

Appeal Decision

Site visit made on 8 February 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/W5780/D/16/3165023

16 Elm Hall Gardens, Wanstead, London E11 2HX

- 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 Mr S Hung against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4169/16, dated 1 September 2016, was refused by notice dated 3 November 2016.
 - The development proposed is the erection of a two storey side extension with external alterations and conversion of a garage into a habitable room.
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Decision

1. The appeal is allowed and planning permission granted for the erection of a two storey side extension with external alterations and conversion of a garage into a habitable room at 16 Elm Hall Gardens, Wanstead, London E11 2HX in accordance with the terms of the application, Ref 4169/16, dated 1 September 2016, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Plans; Proposed Site Plan; 16/16.01; 16/16.02; 16/16.03 and 16/16.04.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the host property and the surrounding area and (b) the living conditions of the occupiers of the neighbouring properties by reason of visual intrusion.

Reasons

Character and Appearance

3. The appeal property is a detached 2-storey dwelling situated on a corner plot at the end of a private road. There are 4 dwellings of a similar design fronting the
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road and their siting is staggered with the property being sited further back from the road than No. 14. The property is located within a predominantly residential area which possesses a mix of dwelling types and styles.

4. The proposed development includes a 2-storey extension which would project towards the road. I regard this to be the property's front or principal rather than side elevation. The Council's *Household Design Guide Supplementary Planning Document* (SPD) refers to front extensions for detached dwellings may be being acceptable where the design and materials respond to the character of the existing dwellings and wider streetscape but that they should still remain subordinate to the dwelling. However, the SPD also refers to each proposal being considered on its merits, having regard to the site, its locality and the design of the proposal. This recognises that the SPD is guidance and cannot anticipate the individual circumstances of every proposal.
5. The appeal scheme would partially replace an existing single storey garage and canopy. As claimed by the Council, the proposed extension would not be subordinate to the host property. Although there would be an increase in the size and bulk of the property, the proposed extension would both reflect and be sympathetic with the character and form of the host property, including maintaining a gabled elevation facing towards the road. If this appeal succeeds, then a condition could be imposed to require the proposed extension to be erected of external materials which match those of the host property.
6. The degree of projection would mean that the proposed front elevation would be similarly sited as the 2-storey front elevation of No. 14. By reason of the staggered siting, the enlarged property would not project forward of No. 14 and, accordingly, it would not materially disrupt the staggered relationship with the neighbouring dwellings fronting this part of the road. Further, because of its corner location, the retained front garden and the relationship to No. 14 the proposed extension would not result in an enlarged property that would be so conspicuous from the road or surrounding dwellings that it would be visually intrusive, particularly within the streetscene. The character and appearance of the surrounding residential area would be respected by the appeal scheme.
7. Although not subordinate in scale, this is a case where the appeal scheme would respect the design of the host property and would not cause unacceptable harm to the surrounding residential area. The property adjoins the Wanstead Grove Conservation Area but the Council has not assessed that the appeal scheme would harm the setting of this designated heritage asset. There are no reasons for me to adopt a contrary assessment to the Council.
8. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it would not conflict with Strategic Policy 3 of the Core Strategy Development Plan Document (CS), Policies BD1 and BD5 of the Borough Wide Primary Policies Development Plan Document (DPD) and the guidance contained in the SPD. Amongst other matters these policies require high quality development compatible with, and contributing to, the distinctive character and amenity of the area within which it is located and for extensions to complement the character of the building. These policies are consistent with the National Planning Policy Framework's (the Framework) core principle of securing high quality design.

Living Conditions

9. The Council has referred to the proposed development being an unneighbourly addition to the property by reference to visual amenity rather than any harm associated with loss of privacy or reductions in levels of sunlight and daylight. Further, by reason of the separation distance between the enlarged property and the dwellings to the west, north and east, including No. 22, the proposed development would not result in an overbearing or visually dominate form of development which would adversely affect the outlook of the occupiers of these neighbouring properties.
10. As already noted, the proposed front elevation's siting would be similar to the 2-storey front elevation of No. 14. Further, adjacent to the shared boundary is the single storey garage associated with No. 14. The enlarged property would be viewed from the front garden of No. 14 across the roof of the garage. By reason of siting, the scale of the appeal scheme is not such that the outlook from the garden would either be dominated by the enlarged property or be overbearing for the occupiers of No. 14. Further, the proposed extension would not project sufficiently far forward so as to visually dominate the outlook from the first floor bedroom window of No. 14.
11. On this issue, it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of the neighbouring properties by reason of visual intrusion and, as such, it would not conflict with CS Strategic Policy 3 of the Core Strategy, DPD Policy BD1 and the guidance contained in the SPD. Amongst other matters these policies require all developments to respect the amenity of adjoining properties and not to prejudice the amenity of neighbouring occupiers. These policies are consistent with the Framework's core principle of a good standard of amenity for all existing and future occupants of land and buildings. DPD Policy BD5 does not explicitly refer to living conditions and no specific conflict has been identified.

Other Matters

12. Residents have raised concerns about the accessing of the property during the construction of the proposed extension. However, the Council has not objected to the proposed development nor suggested a condition and there are no reasons for me to adopt a different approach to the Council.

Conditions

13. The Council has suggested a number of conditions in the event this appeal succeeds and they have been assessed against the tests in the Framework and the National Planning Practice Guidance. For reasons of proper planning and the avoidance of doubt, a condition is necessary to ensure that the proposed development would be erected in accordance with the submitted drawings. For the reasons already identified, the appeal scheme should be erected in external materials which match those of the host property. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR