
Appeal Decision

Site visit made on 31 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: 7th March, 2017

Appeal Ref: APP/W5780/W/16/3163173

141 Ley Street, Ilford, IG1 4BL

- 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 D Mansfield against the decision of the Council of the London Borough of Redbridge.
 - The application Ref: 2990/16 dated 21 June, 2016 was refused by notice dated 30 August, 2016.
 - The development proposed is repair and conversion of existing two-storey structure including proposed single storey extension to provide 1 no. 1-bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for repair and conversion of existing two-storey structure, including proposed single storey extension, to provide 1 no. 1-bedroom dwelling at 141 Ley Street, Ilford, IG1 4BL in accordance with the terms of the application Ref 2990/16 dated 21 June, 2016 and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. While the Council in its decision notice has used a slightly different description, I consider that this one more closely describes the development proposals, and I have used it accordingly.

Main Issues

3. The main issues are the effect on the living conditions of future occupiers of the site with respect to light, outlook and privacy, and the effect on the living conditions of future occupiers of the site with respect to outdoor living space.

Reasons

Light, outlook and privacy

4. No 141 Ley Street is a traditional, two-storey, commercial property with a hairdressing business on the ground floor and flat above. It is in a busy town centre location, situated in a terrace of retail and commercial premises and facing a bus station and multi-story car park across busy Ley Street/Hainault Road. The appeal site takes in a traditional, two storey, brick built coach house
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- structure set at the end of the rear yard space of No 141 and a lightweight garage construction adjoining it behind the brick boundary wall.
5. The appeal proposal is to create a one bedroom dwelling from the coach house, extended in the form of a permanent, brick-built replacement for the garage and occupying the same footprint. A second garage building on the site would be demolished to create a small, enclosed amenity space also housing bins and cycle storage.
 6. The principal windows of the proposed dwelling would face westward onto Adelaide Road. This is a relatively broad, mainly residential street, and directly facing the site across it is a single storey business unit. The appeal dwelling would not as a result be overshadowed from that direction, and would have views of the sky and townscape beyond the facing building.
 7. The living room would be dual aspect, with three windows facing onto the street and a window and glazed double doors facing onto the outside amenity area. The kitchen diner would have three slightly smaller and higher windows facing onto the street. The first-floor bedroom would have two windows.
 8. I consider therefore that as a result of the number of windows, dual aspect of the living room, and relatively open outlook to the west it is likely that the proposed accommodation would provide adequate levels of light. While the outlook from the living room towards the amenity space would, due to its size and enclosure, be somewhat constrained, there would be wider outlook from the west facing windows, and the overall effect would not as a result be harmful.
 9. The front door and ground floor windows of the appeal dwelling would sit directly on the back edge of the pavement and adjoining the public realm. This would have some effect in terms of diminishing the sense of privacy for future occupiers of the proposed dwelling, although the relatively high and narrow windows to the street at ground floor level would reduce this effect to some extent, and it would be capable of being counteracted with curtains or blinds. Any harm therefore would be limited.
 10. While most of the flats in properties along Ley Street are on the first floor and do not have a direct relationship with the public realm, there are, however, a number of properties in the vicinity of the appeal site on Ley Street where residential doors and windows face directly onto a forecourt with no physical separation from the public pavement, or are set directly on the back edge of the pavement. This therefore a form of relationship between public and private realms which are established in this town centre location, and which I do not consider would be harmful in this instance.
 11. The Council has expressed a concern that the rear amenity space would be overlooked by the rear bedroom window of the flat on the upper floor of No 141, and also by windows of other upstairs flats along Ley Street. The Council has suggested also that the living room of the appeal dwelling would be similarly overlooked. However, it appears to me that there would be limited overlooking of the outdoor amenity space from No 141, and very limited overlooking of the living room, which would be of a type not unusual in an urban setting, and which could be mitigated by planting and boundary treatments, and the use of curtains or blinds. Views from other upstairs flats would be likely to be very limited and oblique at most. I conclude therefore

that the proposal would be capable of providing adequate levels of privacy for future occupiers.

