

Appeal Decision

Site visit made on 16 May 2017

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 24 May 2017

Appeal Ref: APP/W5780/W/17/3167567

Land rear of 20 Kenwood Gardens, Gants Hill Ilford IG2 6YH

- 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 & Mrs Demir against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4439/16, dated 5 September 2016, was refused by notice dated 30 November 2016.
 - The development proposed is erection of new residential dwelling on land rear of 20 Kenwood Gardens IG2 6YH.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - (i) the effect of the proposal on the character and appearance of the area,
 - (ii) the effect of the proposal on the living conditions of prospective and neighbouring occupiers, with particular regards to living space and outlook respectively; and,
 - (iii) the effect of the proposal on pedestrian and highway safety.

Reasons

Character and appearance

3. The prevalent form of development within the area is that of terraced houses that front the street; a notable line of properties front Kenwood Gardens and Gants Hill Crescent. Shere Road, which the appeal site fronts onto, intersects this pattern of development and has an absence of frontage properties. Instead, side boundaries, small outbuildings and garages related to the dwellings fronting Kenwood Gardens and Gants Hill Crescent create a more subordinate but open character to the street.
 4. The new dwelling would extend across most of the width of its plot and its blank side elevations would be prominent within the street. Together with being two storeys within an area largely dominated by single storey ancillary outbuildings, the proposal would dominate the street scene, appearing
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incongruous and out-of-keeping with the form and scale of existing outbuildings and harmful to the street's open character. The dwelling would also be within a plot smaller than surrounding plots; the rear garden would be shorter than the majority of gardens within the area. This would create a cramped form of development compared with its surroundings.

5. The roofs of dwellings within the area are predominantly pitched towards the street, responding to the pattern of frontage properties. Within Shere Road, however, a prevailing roof form is less obvious. Opposite the appeal site is a garage that has a gable roof that fronts the street and smaller outbuildings exhibit mono pitched roofs. Whilst, the pitch of the roof proposed would respond to that of frontage properties, it would have little relationship to existing roofs in Shere Road and therefore would appear incongruous and unduly dominant, harmful to the area's character.
6. In all, therefore, I find that the development would be harmful to the character and appearance of the area and contrary to policy SP3 of the Core Strategy¹ and policy BD1 of the Local Plan² which seek development that is compatible with and contributes to local character and amenity.

Living conditions

7. Policy 3.5 of the London Plan³ requires a two bed two storey dwelling to measure a minimum of 70 sqm gross internal floorspace for 3 persons and 79 sqm for 4 persons. It is not clear from the planning application details how many persons the dwelling would serve; the Council suggests that it would serve 4 persons. In the absence of any evidence to suggest otherwise and given the size of the bedrooms proposed which could each accommodate a double bed, I concur with the Council. The dwelling would provide less than the 79 sqm required by policy 3.5 of the London Plan and therefore the proposal would be substandard in size and harmful to the living conditions of prospective occupiers.
8. Policy BD4 of the Local Plan seeks 20 sqm of amenity space per habitable room. Based on my findings above for 4 persons, a garden area of 73 sqm would not meet this standard. This inadequate provision of outdoor space would be harmful to the living conditions of prospective occupiers.
9. The development would abut the shared boundary with No 112 Gants Hill Crescent. Adjoining this boundary is a single storey outbuilding to No 112, beyond which is the rear garden to this property. The new dwelling would be visible above the existing outbuilding and therefore would be overbearing on and create an oppressive outlook for the occupiers of No 112 when in their garden. Given the moderate size of the garden, this impact would be harmful to the occupiers' enjoyment of their outdoor space.
10. In all, therefore, I find that the development would be harmful to the living conditions of prospective and neighbouring occupiers and therefore would be contrary to policy 3.5 of the London Plan, policy BD4 of the Local Plan and policy SP3 of the Core Strategy which seeks development that respects the amenity of adjoining properties.

¹ London Borough of Redbridge, Core Strategy, Development Plan Document (March 2008)

² London Borough of Redbridge, Borough Wide Primary Policies, Development Plan Document (May 2008)

³ The London Plan, The Spatial Development Strategy for London, Consolidated with Alterations since 2011 (March 2016)

Pedestrian and highway safety

11. Either side of the appeal site are existing outbuildings which are within close proximity of Shere Road and exceed 1 metre in height. These outbuildings would restrict the visibility of a driver exiting the driveway to the proposed development which in turn would endanger the safety of pedestrians using the footpath and other users of the road. The proposal would, therefore, be harmful to pedestrian and highway safety. The Council considers the proposal contrary to policy T5 of the Local Plan, however, I find no reference to highway or pedestrian safety within this policy. Therefore, whilst I find harm, I find no conflict with policy.

Other matters

12. The new dwelling would be a Lifetime Home. Both the Written Ministerial Statement (WMS) dated March 2015 and the relevant paragraphs on Housing Standards in the Planning Practice Guidance (PPG) indicate that such a standard cannot be applied because it has been replaced by the new system of Building Regulations and standards. Both the WMS and the PPG are up-to-date standards of government policy and for this reason they outweigh the requirements of the development plan. The benefit of a Lifetime Home therefore carries limited weight.
13. The intention to construct the dwelling to a high environmental standard is welcome. However there is nothing within the evidence before me that suggests that the measures proposed would exceed the environmental standards required by Building Regulations. Together with the proposal being for one dwelling, the environmental credentials of the proposal carry little weight in favour of the appeal.

Conclusion

14. For the reasons given above, and in the absence of any other matters that carry weight in favour of the appeal, I conclude that the development would be contrary to the development plan and therefore the appeal is dismissed.

R Walmsley

INSPECTOR