
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/16/3158258
47 High Street, Wanstead, London, E11 2AA

- 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 BRD Tech Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0799/16, dated 24 February 2016, was refused by notice dated 27 April 2016.
 - The development proposed is extensions and alterations to existing outbuilding to create 1 No single bedroom dwelling with ancillary curtilage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) whether the provision of a new dwelling would preserve or enhance the character or appearance of the Wanstead Village Conservation Area (CA); (b) whether the dwelling would provide acceptable living conditions for future occupiers with particular regard to outlook and natural light and; (c) the effect of the dwelling on the living conditions of existing occupiers with particular regard to outlook and privacy.

Reasons

3. Core Strategy (CS) Policy SP3 seeks to preserve or enhance the character or appearance of conservation areas. Paragraph 132 of the National Planning Policy Framework (The Framework) sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
 4. The appeal premises is currently a single storey flat roof building located in the CA (a designated heritage asset) which is described by the Council as having a spacious lay out in this part. The appellant submits that the Wanstead Village conservation area appraisal identifies the lanes off the High Street as a distinctive element of Wanstead Village. Stables Row is rear of the three storey buildings that front the High Street. It is characterised by a mixture of building of different heights and spaces.
 5. The new dwelling would be created by altering the existing building. This would increase both its footprint and height. It would create a pitched roof over the existing building with the addition of a single storey rear extension and small dormer utilising render and slate materials. Along Stables Row there
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are a number of single and two storey structures. In particular beyond the appeal site there are a number of two storey buildings. In addition directly opposite there is a substantial four storey building. When viewed from Nightingale Lane the altered building would be seen against the backdrop of existing two storey buildings and behind the existing single storey brick building at the entrance. This would serve to lessen its impact. Within this context an increase in height and depth of the building utilising quality materials would not appear intrusive or out of character.

6. I therefore conclude that the appeal proposal would preserve the character or appearance of this part of the Wanstead Village Conservation Area. In this regard it would not be in conflict with CS policy SP3.

Living conditions future occupiers

7. The building would be extended with the addition of a first floor and a rear extension. To the rear a paved courtyard area would be created. It would be to the south and west of the extended building. The existing buildings would be to the south and west of the courtyard. The appellant indicates that it would be enclosed by a fence.
8. There would be double doors with side windows in the rear elevation. These would serve the kitchen/living area of the dwelling. The windows would face the courtyard area. However, this area would not be deep. The outlook from the new dwelling would be of the fence. Behind this would be the two story outrigger of No 47 which would be close to the new boundary treatment and visible above it. Therefore outlook from the dwelling would predominantly be of toward the fence and nearby two storey building which would be prominent. Given the limited depth of the area this would appear oppressive. Consequently the outlook would be obstructed and the effect would be overbearing. It would result in substantial harm to outlook.
9. The aspect of the single storey element of the new dwelling in relation to existing buildings would limit daylight and sunlight received by the living/kitchen area. Taken together with the poor outlook and oppressive environment that would be created in the courtyard area I consider that the layout of the new dwelling would not provide suitable living conditions for future occupants.
10. I therefore conclude that the proposal would not provide acceptable living conditions for future occupiers with particular regard to outlook and natural light. It would be in conflict with CS policy SP3, policy BD1 of the Borough Wide Primary Policies Development Plan Document (DPD) and London Plan policy 3.5 which amongst other things seek housing development of the highest quality to meet the needs of future residents. The proposal would also conflict with one of the core principles in The Framework that requires new development to secure a good standard of amenity for future occupants of land and buildings.

Living conditions existing occupiers

11. The Council's reason for refusal identifies concerns about outlook and privacy. Its statement clarifies the concern regarding the change from a single to two storey building. In particular the resultant relationship between the first floor flats on High Street and the appeal building.

12. The buildings on High Street have rear facing windows. The rear elevation of the new dwelling would not contain any openings at first floor. Therefore there would not be overlooking between the buildings that would result in a loss of privacy to existing occupiers. The areas adjacent to the site are in use for parking. As such the changes to the building would not have an adverse impact on them.
13. The building would change from single to two storey with an overall increase in height. It would be visible from rear facing windows of existing buildings on High Street. Nevertheless the two storey element of the building would be set away from the existing rear elevations with a pitch roof sloping away from existing properties. Overall, for these reasons, I do not consider that the proposal would be harmful to the outlook of existing dwellings.
14. I therefore conclude that the proposal would not have a harmful effect on the living conditions of existing occupiers with particular regard to outlook and privacy. It would not be in conflict with CS policy SP3 and DPD policy BD1 in so far as they seek to ensure that new development does not prejudice the amenity of neighbouring occupiers by unreasonably restricting sunlight, daylight or privacy to their properties.

Conclusion

15. I have found that the proposal would preserve the CA and would not have a harmful effect on the living conditions of existing occupiers of nearby residential dwellings. I also note that the provision of a dwelling would contribute to boosting the supply of housing in the district in an area considered, in general, a sustainable location for new housing. However, I have found that the proposal would not provide acceptable living conditions for future occupiers. In this regard there is conflict with the development plan to which I attach significant weight. This is not outweighed by the other considerations in this case.
16. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR