
Appeal Decision

Site visit made on 15 June 2017

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 04 July 2017

Appeal Ref: APP/W5780/W/16/3162836

76 Malvern Drive, Seven Kings, Ilford, IG3 9DW

- 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 Siddharth Mahajan against the decision of the London Borough of Redbridge.
 - The application Ref 3732/16, dated 3 August 2016, was refused by notice dated 17 October 2016.
 - The development is for the demolition of an existing outbuilding. Erection of 1 No. one-bedroom bungalow with associated footway crossover.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - The effect of the development on the character and appearance of the area; and,
 - Whether adequate provision is made for the living conditions of the occupiers of the proposed residential unit, having regard to the availability of external space, the outlook from the habitable accommodation, and availability of privacy.

Reasons

3. The appeal site comprises an area of land which forms part of the rear private garden of No. 76 Malvern Drive, which is a House in Multiple Occupation (HMO). The appeal site is identified as having been the site of a former garden outbuilding to be demolished, although there was no obvious structure on the appeal site at the time of my site visit with the land substantially overgrown. The proposed bungalow would obtain its access from Ashburton Road which adjoins the site, with a pedestrian crossover to be created.

Character and appearance

4. The Council has indicated its concern over the impact that the erection of a single storey unit of accommodation within the rear garden would have on the character and appearance of the surrounding area. In respect of the provision of a one-bedroom unit, I am satisfied that there is no evidence to indicate that the creation of such a unit would be harmful in principle to the range of
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housing provision within the area. I also noted the prevalence of other outbuildings and structures at the end of neighbouring gardens, and whilst I accept that the proposed scale of the building in this instance would be larger than others observed at the site visit, I do not consider that the appearance and location of the proposed structure in itself would be uncharacteristic of the area. However, even allowing for the fact that No. 76 Malvern Drive is occupied as an HMO, I consider that the form of residential accommodation proposed would be a clear and uncharacteristic departure from the predominance of family-sized dwellings and flats in blocks within the vicinity of the appeal site.

5. In this respect, the proposed accommodation and necessary sub-division of the existing plot, would represent an incongruous form of residential development to the rear of the existing HMO. I consider that there would be some limited further adverse impact on the character of the area due to the physical aspects of the works to sub-divide the existing garden, and the further intensification of the use of the site.
6. As a consequence, even allowing for the proposed building itself not representing a significant physical departure from the character of other outbuildings in the vicinity, 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

7. The proposed living accommodation would comprise an open-plan living/dining room and kitchen, bathroom, and a separate bedroom, all accessed from a small hallway. The accommodation is indicated as amounting to a total area of 50.2 m² by the appellant, albeit that I note the Council disputes this having undertaken its own measurements, concluding that the internal floorspace totals only 49 m². However, whilst I have had regard to the disputed figures, even if the accommodation was just under the 50 m² threshold for internal space as set out in The London Plan, I am satisfied that it would for all intents and purposes meet the space standard.
8. In respect of the overall level of external amenity space provided for the appeal property, whilst comparatively limited, the appellant has indicated that at 40.3 m², it would meet the Council's standards as set out in Policy BD4 of the Primary Policies DPD. However, the Council has again disputed the appellant's calculation on the basis of the level of amenity space which could be considered to be useable, measuring this as being 32 m². I have carefully considered the two stated positions, and I do not regard the Council's requirement for the external space to be at least useable to be unreasonable, with the appellant's calculations seeming to also rely upon the strip of space between the proposed building and southern boundary. Whilst I have not had a definitive measurement placed before me, I am satisfied that the area of useable amenity space provided would be closer to the Council's measurement than the appellant's, and as such that the proposal would represent a significant

shortfall in the provision of external amenity space, to the detriment of the living conditions of future occupiers, and below the standard set out to be achieved in the Development Plan.

9. Turning to the outlook for future occupiers, I accept that the outlook from the kitchen/living/dining window would be more limited by its relative proximity to the boundary treatment erected to delineate the separate curtilages, but that this would on balance be acceptable. However, I share the Council's concern that the proposed window to the bedroom would benefit from a very poor outlook due to the extreme proximity to the boundary fence along the southern boundary to Ashburton Road. In this respect, I consider the outlook would be severely compromised to the detriment of the living conditions of future occupiers.
10. With regards to the available level of privacy for future occupiers, I consider that the proximity between the rear upper floor windows of No. 76 Malvern Drive and the kitchen/living/dining window of the proposed dwelling would be much closer than other observed privacy relationships within the vicinity. I also note that this would relate to the sole window to the kitchen/living/dining room, and although the proposed fence may provide some visual mitigation, the resultant relationship would be likely to have some limited harm on the privacy of future occupiers.
11. I have also noted the relationship between existing upper floor windows in No. 76 Malvern Drive and the external amenity space. However, there is already mutual overlooking between various upper floor windows and neighbouring gardens within the vicinity, and I do not regard the proposals as amounting to a significant departure from this relationship.
12. Whilst I conclude that the privacy of users of the external amenity space would not be unduly compromised, I am satisfied that the overall living conditions of future occupiers would not be safeguarded in respect of the provision of the total amount of external amenity space, outlook, and the privacy of occupiers of the accommodation. As a consequence, the proposals would 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 both internally and externally, seek to ensure that new development incorporates minimum space standards, and respect the amenity of the locality generally. 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.

Conclusion

13. Further to the limited submissions placed before me in respect of the Council's performance in delivering housing over an extended period, I accept that the provision of an additional unit of accommodation would 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.
14. Nevertheless, whilst acknowledging the above benefits, for the reasons already set out above, the proposed unit would not provide satisfactory living conditions for future occupiers, and 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.

15. For the reasons given above, the appeal is dismissed.

M Seaton

INSPECTOR