
Appeal Decision

Site visit made on 18 May 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 08 June 2017

Appeal Ref: APP/W5780/W/17/3167140

39 Lansdowne Road, South Woodford, London E18 2BA

- 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 Mendi Kaur against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2773/16, dated 2 June 2016, was refused by notice dated 3 August 2016.
 - The development proposed is part basement extension to convert into 2 bedroom apartment and part ground floor rear extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: whether the proposal would provide satisfactory living conditions for future occupants, with particular regard to privacy, outlook, daylight and outdoor space; the effect of the proposal on the living conditions of neighbouring occupiers, also with regard to the provision of outdoor space, and; the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Light and outlook

3. The appeal site at 39 Lansdowne Road is a two storey detached property which is located within a predominantly residential area. The development would extend the existing basement area to create a new self-contained flat.
 4. Lightwells would be required at the front and back of No 39 to provide access to the new dwelling. At the front, the new retaining wall would be located at approximately 1m from the windows of the proposed lounge and front bedroom. Due to the existing ground levels, the retaining wall would rise to a height above the top of the proposed windows. As a result, the aspect from the habitable rooms would be directly onto the retaining wall, at very close proximity. The outlook would therefore be overly restricted, resulting in an unacceptable sense of enclosure within the flat. The narrow gap, in conjunction with the situation of the new dwelling well below ground level, would be such that daylight would be harmfully restricted.
-

5. At the rear, a similar gap of around 1m would be provided between the proposed kitchen and bedroom windows and the back retaining wall. In this location, the existing ground level is lower than at the front, meaning that relatively greater levels of daylight and outlook would be achieved in respect of these rooms. Nonetheless, the retaining wall would rise to a height only slightly below the tops of the proposed rear windows, and so outlook would still be restricted.
6. The appellant states that all windows and door openings would be large and their orientation beneficial for light purposes. However, each room would have a single aspect with no other source of natural light. None of the openings would be particularly generous, and would be the same size or smaller than the existing openings at No 39. The new flat would be orientated east/west, and so would receive sunlight only in the mornings and evenings.
7. I therefore conclude that the overall outlook from the new flat would be so constrained and the light levels so restricted that the development would harmfully fail to provide adequate living conditions for future occupants. Whilst the internal room sizes and ceiling heights would be adequate, this would not be sufficient to mitigate these matters. The use of light colours for the proposed external building materials to reflect light would also fail to overcome the harm to living conditions that would arise.

Privacy

8. The proposed flat would have a separate front entrance, which would bring some degree of privacy for future occupants. However, a bridge would be provided to maintain the existing approach to the main entrance of the building. The proximity of the bridge, and its position above the new front bay window, would allow for overlooking of the new flat, which would harm the privacy of its occupants. I note also that parking spaces would be allocated close to the front lightwell, which would further detract from privacy within the new flat.
9. At the rear, residents of the existing ground floor flat would have to walk close to the lightwell to enter and leave the building, or use the shared garden, which would also be intrusive for new occupants. The appellant states that the lightwell openings would be provided with grills, railings and screening to ensure privacy. Firstly, it is unclear from the plans how this would be achieved. Secondly, I am concerned that, whilst such measures might improve privacy within the basement flat, they could potentially worsen the outlook from the flat, and further restrict daylight to it. The use of landscaping has also been referred to, but it is unclear from the submitted information how this would mitigate the matter in question.
10. The appellant also states that frosted or one-way glazing could be used for privacy. Again, it is not clear from the submission which window openings would be affected, and frosting could further harm outlook from the new dwelling. I therefore conclude that the proposal would harmfully fail to provide adequate living conditions for future occupants in terms of privacy.

Outdoor space

11. The proposed rear extension to the basement would project by around 2.8m, thus reducing the amount of amenity space available. The remaining rear

garden area would be shared by the occupants of both the existing ground floor flat and the new basement flat. Between them, these properties would provide a total of eight habitable rooms, which would require 160sqm of amenity space, as set out in Policy BD4 of the London Borough of Redbridge Borough Wide Primary Policies Development Plan Document (DPD, May 2008). I accept that circumstances may allow less amenity space than recommended by Policy BD4. However, in this case, only approximately a third of the recommended space would be provided, which is a considerable shortfall.

12. DPD Policy BD4 also addresses quality issues in respect of outdoor space, stating that it should be of a useable and practical configuration, and should ensure privacy. I note that parking areas and buffer strips less than 1.5m wide are to be excluded. Taking these factors into account, I consider that the areas to the front and sides of No 39 would not be of sufficient quality. The remaining space at the back would be too small and cramped to satisfactorily provide adequate space for two separate households.
13. The appellant states that the amenity space is in keeping with the general grain of development found in dense urban areas. However, from the submitted location plan, it appears that the garden area within the red line boundary is significantly smaller than the gardens of the neighbouring properties.
14. My attention has been drawn to local examples of development where the appellant contends that the Council has accepted less amenity space. However, the details of these proposals and the circumstances in which they were found to be acceptable are not before me. As a result, I cannot be certain that they are directly comparable to the appeal scheme. I can therefore afford little weight to these examples, and in any event, each case must be decided on its own merits.
15. Although the relative proximity of public recreational space in the surrounding area is a mitigating factor, it would not cater for the range of functions that should be provided for by private amenity areas. I therefore find that the under provision of amenity space would be harmfully deleterious to the living conditions of both the future occupants of the proposed flat and the occupants of the existing flat.
16. Drawing all of the above factors together, I conclude that the proposed development would fail to provide satisfactory living conditions for future occupants and would harm the living conditions of the residents of the existing ground floor flat, with particular regard to privacy, outlook, daylight and outdoor space. It would therefore conflict with DPD Policy BD1, insofar as it requires new developments to meet the needs of all, and DPD Policy BD4, which sets out requirements for amenity space in new development.

Character and appearance

17. Turning to character and appearance, the Council's concern relates to the proposed new lightwell at the front of the property. No 39 is a detached building which sits back from the road in its own grounds. An area in front of approximately half of the main elevation of the building would be excavated, and railings would be provided around the lightwell.
18. The surrounding area comprises a range of different types and styles of buildings, including traditional dwellings interspersed with modern

developments and bungalows. Whilst lightwells of the type proposed are not characteristic of the area, I saw that there is no prevailing architectural style in the vicinity. Within that context, although the lightwell would alter the frontage of the appeal site, I do not consider that its appearance would be so harmful as to warrant the withholding of planning permission.

19. I therefore conclude that the development would preserve the character and appearance of the surrounding area, and thus would comply with DPD Policy BD1, insofar as it relates to character and appearance, and the amenity of the area.

Other matters

20. In response to the Council's concerns, the appellant has indicated that alternative proposals could be considered, for example, the internal rearrangement of the proposed habitable rooms, the lowering of the rear retaining wall, and the division of the rear garden. Whilst these measures may potentially address the matters at issue, the alternative schemes are not before me, and so I can give them little weight in my consideration.
21. The appeal site is situated in a reasonably sustainable location, and I have no reason to doubt that, in other respects, the overall quality of the scheme would be high. I note that appellant's contention that housing in the area is in short supply. Whilst this may be the case, the modest contribution of one flat, and its associated economic and social benefits, would not outweigh the harm to living conditions that would arise from the development.

Conclusion

22. Although I have found that the proposal would preserve the character and appearance of the surrounding area, I have concluded that it would provide inadequate living conditions for future occupants, and would harm the living conditions of residents of the existing flat. For those reasons above, and taking all other matters into account, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR