

Appeal Decision

Site visit made on 6 February 2017

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 10th February 2017

Appeal Ref: APP/W5780/W/16/3162184
127-129 Ilford Lane, Ilford, Essex IG1 2RN

- 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 Mr P Babra against the Council of the London Borough of Redbridge.
 - The application Ref 4014/16, is dated 20 August 2016.
 - The development proposed is extension of ground floor retail units and redevelopment of upper floors to create 1x3 bed flat in each property.
-

Decision

1. The appeal is allowed and planning permission is granted for extension of ground floor retail units and redevelopment of upper floors to create 1x3 bed flat in each property at 127-129 Ilford Lane, Ilford, Essex IG1 2RN in accordance with the terms of the application Ref 4014/16 dated 20 August 2016 and subject to the following 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: 100/004, 100/005 Revision A, 100/006 Revision B, 100/110, 100/111 and Design and Access Statement.
 - 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) Prior to the commencement of construction of the proposed extension full details of the proposed refuse storage for the retail units and the flats shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage as approved shall be provided on the site before the extended accommodation hereby permitted is first brought into use, and retained thereafter in accordance with the approved details.

Background and Main Issues

2. The appeal relates to the failure of the Council to issue a decision on the planning application Ref 4014/16. Although not directly referred to in the description of development on the planning application form the proposals include a roof terrace for both No 127 and No 129. The Council, in its Appeal Statement, identified that if it had now been in a position to issue a decision on the planning application the reason for refusal would be the effect of the
-

proposed roof terrace on the character and appearance of the area and on the living conditions of nearby residents. From all I have read in the evidence and seen during my visit to the area I consider the main issues for this appeal to be the effect of the proposed roof terrace on: the living conditions of occupiers of Nos 125 and 131 Ilford Road and No 1 Rutland Road taking particular account of privacy and noise and on the character and appearance of the area.

Reasons

3. The appeal site consists of two properties located in the middle of a short row of terraced properties of mixed commercial/residential use in the Ilford Lane Local Centre. The appeal properties each have a retail shop on the ground floor and a residential flat above. To the rear of the appeal site is No 1 Rutland Way, a two storey house which the Council states contains two flats.
4. The plans show the appeal properties each have a two storey projecting wing to the rear with a flat roofed single storey between. The proposals include extending the first floor flats above the existing single storey and construction of ground floor extensions to the retail units. Nos 121-125 have large single storey rear commercial extensions. No 131 has a covered vehicle parking area to the rear. The first floor extensions would not project beyond the existing first floor wings. The plans submitted with the planning application showed roof terraces over part of the proposed ground floor extensions. During the course of the appeal the appellant submitted revised plans excluding the roof terraces.
5. The proposed extensions to the retail units are acceptable in the Local Centre. The first floor extensions would be flush with the existing rear first floor projections and the terraced areas have been omitted. On this basis I conclude that the effect of the proposals on the living conditions of occupiers of Nos 125 and 131 Ilford Road and No 1 Rutland Road in terms of privacy and noise or on the character and appearance of the area would not be so severe as to justify refusal. I therefore conclude that the proposed development would not conflict with those aspects of Policy SP3 of the London Borough of Redbridge Core Strategy Development Plan Document 2008 or Policy BD1 of the Borough Wide Primary Policies Development Plan Document 2008 that seek to ensure developments do not prejudice the amenity of occupiers of neighbouring properties and respect the character of the local area.
6. The appellant has expressed dissatisfaction with the way that the Council dealt with the planning application. However, this does not go to the heart of the relevant planning matters and has not affected my consideration of the appeal.

Conclusion

7. For the reasons set out above, and taking into account all other relevant matters raised, I conclude that the appeal should be allowed.
8. As well as the standard condition specifying the time limits for the commencement of development compliance with the approved plans is necessary to provide certainty. The materials should match the existing in the interests of the appearance of the area. In the interests of health and safety it is necessary to ensure satisfactory provision for refuse storage.

SDHarley

INSPECTOR