
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: 16 January 2017

Appeal Ref: APP/W5780/W/16/3159569
161 Ilford Lane, Ilford, Redbridge, IG1 2RR

- 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 Dr H Shah against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0918/16, dated 19 February 2016, was refused by notice dated 27 May 2016.
 - The development proposed is single storey rear extension with flat roof.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension with flat roof at 161 Ilford Lane, Ilford, Redbridge, IG1 2RR in accordance with the terms of the application, Ref 0918/16, dated 19 February 2016, subject to the conditions in Annex A.

Main Issues

2. The main issues are the effect of the extension on (a) the character and appearance of the area, having regard to the trees on the site and (b) the living conditions of the occupiers of existing dwellings with particular regard to outlook.

Reasons

Character and appearance

3. The premises are located within a terrace of buildings. Many of the buildings are in non residential use and have been extended or altered at ground floor level whilst some properties also have outbuildings. Overall the area to the rear of the buildings is varied in character. The addition would be of an appropriate single storey scale and material finish. In this regard it would not appear out of proportion with the main building. Being single storey, whilst deeper than other additions, I do not consider that it would be fundamentally out of character.
 4. Within the rear area of the property there are a number of conifer trees positioned on the edge of an existing patio area. These trees are not protected. They are visible within the site and would also be visible to near neighbours. However, from the public realm they are barely visible. As such the contribution to the wider character and appearance of the area is limited. The depth and width of the extension shown on the plans would require the removal of some of the trees. It's set back from the rear boundary would also
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allow some of the trees to be retained. Overall, taking into account the absence of any statutory protection and the limited contribution to character, I consider that in this case it would be reasonable to deal with this matter by use of an appropriately worded condition.

5. In this regard the proposal 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.

Living conditions of existing occupiers

6. The Council specifically identify No 1 Grange Road within the reason for refusal. The side wall of No 1 faces toward the shared boundary. There are ground floor windows in this elevation. However, these are already partially hidden by the fence. Its primary aspect faces into its own garden area which contains a substantial building. There appears to be an area of garden between the buildings in the area furthest from the common boundary.
7. The rear elevation of the new extension would face No 1. I note that it would be across the width of the common boundary. However, it would be set away from the rear boundary and single storey in height. There would be two windows and a door associated with the new treatment rooms. The scale of the extension would not be excessive and it would be set away from the boundary. The relationship with No 1 is such that views would be limited. Therefore, even taking into account its width, I do not consider that it would appear oppressive when glimpsed from the home and garden of No 1.
8. The Council's report also refers to Nos 159 and 163 Ilford Lane and the resultant depth of the extension on common boundaries. However, the report also points out that the ground floor of no 163 would not be in residential use and No 159 already has a rear addition similar in depth to existing at No 161. I appreciate that some of the new extension would be visible and greater in height than the treatment on both common boundaries. However, I do not consider that the difference between it and the height of the extension would be excessive. Overall, for these reasons I do not consider that the extension would create an oppressive sense of enclosure.
9. I therefore conclude that the extension would not have a harmful effect on the living conditions of the occupiers of existing dwellings with particular regard to outlook. In this regard it would not be in conflict with CS policy SP3 and DPD policies BD1 and BD5 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 National Planning Policy Framework that seeks a high quality design and good standard of amenity for all existing and future occupants of land and buildings.

Conditions

10. I have considered the suggested conditions in the light of the relevant tests in paragraph 206 of the National Planning Policy 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. In the interests of

the character and appearance of the area a condition requiring the materials to match the existing building is necessary and reasonable.

11. The Council sought the removal of permitted development rights for the use of the roof of the addition as a balcony. 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 protect the living conditions of existing occupiers. A condition would also be necessary regarding tree protection measures for any retained trees during construction.

Conclusion

12. 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: 4053/OS, 4053/01-1, 4053/02-1D, 4053/02-2A.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) The roof area of the single storey extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.
- 5) No development shall commence until a plan showing the position of the trees on the site, indicating which trees are to be removed has been submitted to the Local Planning Authority. In relation to every existing tree identified to be retained on the plan referred to details of any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and all appropriate tree protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837) (or in an equivalent British Standard if replaced) shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.