

Appeal Decision

Hearing held on 9 May 2017

Site visit made on 9 May 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 2 June 2017

Appeal Ref: APP/W5780/W/16/3160495

The Studio, 1a Granville Road, Ilford, Redbridge IG1 4JY

- 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 Peter Williams against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0868/16, dated 1 March 2016, was refused by notice dated 16 May 2016.
 - The development proposed is Demolition of existing single storey Live/Work building and erection of a three storey building, including 1 no. Live/Work unit with basement and 2 no. self-contained residential units.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellant suggests that the proposed residential units at first and second floor levels should be considered as live/work units and therefore the building as a whole should be considered as being for such a use. However, the description of the proposed development clearly describes these units as self-contained residential units. Moreover, I am not persuaded that the intention is to give any future residents of these units access to the basement element of the live/work unit given that the submitted plans indicate that the stairwell to basement level is for fire escape purposes only. Nor is there any effective legal mechanism before me that would secure the free use of the basement level for any future occupiers of the first and second floor residential units. I have therefore considered the appeal on the basis that the first and second floor units would not be live/work units and would be for self-contained residential purposes only.

Application for costs

3. At the Hearing an application for costs was made by Mr Peter Williams against the Council of the London Borough of Redbridge. This application is the subject of a separate Decision.
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Main issues

4. I consider the main issues in this case to be:

- The effect of the proposal on the character and appearance of the area;
- Whether the proposed residential unit at second floor level would provide adequate living conditions for any future occupiers with particular regard to internal space provision, light and outlook; and
- Whether the proposed live/work unit at ground floor and basement level would provide adequate living conditions for any future occupiers with particular regard to light and outlook.

Reasons

Character and appearance

5. The appeal property is a single storey live/work unit situated on the western side of Granville Road. Coventry Road traverse Granville Road to the north of the appeal site and Wellesley Road traverses it to the south. Whilst there are some non-residential uses in the vicinity of the appeal property, such as a medical centre and hotels, the area is predominantly residential in character. Dwellings in the area tend to be detached or semi-detached properties of a traditional appearance and are typically two storeys in height with some displaying rooms in the roof by virtue of dormer windows and rooflights. Dwellings along this part of Granville Road are generally set back from the street frontage and display a consistent building line.
6. There are some examples of recent flatted development in the area, including along the eastern side of Granville Road. These include 6, 8 and 10 Granville Road which are 2.5 storeys in height. These properties have a contemporary appearance though they utilise traditional building materials throughout, such as bricks, and display a traditional, tiled roof form. The same can be said for a recent 3 storey addition to the rear of the Cranbrook Hotel, located on the corner of Granville Road and Coventry Road, which itself is of a traditional appearance. As such, whilst adding variety to the streetscene and demonstrating a level of recent change along Granville Road, these buildings respond well to their context.
7. The appeal property is sited between 1 Granville Road, a two storey semi-detached dwelling, and the rear garden of 47 Wellesley Road, a two storey detached corner dwelling. Whilst of no particular architectural merit, the low height of the appeal property creates a considerable sense of space and visual break in built form between these dwellings. This sense of space and break in built form is reflected on the opposite side of the road between the properties of 2 Granville Road and 49 Wellesley Road. This provides a strong, spatial quality to this part of the road which contrasts with the more heavily built up part of the road to the north, where 10 Granville Road and the addition to the Cranbrook Hotel have largely filled in any such gaps.
8. The proposal seeks to demolish the existing single storey live/work unit and to erect a three storey building with a basement. It would contain a live/work unit at ground floor and basement level and 2 self-contained residential units at first and second floor levels. The proposed building would be of a contemporary appearance. It would be partly constructed in brick and would

- incorporate a glazed frontage at ground floor level. The first floor, second floor and roof of the proposed building would predominantly be clad in copper.
9. I acknowledge that contemporary architecture is an established part of the streetscene. In addition, I accept that the ridge height of the proposed building would sit below the ridge height of 1 Granville Road and 47 Wellesley Road.
 10. However, the copper cladding would appear at considerable odds with the more traditional materials of other buildings along the road. Moreover, the rationale for such an approach to materials has not, in my opinion, been sufficiently qualified. Whilst there would be a modest step back of the proposed building from the street frontage at first floor level, a substantial part of it at this level and at second floor level would be sited considerably forward of the prevailing building line of 1-11 Granville Road. Though the addition to the Cranbrook Hotel steps forward of this building line, it is within close proximity to the existing hotel and therefore relates well to it. Whereas, the stepping out of the proposed building would be seen in relative isolation given the separation between it and 47 Wellesley Road where this property sides onto Granville Road. Moreover, whilst I note that there is an extant consent¹ for a front extension at the appeal property which would protrude forward of 1-11 Granville Road, this would be single storey in height and would therefore not appear unduly prominent within the streetscene. The same can be said for a consented outbuilding² at 47 Wellesley Road, were this to be implemented.
 11. The southern elevation of the proposed building, where it would step forward of the prevailing building line, would present a largely blank flank wall. Furthermore, the roof form of the setback element of the front façade would appear overly geometric and would relate poorly to the traditional roof forms of other buildings in the area. I also consider that the proposed building would appear somewhat squashed and out of proportion in the context of the more generous window and floor heights of neighbouring buildings. The height of the proposed building would also erode considerably the gap and sense of space that currently exists along this part of the road.
 12. The abovementioned factors would increase substantially the prominence of the proposed building within the streetscene and would detract from the spatial qualities of this particular part of Granville Road. Consequently, it would result in an incongruous form of development that would give rise to significant harm to the streetscene and area.
 13. This would be contrary to Policy SP3- Built Environment, of the London Borough of Redbridge Core Strategy Development Plan Document 2008 (Core Strategy); Policy BD1- All Development, of the London Borough of Redbridge Borough Wide Primary Policies Development Plan Document 2008 (DPD); and Policies 7.4- Local Character and 7.6- Architecture, of the London Plan- The Spatial Development Strategy for London Consolidated with Alterations Since 2011 March 2016 (London Plan). These policies require, amongst other things, development to be compatible with and contribute to the distinctive character of an area, to be of a style, massing and design appropriate to the locality, to be designed to a high standard, to have regard to the pattern and grain of

¹ Council Ref 2660/09

² Council Ref 3987/14

existing streets and to incorporate the highest quality materials and design appropriate to its context.

Living conditions- second floor residential unit

14. Policy 3.5- Quality and Design of Housing Developments, of the London Plan, requires housing developments to be of the highest quality internally and sets out the minimum space standards for new residential development. These reflect the Government's Technical Housing Standards- Nationally Described Space Standards 2015.
15. The submitted plans show that the proposed residential unit at second floor level would be a 1 bedroom, 2 person unit. Table 3 of Policy 3.5 sets out that the minimum required Gross Integral Area (GIA) for this type of dwelling is 50 square metres (sqm). In addition, the notes to Table 3 set out that a minimum ceiling height of 2.3 metres (m) for at least 75 percent (%) of the GIA is required. Furthermore, that to address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the GIA is strongly encouraged. This is so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.
16. The submitted plans show that the second floor residential unit would have a GIA of 53sqm so would meet the London Plan policy requirement in this regard. However, it would have a ceiling height of 2.3m over 39sqm of the GIA. It was agreed by the main parties during the Hearing that this would equate to less than 75% of the GIA. Whilst the shortfall would be modest, the standard is a minimum one and should therefore be adhered to. In addition, it goes against the strong advice of the London Plan to provide a ceiling height of at least 2.5m. As such, this would create a poor sense of space and a cramped living environment for any future occupiers of this residential unit.
17. The bedroom of the second floor residential unit would be provided with a single window which would be orientated in an approximately westsouthwest direction. Given that this would be the only bedroom within this residential unit, it would be important for it to be provided with a good level of natural light and outlook for any future occupiers. The window would be sited adjacent and at right angles to a wall which would extend above the height of this window. Given that the sun travels in an east to west direction, and without any substantive evidence to demonstrate otherwise, any direct sunlight would be likely to penetrate into this room for only a short part of the afternoon. In addition, the proximity to and height of the adjacent wall would substantially limit natural daylight into this room. It would also result in a considerable sense of enclosure to this window and would limit any meaningful views from it. In combination with the limited ceiling height, these factors would result in a poor level of natural light, a deficient level of outlook and a limited sense of spaciousness in respect of this room for any future occupiers.
18. I therefore conclude that the proposed residential unit at second floor level would, overall, provide inadequate living conditions and a poor quality living environment for any future occupiers. This would be contrary to Policy 3.5 of the London Plan which requires housing developments to be of the highest quality internally and to meet minimum space standards. It would also be contrary to Policy SP3 of the Core Strategy, which requires, amongst other things, development to be designed to a high standard.

19. Whilst the Council cites conflict with Policy BD1 of the DPD in respect of this main issue, this policy do not relate specifically to the living conditions of future occupiers and is therefore not of relevance in this regard.

Living conditions- live/work unit

20. According to the submitted plans, the ground floor level of the live/work unit would provide the main living space for any future occupiers of this unit, with the basement area given over to working space. The bedroom would have a window and a set of glazed doors which would be orientated in an approximately southeast direction. Again, given that this would be the only bedroom within this unit, it would be important for it to be provided with a good level of natural light and outlook for any future occupiers. The fact that the unit would be for live/work purposes does not, in my opinion, alter the importance of this.
21. The window and set of glazed doors would face onto a wall, approximately 2m in height, from a modest distance of approximately 2.3m. Without any substantive evidence to demonstrate otherwise, I consider that the height of the wall, combined with the close proximity of the bedroom window and set of glazed doors to this wall, would considerably limited the amount of sunlight and daylight able to penetrate this room. These factors would also result in a considerable sense of enclosure to these openings and would limit any meaningful views from them. These factors would result in a poor level of natural light and a deficient level of outlook in respect of this room for any future occupiers.
22. I acknowledge the appellant's argument that the appeal property has poor levels of light and outlook. However, I have not been provided with any substantive evidence to demonstrate that there would not be any methods of alteration that might improve the situation in this regard. This matter does not therefore alter my findings on this main issue.
23. I therefore conclude that the proposed live/work unit would, overall, provide inadequate living conditions and a poor quality living environment for any future occupiers. This would be contrary to Policy 3.5 of the London Plan, which requires housing developments, which part of the live/work unit would provide, to be of the highest quality internally. It would also be contrary to Policy SP3 of the Core Strategy, which requires, amongst other things, development to be designed to a high standard.

Other matters

24. The appellant raises a concern that he was not given the opportunity to make amendments to the proposal as part of the original planning application process. However, the Council is not under any obligation to seek amendments. Moreover, any amendments to the scheme to overcome the Council's primary concerns would likely have resulted in a considerably different scheme. I also note that no pre-application advice was sought prior to the submission of the planning application which might have provided the opportunity to address any substantive concerns that the Council might have had.
25. Whilst I acknowledge there is some local support for the proposal, including from local Councillors, this does not inevitably mean an absence of harm. The

Council has clearly set out why it refused the planning application having regard to relevant planning policy and in light of my reasoning above, this is a position that I would concur with.

26. I recognise that the National Planning Policy Framework seeks to facilitate flexible working practices such as the integration of residential and commercial uses within the same unit. Nevertheless, the existing unit facilitates such a working practice already. In addition, the space could be enlarged through the implementation of the extant permission to extend the unit. Moreover, I am not persuaded that there is no alternative option to redevelop the appeal site to provide a high quality live/work unit of a scale and design that would be more sympathetic to the character and appearance of the area. As such, this matter does not alter my decision to dismiss the appeal.
27. The appellant considers that the proposal would enhance his privacy and would improve his family and work life generally. It is his contention that to not allow the appeal would, in this regard, be in breach of his human rights under Article 8 of the Human Rights Act 1998. Whilst the amenity space associated with the existing live/work unit is to the front of the building, I did not, during the site visit, feel particularly exposed or vulnerable to overlooking from surrounding dwellings. Moreover, a level of overlooking is commonplace in urban areas and it is unreasonable to expect total privacy in this context. Though the proposed live/work unit would provide more internal space for the appellant and his family, such a benefit could be realised through the implementation of the extant planning consent or via the more appropriate redevelopment of the appeal site. Furthermore, I am inclined to conclude that the dismissal of the appeal does not amount to an interference with the existing home life of the appellant in any case as it is not making his situation any worse. Even if such interference was to occur, it would not, in my judgement, outweigh the harm to the character and appearance of the area and the inadequate living conditions that would be provided for any future occupiers. Having regard to these factors, I am satisfied that the dismissal of the appeal does not run contrary to Article 8 of the Human Rights Act 1998.
28. The proposal would occupy a location with a good level of access to local services and facilities. It would be built using sustainable construction techniques and would incorporate accessible design. I also recognise that the proposal would make a contribution, albeit a limited one, to housing supply within the Borough. These benefits weigh in favour of the proposal. However, they would not, individually or cumulatively, be sufficient to outweigh the harm I have identified.

Conclusion

29. For the reasons set out above and having regard to all other matters, including neighbour living conditions, parking pressure, potential damage to property during any basement works, trees and potential to introduce light industrial use in the area, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Peter Williams Appellant

FOR THE LOCAL PLANNING AUTHORITY

Mr Andrew Smith Senior Planning Officer, London Borough of
Redbridge

INTERESTED PERSONS:

Mr Harmander Singh 47 Wellesley Road IG1 4JX

DOCUMENTS SUBMITTED AT THE HEARING

1. Policies 3.5, 7.4 and 7.6 of the London Plan- The Spatial Development Strategy for London Consolidated with Alterations Since 2011- March 2016
2. Agreed Statement of Common Ground
3. List of additional suggested conditions
4. Letter of support from the occupier of 68 Wellesley Road IG1 4JY
5. Signed petition
6. Committee Report and Decision Notice for planning application Ref 2660/09