12. Policy BD1 of the Borough Wide Primary Policies Development Plan Document 2008 (the DPD) is quoted in the Council's decision notice in respect of this main issue, but it does not explicitly refer to the living conditions of future occupiers of development proposals. Policy BD4 of the DPD, also cited in respect of this main issue, is concerned with amenity space. Policy SP3 of the Local Development Framework Core Strategy Development Plan Document 2008 (the CS) while seeking a high standard of design refers to the need for new development to respect the amenity only of adjoining properties and the locality generally. I consider therefore that the appeal proposal does not, on the face of it, conflict with these policies in terms of the living conditions of future occupiers of the dwelling in terms of light, outlook and privacy.
13. The London Plan in Policy 3.5 requires that the design of all new dwellings should take account of factors relating to the "home as a place of retreat", which the London Plan Housing SPG identifies as including privacy, dual aspect development and daylight and sunlight. While making recommendations on these issues, the SPG also acknowledges that development in an urban setting may not always be able to adhere rigidly to them. For the reasons given above, I consider that the appeal proposal would produce living conditions of a kind that might reasonably be expected on a constrained urban site, and which would not cause sufficient harm to preclude the proposed residential use of the site, and would not, therefore, be in conflict with this policy or SPG.

Outdoor living space

14. While the appeal site backs onto a residential area, where houses have rear gardens, the terrace of commercial properties it sits in is characterised by functional yards and outhouses to the rear, rather than gardens. The submitted plans indicate that the appeal proposal would provide 21m² of outdoor amenity space, which in this context, and in an area of Public Open Space Deficiency, appears adequate in terms of size; the issue of overlooking is considered above.
15. Policy BD4 of the DPD seeks 20m² of outdoor amenity space for new converted residential development, while in town centres converted dwellings may be permitted without amenity space, with the qualifier being that they are non-family dwellings. The London Plan Housing SPG seeks a minimum of 5 m² of outdoor amenity space for a 1 or 2 person dwelling. I conclude therefore that the appeal proposal would not conflict with these policies in this respect, nor with Policy SP3 of the CS where it seeks a built environment of high quality that will serve the long-term needs of its residents.

Other Matters

16. The Council has suggested, although without giving detailed reasoning, that the appeal proposal would be out of character with the pattern of residential development in area. However, as it would partly re-use the existing traditional outhouse, and would relate more closely to the typical pattern of development along commercial and retail frontages in the town centre, I consider that it would not harm the character or appearance of the area as a whole.

17. The Council has also indicated a concern that the proposed dwelling would not have adequate levels of ventilation. This, however, is a matter appropriately dealt with through other systems of control, and it not a matter for my determination.

Conditions

18. I have had regard to the conditions put forward by the Council and the requirements of the National Planning Policy Framework. In the interests of clarity, I have added a condition requiring implementation of the development in accordance with the approved plans. Details of materials to be used on the external faces of the approved building are reserved by condition in the interests of protecting the character and appearance of the area. I have added a condition requiring that the high level window on the north elevation of the approved building be obscure glazed in the interests of protecting the living conditions of the occupiers of adjacent dwellings.
19. A condition is attached regarding water efficiency in order to minimise the environmental impact of the development through efficient use of water. A condition seeking compliance with optional accessible and adaptable homes standards is attached in the interests of protecting the living conditions of future occupiers of the approved dwellings.
20. The Framework and Planning Practice Guidance indicate that removal of national permitted development rights will rarely be necessary, and that conditions should not be used to do so unless there is a clear justification. No clear justification has been provided, and I have not therefore included a condition to remove permitted development rights in relation to the approved dwelling.

Conclusions

21. For the reasons given above, therefore, and taking into account matters raised, I conclude that the appeal should be allowed.

S J Buckingham

INSPECTOR

SCHEDULE OF 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: 2253/LP Rev A, 2253/SP Rev A, 2253/1 and 2253/10.
- 3) No development shall commence until details or samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
- 4) The building hereby permitted shall not be occupied until the window at the first floor north elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
- 5) The dwelling shall not be occupied until the Building Regulations Optional Requirement G2, Water Efficiency has been complied with and details of compliance provided to the local planning authority.
- 6) The dwelling shall not be occupied until the Building Regulations Optional Requirement M4 (2) Category 2: Accessible and Adaptable Dwellings has been complied with and details of compliance provided to the local planning authority.