
Appeal Decision

Site visit made on 8 February 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 03 March 2017

Appeal Ref: APP/W5780/W/16/3162519
94 - 96 Beehive Lane, Ilford IG4 5EG

- 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 Russell Lerner, Uniting Friends, against the Council of the London Borough of Redbridge.
 - The application Ref 3882/16, is dated 20 July 2016.
 - The development proposed is part first floor rear extension to no. 94 with four roof lights; loft conversion with rear dormer to no. 94; double storey development with five roof lights to rear of no. 96, joined to development at no. 94; access stairway to rear elevation; creation of 2x1 bedroom and 1x2 bedroom residential care home apartments (C2) and 1x2 bedroom flat (C3).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has raised concerns with regard to the processing of this application by the Council. This, however, is not a matter for my deliberations in this appeal.
3. Whilst the Council's statement was submitted late, I am satisfied that the appellant was not prejudiced as a result of this, having been given sufficient opportunity to consider and comment on this submission.

Main Issues

4. The main issues are the effect of the development on i) the living conditions of future occupiers with particular regard to outlook, privacy and external amenity space and existing residents in terms of outlook and privacy and ii) the character and appearance of the area.

Reasons

Living Conditions – future occupiers

5. It is undisputed by the parties that the proposed residential care apartments would constitute sheltered housing. Policy BD4 of the Council's Borough Wide Primary Policies Development Plan Document 2008 (DPD) sets out that the provision of amenity space in relation to such development should equate to 12 square metres per habitable room. The scheme proposes two relatively small
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parcels of land which would respectively serve as a private area for the proposed ground floor apartment and a communal space for the other two apartments. In quantitative terms there would be a marked deficiency of space compared to the standards given in the policy.

6. Furthermore it was apparent from my site visit that the communal space in particular would appear cramped within a residual corner of the plot and would also be overlooked at close range from proposed habitable rooms associated with the sheltered accommodation. Whilst it has been suggested that windows could be fitted with obscure glazing to avoid overlooking and harm to privacy, the windows in question would be primary windows to habitable rooms. The use of obscure glazing would therefore result in harm to outlook from those rooms.
7. Drawing these considerations together, due to its limited size, tight sense of enclosure by boundary fencing and tall buildings, and vulnerability to overlooking this would not feel like an attractive and enjoyable external space and would lead to oppressive living conditions for residents. The proposed external amenity space would not conform with Policy BD4 of the DPD insofar as it seeks to establish appropriate minimum standards of amenity space in new residential development.
8. The proposed development has been designed with a view to producing a relatively large amount of accommodation within a confined site area. From the information before me it is evident, in certain aspects of the scheme, that careful consideration has been given to protecting the standard of outlook and privacy for future occupiers, for example through the incorporation of angled and secondary windows. This however does not override my negative findings in terms of the quantity and quality of external open space. I therefore conclude that the proposed development would result in unacceptable living conditions for future occupiers.

Living Conditions – existing residents

9. In terms of the impact of development on adjacent residents in Beehive Lane and Ethelbert Gardens, buildings would generally be sufficiently separated from one another and windows orientated to ensure that there would not be harm to outlook or privacy. The exception to this would be the impact from the proposed first floor apartment block to the rear of No 94 Beehive Lane in terms of overlooking the neighbouring rear garden of No 96 and dominating the outlook from the habitable room window in the rear of the existing first floor flat at No 94.
10. With regard to overlooking No 96, the side facing windows in question in the proposed upper floor apartment, would serve non-habitable space or are secondary in nature. Therefore had I been allowing this appeal I would have sought to impose a condition requiring the windows to be fitted with obscure glazing. However with regard to the living conditions of occupiers of the existing flat at No 94, notwithstanding the provision of a green roof, there would be very limited separation between this unit and the gable end of the new building. This would result in an overbearing sense of enclosure on the outlook currently enjoyed by the flat occupier. I acknowledge there has been no objection to the scheme from existing residents. Notwithstanding this, I have a statutory duty to consider the impact of development including on

future neighbours, even when no specific objection from third parties has been forthcoming.

11. On this basis I conclude that the proposal would result in harm to the living conditions of the No 94 flat resident, in terms of outlook which would therefore conflict with Policies 3.5 of the London Plan 2015, Policy SP3 of London Borough of Redbridge Core Strategy 2008 (CS) and Policy BD1 of the DPD insofar as they seek to protect such living conditions.

Character and Appearance

12. The appeal site is part of a short terrace within a mixed residential and commercial area. Though visibility of the back of the appeal site would be screened by the existing frontage in relation to Beehive Lane it would be prominent from Ethelbert Gardens via a gap in development formed by a rear access road.
13. Whilst the aforementioned terrace is free from significant extensions to the rear, the wider area visible in context from Ethelbert Gardens is characterised by varied architecture including a multi storey office building, the squared flat roof form of three storey apartment blocks and dormer windows within the roof slope of the adjacent terrace on Eastern Avenue. In addition on the opposite side of Ethelbert Gardens are the prominent gable ends of existing buildings. In this context the proposed apartment blocks and roof dormer would not appear incongruous, although I acknowledge that the latter would not strictly adhere to guidelines concerning dormer extensions in the Council's Householder Design Guide Supplementary Planning Document 2012. Furthermore the development would be sufficiently distant when viewed from the public domain along Ethelbert Gardens not to appear unduly dominant, intrusive or out of character.
14. I therefore conclude that the proposal would not result in harm to the character and appearance of the area. It would not therefore conflict with Policy SP3 of the CS or with Policies BD1 and BD5 of the DPD insofar as they seek to promote good design which is compatible with the character of the surrounding area.

Conclusion

15. I have not found harm with regard to the character and appearance of the area. Furthermore I have no reason to doubt that the appellant is a leading social care provider and the need for the accommodation proposed. However these factors are outweighed by my negative findings with regard to the living conditions of future occupiers and the No 94 flat resident.
16. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should not succeed.

Roy Merrett

INSPECTOR