
Appeal Decision

Site visit made on 21 February 2017

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

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

Decision date: 27th March 2017

Appeal Ref: APP/W5780/D/17/3167145

347 Roding Lane North, Woodford Green IG8 8LH

- 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 Mrs Margo Vakharia against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4453/16, dated 19 September 2016, was refused by notice dated 18 November 2016.
 - The development proposed is described as "retention of raised patio at the current height of 1.3m and erection of 1.8m privacy screens".
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension. Raised Patio (retrospective) and new 1.8m high privacy screens at 347 Roding Lane North, Woodford Green IG8 8LH in accordance with the terms of the application, Ref 4453/16, dated 19 September 2016, subject to the following condition:
 - 1) Notwithstanding the screening details shown on drawing 14516/02, detailed plans and elevations of screening measures no higher than 1.8m from patio level, including details of materials shall be submitted to, and approved in writing by the Local Planning Authority within 30 days from the date of decision of this appeal. The screening measures and planting (if required) shall thereafter be implemented and maintained in accordance with the approved details, unless agreed in writing by the Local Planning Authority.

Procedural matters

2. It was evident from the evidence presented for the appeal and from what I saw on site that the extension and patio have been built. The reasoning set out below reflects this fact. The absence of commencement or materials conditions also self-evidently reflects these circumstances.
3. It was also apparent that the extension and the patio is one constructional entity, and this is reflected in the Council's changed description of the development in the delegated report and decision notice. It is also the description used by the appellant in the appeal form and in their statement of case. As a matter of fact this is a more accurate description of the development and is now the one recognised by the appellant in making the appeal I have also adopted it in the formal decision set out above.

Main Issues

4. These are a) the effect of the development on the living conditions of adjacent occupiers (of 345 and 349 Roding Lane North) with respect of loss of outlook and light and b) its effect on the character and appearance of the area.

Reasons

5. Roding Lane is a long linear Avenue most likely resulting from the great metropolitan expansion of the inter-war period. This is reflected in the architecture of the lane, with detached and semi-detached bungalows along its northern side and the paired semi-detached houses on the south side, attractively modelled with sets or radial bays, giving them a distinctly modish air suggestive of that era.
6. The flat roofed extension extends the full width of the house, extends to a depth of approximately 5.5 meters and is in the region of 2.5 meters high when measured from the level of the patio, though this increases to approximately 4 meters when measured at its greatest extent accounting for different site levels. It is finished with a flat roof and plain render walls. The patio is similarly treated and is approximately 2.6 meters in depth and 1.3 meters in height at the boundary.

Effect on living conditions

7. The Council's primary concern is that in combination both extension and patio, by reason of height and depth, would have a significant deleterious effect on the living conditions of adjacent occupiers, specifically those of No. 349 Roding Lane. Although the Council acknowledge they have approved a prior notification (prior approval not required) in February 2014, and record the issuance of a Certificate of Lawfulness (but make no reference to this in the reasoning of their report) for extensions of very similar proportions (though excluding the patio) in the recent past, they assert these 'do not represent a fall-back position' for the appellant.
8. This statement is not elucidated upon and one is left to surmise that as the extension as built does not accord with the drawings submitted previously (it is actually lower than initially proposed) this limits the weight to be afforded them. This may indeed be the case on a strict interpretation. However, that is manifestly not the key issue. Rather, it is a matter of fact that the Council has considered on two previous occasions that an extension of the proportions now built, would acceptably conform to a type of lawful development, in other words one that would avoid material harm to 'amenity' of adjacent occupiers. This has to be a consideration of very significant weight when assessing a planning application a significant element of which proposes something very similar, or indeed of lesser extent.
9. It is right however, that the Council properly consider the effect of the patio as an integral adjunct to the extension but that can only reasonably done in acknowledgement of the previous acceptance of the extension proposed, and one previously convincingly accepted.
10. In my view there can be no reasonable basis for arguing that by dint of requiring planning permission the proposed extension would have a materially harmful effect on living conditions where previously accepted lawful development did not. I do accept however that the extension as built does

have an undoubted presence on the boundary of No.349. That said, this does not come near to causing material harm to living conditions through a loss of outlook. Moreover, given the south easterly outlook of the properties I find it difficult to see how the proposed extension would result in any loss of light or daylight.

11. The patio element of the structure does extend the built form of the dwelling further along the boundary between the properties and I accept this again has an enhanced presence in relation to No.349. However, this is only at a level of 1.3 meters, and only a little above that able to be lawfully built without permission. This element of structure, either on its own or cumulatively, is not of sufficient scale as to cause material harm to living conditions in respect of reduced outlook.
12. It is the case that the proposed screens, comprising opaque glass, will be of greater height on the boundary (up to 2.3 meters) and that by their nature, this would increase the form and presence of the boundary treatment here. However, they would, by their very nature, be translucent and more diffuse in character and again not of a form or type that can be held to harm materially the outlook of adjacent occupiers. Again, given the south easterly aspect of the properties this will not result in any meaningful degree of loss of light.
13. Moreover, to suggest (as the Council does in the delegated report) that the screens would result in a loss of privacy is plainly oxymoronic. They would in fact mitigate a material degree of overlooking from the patio to the garden of No. 349 that the Council has hitherto not found to be an issue. In relation to the first main issue therefore there is no conflict with the guidance set out in the Council's Supplementary Planning Document 'Householder Design Guide', particularly that relating to rear extensions.

Effect on character and appearance

14. As I have identified above, the front elevations of the houses on the south side of Roding Lane add very positively the character and appearance of the area. The same may not be said of the rear, where the treatment is unsurprisingly more low-key but also because there has evidently been a long campaign of constructing pragmatic ground floor extensions to many of the dwellings, either in pursuit of the utility of more living space or more latterly to take fuller advantage of the southerly aspect and the gardens beyond the houses.
15. This extension falls closer to the latter, it is elegantly finished with render and aluminium fenestration and integrates with the garden through the mediation of the patio and steps. It fits comfortably in its context without any harm to the character and appearance of its surrounding area.
16. On this basis, in respect of each of the main issues identified, I therefore conclude there is no conflict with policy SP5 of the Council's Core Strategy Development Plan Document or policies BD1 and BD5 of the Borough Wide Primary Policies Development Plan Document as well as the Council's aforementioned Design Guide.

Condition

17. In allowing the appeal I agree with the appellant that opaque glass screens are necessary in the interests of safeguarding the privacy of occupiers of adjoining properties. I have therefore attached the condition they have suggested,

omitting the requirement for planting, which I consider unnecessary in the circumstances of this case.

18. For the reasons given above and having considered all matters raised, I conclude that the appeal should be allowed.

David Morgan

Inspector