
Appeal Decision

Site visit made on 3 May 2017

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 25 May 2017

Appeal Ref: APP/W5780/W/17/3167996

Rear of 16 Caterham Avenue, Clayhall, Ilford, IG5 0PY

- 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 Branavan Srikanthan against the decision of the London Borough of Redbridge.
 - The application Ref 2860/16, dated 15 June 2016, was refused by notice dated 4 January 2017.
 - The development is for the conversion of an outbuilding into a self-contained residential unit.
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Procedural Matters

1. The description of development indicates that the application has been made on a broadly retrospective basis. I observed at the site visit that the unit was already occupied as separate residential accommodation, albeit that the internal layout differed from the proposed plans and the boundary fencing to separate the unit from 16 Caterham Avenue had not been erected.
2. At the site visit, at my request the appellant undertook measurements of floor to ceiling heights within the rooms of the self-contained unit, to address the absence of any detailed measurements provided by either party during the course of the planning application and appeal. The Council have been provided with the opportunity to respond to the measurements taken in the context of the effect on their case, but have not done so. I will return to this matter as part of the reasoning related to this decision.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues are;
 - The effect of the development on the residential character and appearance of the area;
 - Whether adequate provision is made for the living conditions of the occupiers of the proposed self-contained unit, having regard to light, ventilation, outlook, and the availability of external space; and,
 - Whether adequate provision is made for the existing occupiers of No. 16 Caterham Avenue, having regard to the availability of garden space.
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Reasons

5. The appeal property comprises a large detached single-storey building set to the rear of No. 16 Caterham Avenue, and adjacent to No. 57 Cottesmore Avenue. Both the appellant and Council have highlighted that the building was constructed in 2013 with the existing plans indicating use for storage and as a games room and gym. However, at the site visit, the internal layout included a bedroom, shower room, and kitchen/living/dining room, the latter which had been internally sub-divided to provide a second bedroom. Access is obtained from Cottesmore Avenue with off-street parking available for a single vehicle.

Character and appearance

6. The Council has indicated its concern over the impact that the change of use of the outbuilding to a separate one-bedroom residential unit, and the creation of two separate domestic curtilages, would have on the character and appearance of the surrounding area. In respect of the provision of a one-bedroom unit, I have not been provided with any compelling evidence to explain why the creation of such a unit would be harmful in principle to the range of housing provision within the area. However, whilst I do not consider the existing outbuilding to be uncharacteristic of the area, I accept that the form of residential accommodation proposed would be a clear departure from the predominance of family-sized dwellings within the vicinity of the appeal site, and would appear as an incongruous form of residential dwelling to the rear of the existing dwelling.
7. I accept that a prevailing characteristic of the area is the relatively large rear gardens attached to single family dwellings. However, the large outbuilding the subject of this appeal is already in situ and, as acknowledged by the Council, has left No. 16 Caterham Avenue with a comparatively small area of garden in the context of the locality. I noted that the sub-division of the existing rear garden to form the respective curtilages had not taken place at the time of my site visit, although I consider that there would be some limited further adverse impact on the character of the area as a consequence of the physical aspects of any works, and the intensification of the use of the site.
8. I am satisfied that the scheme would result in an adverse effect on the character and appearance of the area. The development would therefore conflict with Strategic Policy 3 of the London Borough of Redbridge Core Strategy Development Plan Document 2008 (the Core Strategy), and Policy BD1 of the London Borough of Redbridge Borough Wide Primary Policies Development Plan Document 2008 (the Primary Policies DPD). These policies seek to advocate high quality design, and require development to be compatible with and contribute to the distinctive character and amenity of the area.

Living conditions – future occupiers

9. The living accommodation will comprise an open-plan living/dining room and kitchen, shower room and separate bedroom. The accommodation amounts to a total area of 49.66 m², which whilst just under the 50 m² threshold for internal space as set out in Policy 3.5 of The London Plan, would for all intents and purposes meet the space standard. I have had regard to the Council's concerns over floor to ceiling heights on the basis of the external height of the building being 2.5 metres. However, as referred to in paragraph 2 of this

decision letter, floor-to-ceiling measurements were taken by the appellant at the site visit with 2.3 metres measured as available in each room. Whilst this would not meet the strongly encouraged minimum ceiling height of 2.5 metres in London as recommended within the Mayor of London Housing Supplementary Planning Guidance 2016 (the Housing SPG), I note it would meet the nationally described minimum space standard.

