

Appeal Decision

Site visit made on 6 March 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 29 March 2017

Appeal Ref: APP/W5780/D/17/3166423

33 Eagle Lane, Snaresbrook, London, E11 1PF.

- 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 Ms M Matuschewski against the decision of the Council of the London Borough of Redbridge.
 - The application Ref: 4399/16, dated 12 September 2016, was refused by notice dated 10 November 2016.
 - The development proposed is erection of single storey "granny annex".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the implications of the proposal for (1) the character and appearance of the area and (2) the living conditions of occupiers of No 35 Eagle Lane in respect of potential for a sense of enclosure, loss of outlook and increased activity associated with the use.

Reasons

3. The proposal would involve the erection of a single storey detached building within the rear garden, to be used as ancillary family accommodation. Although it would be larger than many typical outbuildings that occupy similar positions in rear gardens, I nonetheless do not consider it would be out of character with the area for the following reasons.
 4. Firstly, the setting of the proposal within a reasonably generous sized rear garden and the fact that the scale of the building would be very much subordinate to the host dwelling, would ensure that the plot would not appear over developed. Secondly, there is a further example of a detached building occupying a similar position in the rear garden of No 27 Eagle Lane nearby and a further detached building within the front garden of that property. In this context, the proposal would not look out of place.
 5. The Council express concern that the building would appear as a separate dwelling with no functional link with the host property. However, I cannot concur with that view. Its simple unadorned appearance and limited openings in the
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external elevations would lend it an appearance akin to a typical domestic outbuilding. Merely because it would occupy a position detached from the main dwelling would not render it a separate dwelling and its siting in the rear garden would impart an obvious visual association with the host property. Moreover, its functional occupation as a separate dwelling could be prohibited through the imposition of an occupancy condition, as is typically imposed on dependant relative accommodation.

6. For these reasons, I conclude on the first main issue that the proposal would integrate comfortably with the prevailing character and appearance of the area. Accordingly, I find no conflict with the relevant part of Policy SP3 of the London Borough of Redbridge Local Development Framework Core Strategy Development Policy Document (2008) (CS) and Policy BD1 of the London Borough of Redbridge Borough Wide Primary Policies Development Plan Document (2008) (PPDP), which seek to secure a high quality built environment, which is compatible with and contributes to the distinctive character and amenity of the area in which it is located.
7. In relation to the second main issue, the appellant says that the side of the building would stand about 2 metres from the common boundary with No 35 Eagle Lane and it would have an eaves height of 2.5 metres and ridge height of 3.9 metres.
8. Although these heights are relatively modest, I have concerns with the proximity of the building to the boundary with No 35 Eagle Lane, particularly as it would extend back for a considerable depth parallel thereto. The building would be appreciably higher than the common boundary treatment and would have a more solid and permanent appearance. As such, coupled with its depth, it would create an unpleasant sense of enclosure to the rear garden to No 35, would loom uncomfortably close to it and detract from the outlook therefrom. However, as the building would be offset relative to the windows to No 35, I do not consider it would adversely affect the outlook from the accommodation in the house itself.
9. The appellant cites guidance in the Householder Design Guide Supplementary Planning Document (2012) which apparently requires garages, outbuildings and sheds to be set in 1m from boundaries to allow access for maintenance. However, this distance does not appear to take into account potential impact on residents living conditions, which I must have regard to in this case.
10. I take the appellant's point that a building of comparable proportions could be erected under permitted development rights and I afford this matter some weight. However, I am not persuaded that this represents a realistic fallback position in this case, as it would not meet the accommodation preferences of the appellant. I also appreciate that the occupants of No 35 raised no objections to the proposals, but that does not render it acceptable on its planning merits.
11. The Council refer to the potential for increased activity at the appeal site giving rise to harm to nearby occupiers. I have already said that were I minded to allow the appeal a standard "granny annex" condition could prohibit occupation as an independent dwelling. Subject thereto, I cannot accept that use of the building as annex accommodation would have any material impact on the occupiers of No 35 or any other neighbouring occupiers, in terms of increased activity at the appeal site.

- 12.I thus conclude on the second main issue, that subject to an appropriate occupancy condition, the proposal would not give rise to increased activity at the appeal site which would harm residents' living conditions. However, it would materially harm the occupants of No 35 Eagle Lane, due to an oppressive sense of enclosure and loss of outlook from the rear garden to that property. This would bring it into conflict with criterion (f) of Policy SP3 of the CS, requiring all new development to respect the amenity of adjoining properties. It would not conflict with the letter of criterion 7 of Policy BD1 of the PPDP (which cites harm in terms of sunlight, daylight or privacy), but it would nonetheless be at odds with its underlying objective to protect residents' living conditions.
- 13.Although I have found in favour of the appeal in relation to the first main issue, and partly in relation to the second main issue, this is nonetheless on balance outweighed by my concerns in relation to the impact of the proposals on the occupiers of No 35 Eagle Lane in terms of loss of outlook and increased sense of enclosure to its rear garden. The appeal therefore fails.

ALISON ROLAND

INSPECTOR