
Appeal Decision

Site visit made on 31 January 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 8 February 2017

Appeal Ref: APP/W5780/W/16/3163495

108-110 High Road, 18-20 Postway Mews, Ilford IG1 1DS

- 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 Shah Properties against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0441/16, dated 22 January 2016, was refused by notice dated 19 May 2016
 - The development proposed is existing mews dwellings converted to 6 No flats (4x2B4P + 2x1B2P) including loft conversion, rear wing extensions and new first floor courtyard amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for existing mews dwellings converted to 6 No flats (4x2B4P + 2x1B2P) including loft conversion, rear wing extensions and new first floor courtyard amenity space at 108-110 High Road, 18-20 Postway Mews, Ilford IG1 1DS in accordance with the terms of the application Ref 0441/16, dated 22 January 2016, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by Shah Properties against the Council of the London Borough of Redbridge. This application is the subject of a separate Decision.

Preliminary Matter

3. Planning permission has been granted¹ to create a total of five flats at the appeal building including the extension of the rear wings at first and second floor levels and a loft extension at third floor level. The appeal proposal would add third floor extensions to the rear wings to create a total of six flats. The appeal proposal would also result in minor changes to the approved loft extension. However, the Council's concerns are limited to the effects of the rear wing extensions and I have framed the main issues accordingly.
4. Works to the appeal building, including a loft conversion and third floor extensions to the rear wings, have been largely completed.

¹ Application ref 2182/15

Main Issues

5. The main issues are the effects of the proposed rear wing extensions on:
- the character and appearance of the area;
 - the living conditions of the occupiers of 106 High Road with particular regard to light, outlook and sense of enclosure.

Reasons

Character and Appearance

6. The appeal property forms part of a substantial terrace which has its main frontage onto High Road and a rear façade onto Postway Mews. Many of the properties within the terrace have been extended to the rear, including Nos 104 and 112 which have flat roof three storey wings extending to the Postway Mews boundary. The Council says that the rear wing of No 104 does not benefit from planning permission. However, it currently contributes to the character of the area and there is nothing to suggest that action is being taken to effect its removal. The appeal building has an existing single storey projection which runs the full width of the rear of the building and extends up to the Postway Mews boundary.
7. The flat roof level of the third floor extensions to the rear wings which are the subject of this appeal are at the same height as the extended loft. However, they project no further than the approved two storey extensions and, as such, are set well in from the Postway Mews boundary. Therefore, although they are almost a storey taller than the rear projections to Nos 104 and 112, they have less bulk and are significantly less prominent in the street scene. Publicly accessible views of the extensions are limited to a fairly short length of Postway Mews from where they are seen above the full width single storey rear projection. Although the tops of the extensions break the skyline in these views, given their set back and the presence of the longer extensions to Nos 104 and 112, I consider that they are not dominant or intrusive.
8. Moreover, the rear of the terrace presents a variety built forms to the Postway Mews street scene. As well as the projections to Nos 104 and 112, most of the units have one or two storey elements extending to the edge of the road, with little uniformity or rhythm in their layout or massing. No 38 Postway Mews has a four extension which sits much closer, and is therefore more prominent in the street scene, than the appeal proposal. Consequently, having regard to the diversity of built forms which make up the setting for the third floor extensions, I find that they are not out of character with the prevailing pattern building in the street scene.
9. The Council has referred for the need for a clear design strategy to create consistency in the built form to the rear of the terrace. However, it has not provided details of any such strategy and I am not persuaded that it is for individual applicants or appellants to seek to apply a strategy to the terrace as a whole.
10. Overall therefore, I find that the proposal would not have a harmful effect on the character and appearance of the area. As such, it would not conflict with Policy BD1 of the Council's Borough Wide Primary Policies 2008 (PP) or Policy SP3 of its Core Strategy 2008 (CS). Amongst other things, these policies

require development to be compatible with, and contribute to, the distinctive character of the area and be of a massing, scale and design appropriate to the locality.

Living Conditions

11. The dwelling at No 106 includes two second floor windows in the rear wall of the main block of the terrace. I understand that the window nearest to the boundary with the appeal building serves a staircase and the window closest to the boundary with No 104 serves a bedroom. The extended rear wing closest to No 106 projects a considerable distance beyond and above these windows.
12. The appellant has produced a Daylight and Sunlight Study² based on Building Research Establishment Guidelines (BRE) which assesses the effect of the proposal on nearby windows. It finds that the window serving the bedroom in No 106 would meet the Vertical Sky Component test for diffuse daylight. The BRE Guidelines do not require windows serving circulation areas to meet this test. Both windows also pass the annual and winter sunlight hours tests for direct sunlight. The Council has not provided any substantive evidence to dispute these findings.
13. The proposal would have a somewhat enclosing effect on the outlook from both windows. However, the effect would be less marked on the bedroom window since it is further from the boundary with the appeal property. Moreover, whilst the current proposal would be taller than the permitted two storey extension, the additional built form would be above a typical, level view from the neighbouring window. Consequently, I consider that its effect would not be significant.
14. Therefore, I find that the proposal would not be detrimental to the living conditions of the occupiers of No 106 with regard to light, outlook or sense of enclosure. As such, it would not conflict with PP Policy BD1 or CS Policy SP3 insofar as they require development to respect the amenity of adjoining properties.

Conditions

15. The Council has suggested a list of five conditions. A condition specifying the time limit for commencement is unnecessary as the development has already begun. A condition specifying the approved plans is required in the interests of certainty. The appellant has objected to a condition requiring further approval of external materials prior to the commencement of development. Whilst I agree that it would be illogical to impose such a condition given that works have already commenced, I saw on the site visit that, in certain regards (for example, the extent of the tile hanging), the materials used are not in accordance with those shown on the submitted plans. I will, therefore, impose a condition requiring details of the external materials to be agreed prior to occupation of the flats.
16. Suggested condition 4 requires the dwellings to comply with the Building Regulation M4(2) Optional Requirement for accessible and adaptable dwellings. The Planning Practice Guidance (paragraph reference ID: 56-010-20150327) advises that, where step-free access in non-lift serviced multi-storey development is not viable, the Optional Requirement in Part M should not be

² Right of Light Consulting dated 12 October 2016

applied. Whilst PP Policy H2 requires 10% of new housing to be wheelchair accessible, on the basis of the information available, I am not persuaded that it is necessary or viable to impose the Optional Requirement on a scheme for the conversion of the upper floors of an existing building.

17. Suggested condition 5 requires the dwellings to comply with Building Regulation G2 Optional Requirement for water efficiency. The Planning Practice Guidance (paragraph reference ID: 56-014-20150327) advises that this requirement can be imposed where there is a clear local need set out in development plan policies. Policy 5.15 of the Housing Standards Minor Alterations to the London Plan 2016 provides the justification in this case. Therefore, I will impose the suggested condition.

Conclusion

18. For the reasons set out above, the appeal should be allowed.

Simon Warder

INSPECTOR

**Schedule of conditions attached to
Appeal Ref: APP/W5780/W/16/3163495
108-110 High Road, 18-20 Postway Mews, Ilford IG1 1DS**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 10008PF01.01; 10008PF01.02; 10008PF01.03; 10008PF01.04; 10008PF01.05 and 10008PF01.06.
- 2) Prior to occupation of any flat hereby permitted, details of the materials used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with these approved details.
- 3) Before occupation, the dwellings hereby permitted shall comply with Building Regulations Optional Requirement Approved Document G2 – Water efficiency (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.