10. I have noted the position and size of each of the windows, and am satisfied in the context of the layout of the accommodation that the overall levels of light, ventilation and quality of space available for future occupiers would be acceptable. I accept that the outlook from the kitchen window would be limited by its proximity to any boundary treatment erected to delineate the separate curtilages. However, I note that a further window with outlook towards the road is available from the same room, which I consider will provide adequate mitigation for any limitations in the available outlook from the kitchen window.
11. The overall level of external amenity space provided for the appeal property, whilst comparatively limited, would be proportionate in size to the unit and the respective scale of accommodation. Furthermore, the disposition and layout of the external area would not preclude the undertaking of a normal range of external activities associated with residential occupation. I note that the Council has referred to the close proximity of the external amenity space to the rear of the dwelling at No. 16 Caterham Avenue has having an adverse effect on the privacy of users. However, I am mindful that in urban areas there is a reasonable expectation of overlooking of neighbouring land and gardens, which I consider would not acceptably be the case in this instance.
12. I am satisfied that the overall living conditions of future occupiers would be safeguarded in respect of access to light, ventilation, outlook, and the availability of external amenity space. As a consequence, the proposals would not be contrary to Strategic Policy 3 of the Core Strategy, Policy BD1 of the Primary Policies DPD, or Policy 3.5 of The London Plan. These policies set out the need for all new development to be designed to a high standard and have adequately sized rooms and convenient and efficient room layouts. I have also concluded that the proposals would be in accordance with paragraph 17 of the National Planning Policy Framework (the Framework) which seeks to secure a good standard of amenity for all future occupants of land and buildings.

Living conditions – existing occupiers

13. As a consequence of the sub-division of the existing rear garden to No. 16 Caterham Avenue, there would be an overall reduction in the amount of private garden space available to the existing property. The Council contends that the residual space would be insufficient for the needs of a family dwelling.
14. Whilst I note that the proposed layout plan has been annotated to indicate that 180 m² of amenity space would be retained for the existing dwelling, I am mindful that a significant proportion of this total would be made up of areas to the front and side of the dwelling which would not benefit from any particular privacy. As such the actual area of private amenity space would be substantially less. However, I have not been provided with any definitive detail as to what the actual numerical requirement would be for No. 16 Caterham Avenue against any recognised space standard. Furthermore, whilst I accept that the residual space would be comparatively small in the context of other gardens in the vicinity, I am not persuaded that the space would be so small

that it would be unacceptable or unable to cater for the basic needs of the occupants.

15. Therefore, I am satisfied that the living conditions of the existing occupiers of No. 16 Caterham Avenue would be safeguarded, having regard to the provision of external amenity space. On the basis of the submitted evidence, the proposals would not be contrary to Strategic Policy 3 of the Core Strategy or Policy BD4 of the Primary Policies DPD. These policies set out the need for all new development to respect the amenity of adjoining properties, and provide an appropriate level of amenity space. The proposals would also accord with paragraph 17 of the Framework which seeks to secure a good standard of amenity for all existing occupants of land and buildings.

Other Matters

16. The appellant has made reference to the payment of Council Tax on the property from November 2013. Whilst I have had regard to this, it does not have any bearing on the planning merits of my decision.

Conclusion

17. The residential unit is located within an accessible location for local services and facilities, as well as public transport links. The provision of an additional unit of accommodation would also make a limited contribution towards the supply of housing in the local area, with the local economy also having the potential to have some limited benefit from any expenditure from future occupiers.
18. Nevertheless, whilst acknowledging the above benefits, and that the unit would provide satisfactory living conditions for future occupiers and existing neighbouring occupiers, for the reasons I have already set out above, I have found that the proposal would be harmful to the character and appearance of the area. As a consequence, I have not found the development to be in accordance with the Development Plan. I am satisfied that despite the limited benefits summarised above, that these would be significantly outweighed by the adverse impacts.
19. For the reasons given above, the appeal is dismissed.

M Seaton

INSPECTOR