submission of landscaping and including means of enclosure are also necessary.
11. The Council sought the removal of permitted development rights for the alteration and/or extension of the dwelling and provision of outbuildings. Such conditions should not be imposed unless there is clear justification to do so,

and should only be used in exceptional circumstances. In this case the condition would be reasonable to allow control over the size of the garden area.

12. 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.

Conclusion

13. 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: 1620-03 Rev C; 1620-04 Rev B; Site Location Plan.
- 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) means of enclosure and retaining structures;
 - ii) boundary treatments;
 - iii) vehicle parking layouts;
 - iv) hard surfacing materials;
 - v) 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be erected on the property without the grant of further specific permission from the Local Planning Authority.
- 6) 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.
- 7) 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.