
Appeal Decision

Site visit made on 10 January, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 10th February, 2017

Appeal Ref: APP/W5780/W/16/3160348

63 Frederick Court, Albert Road, South Woodford, E18 1LE

- 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 Messrs Peter and Michael Croll against the decision of the Council of the London Borough of Redbridge.
 - The application Ref. 2735/16 dated 9 June, 2016 was refused by notice dated 2 September, 2016.
 - The development proposed is conversion of garages into studio flat.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The names of the appellants were incomplete on the application form, and I have therefore taken them from the appeal form.
3. The appellant and the Council have both made reference to an earlier appeal decision (Ref. APP/W5780/A/13/2190561) although they have not submitted a copy of it as part of their cases. As both parties consider this previous appeal decision to be relevant to the consideration of the current appeal, and as no party would be prejudiced by my seeing it, I have secured a copy.

Main Issues

4. The main issues are the effect on the living conditions of future occupiers of the dwelling with respect to light, outlook, outdoor living space and privacy, and the effect on parking provision in the area.

Reasons

The effect on the living conditions of future occupiers of the dwelling with respect to light, outlook, outdoor living space and privacy

5. Frederick Court sits just off and at an angle to Albert Road. It is a small extension added to the northern end of Falcon Court which runs down towards Chigwell Road. Frederick Court is a self-contained three storey block with a single flat on each of the upper two floors, and pair of garages on the ground floor. The appeal proposal is for the conversion of these garages to a studio flat.
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6. The principal elevation of the block faces north towards Albert Road, and is fronted by a small, triangular area of hard surfacing, which at the time of my site visit was being used for parking. This is the area which the appeal proposal would turn into outdoor amenity space for the studio flat. It is bounded on its east side, where it adjoins a small storage yard and buildings, with a low brick wall and railings, and on its west side by the access driveway leading to parking to the rear of Falcon Court.
7. While the appeal proposal would see the existing garage doors converted to two reasonably large windows facing onto an area of landscaped amenity space, the proposed dwelling would be north facing and have a single aspect. The interior, although largely open plan, would therefore be likely to have poor levels of sunlight and natural light, and by virtue of the orientation of the block and layout of adjacent buildings, a poor outlook towards the access drive leading to Falcon Court and the flank of the building to the north on Albert Road.
8. Although the existing flats on the upper floors also have a principal northern aspect, and no outdoor amenity space, they also benefit from an additional small window on the eastern flank of the building and a more elevated position, which enhances their outlook and access to light.
9. While the outdoor amenity space to be provided would be of a reasonable size, it would be capable of being overlooked from the street and houses along the street, and additionally from the driveway leading to the rear of the block. This would be likely to lead to actual and perceived loss of privacy, which would reduce its enjoyment for the future occupiers of the dwelling.
10. While privacy could be increased through screening planting or boundary treatment, this would be likely to decrease still further light levels reaching the outdoor living space itself and the dwelling, and would be likely to reduce still further the extent and quality of the outlook from the dwelling.
11. I have considered the appellant's argument that this would be an additional dwelling provided in an appropriate urban location in a borough tightly constrained by green belt, which would provide a benefit by meeting housing need in the borough. As it would be single dwelling, the benefit would however be minor, and would not outweigh the harms I have identified above.
12. I conclude therefore that the appeal proposal would harm the living conditions of future occupiers of the dwelling through creating a dwelling with limited access to natural light and sunlight and with a poor outlook and outdoor amenity space with limited privacy. It would therefore conflict with Policy BD1 of the Borough Wide Primary Policies Development Plan Document 2008 (the BWPP) which requires that new development contributes to local design quality, with Policy BD4 of the BWPP, which required that amenity space in new residential development should achieve privacy and freedom from overlooking, and with Policy SP3 of the Core Strategy Development Plan Document 2008 (the CS) which requires development of a high quality.
13. It would also conflict with Policy 3.5 of the London Plan which requires a good quality of design for new housing development, and with the provisions of the London Plan Housing SPG which seeks development which avoids single aspect dwellings which are north facing.

The effect on parking provision in the area

14. The appeal proposal would lead to the loss of existing off-street parking through the conversion of the garages. It would not make any provision for off-street parking for the proposed flat.
15. The area is one with access to a number of bus routes, and is within relatively easy walking distance of South Woodford tube station and the shops and services in the vicinity, and a fair public transport accessibility rating of PTAL2. I noticed however while on site, during a weekday morning, that the area is one of resident parking permits, and that that there were nonetheless high levels of on-street parking.
16. I conclude therefore that the loss of two parking spaces and the creation of an additional dwelling would be likely to increase parking demand in the area, which would be to the harm of the living conditions of existing and future local residents due to the inconvenience caused.
17. I note the appellant's argument that the occupiers of the upper two flats have made little use of the garages. I noted while on site that the hardstanding outside the flats was also used for parking, and conclude that even without using the garages, there is an element of informal off-street parking currently available on the site, which would be lost as a result of the appeal proposal. In any case, I do not consider that under-use of the garages justifies their entire removal.
18. While the new dwelling would be rented out by the appellants, and would represent a type of tenure with low car ownership levels, which might reduce additional take up of on-street parking spaces, this would still not outweigh the removal of the two existing spaces.
19. The provision of secure cycle parking would be a benefit, but would not outweigh the harm I have identified.
20. I have considered the possibility that future occupiers of the appeal dwelling could be excluded from applying for resident parking permits but conclude that this would not be fair to the existing occupiers in the upper flats who might not already have a resident parking permit, but would also be deprived of garage parking.
21. I have considered the appellant's argument that Frederick Court itself was created through the removal of four parking spaces and addition of two spaces. I do not however consider that a past development which still provided a reasonable level of parking provision provides sufficient justification for a proposal which provides none.
22. The previous appeal decision referred to by the main parties related to the creation of additional accommodation on roof of Falcon Court and was refused for reasons of harm to the living conditions of neighbouring occupiers. The issue of car parking was not a main issue nor was it discussed in the appeal decision. The Council has indicated that this was because the information supplied in the planning application was inconclusive. I cannot therefore draw any conclusions from that decision in relation to this appeal, and it does not as a result cause me to alter my decision.

23. As the appeal proposal would remove all off-street parking spaces associated with the block, it would therefore conflict with Policy T5 of the BWPP, which requires that where development proposal involve a reduction of off-street parking, the developer will be required to demonstrate that sufficient parking will remain in the area to serve local needs.

Conclusion

24. For the reasons given above, and taking into account matters raised, I conclude that this appeal should be dismissed.

S J Buckingham

INSPECTOR