

Appeal Decision

Site visit made on 26 June 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 26 July 2017

Appeal Ref: APP/W5780/W/17/3172954
239-241 Ilford Lane, Ilford IG1 2SB

- 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 B Singh against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 5680/16, dated 2 December 2016, was refused by notice dated 7 February 2017.
 - The development proposed is converting existing first floor and second floor into four studio flats in each property 239 and 241 Ilford Lane. Single and two storey rear extensions Loft conversion with rear dormers. Front roof lights.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description. I shall determine the appeal on this basis accordingly.

Main Issues

3. The main issues are the effect of the proposed development on
 - (i) the character and appearance of the area;
 - (ii) the living conditions of the occupiers of the neighbouring properties with particular regard to overlooking and privacy;
 - (iii) the living conditions of the future occupants of the proposed flats with particular regard to the standard of accommodation, outlook and private amenity space; and
 - (iv) highway safety in the area.
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Reasons

Character and appearance of the area

4. The appeal site consists of two mid-terrace two-storey properties at Nos. 239 and 241 Ilford Lane (Nos. 239 and 241) with retail uses at ground floor level and residential and storage use above. It is located within a local shopping parade in a predominantly residential area with a range of local services and facilities. The neighbouring properties comprise of a dense mix of generally two and three-storey terraced properties set in narrow plots with ground floor commercial uses and commercial and residential uses above. A number of properties have existing rear extensions, although these generally appear as clearly subordinate to the main premises.
5. The proposal would entail the conversion of the existing first floor and second floors into four studio flats in each property and the construction of an extension at the rear of the properties, with rear dormers and rooflights on the front roof slope.
6. The rear extensions at Nos. 239 and 241 would extend across the full width of the properties at first and second floor level. At first floor level the proposed extension would project out from the existing outriggers broadly in line with the existing single storey rear extensions at the properties. At second floor level the rear extensions would be set back from the rear elevation of the main properties and set down below the ridge of the properties. It would result in a two storey addition with a flat topped design that projects out from the rear roof plane over the new extension below with rear dormers.
7. The proposed rear extensions, by virtue of their scale, siting and design, would be a significant addition relative to the main properties and would result in substantial bulk at this side of the premises. As such, although set down at roof level and set back from the rear elevation of the properties, the proposed extensions would be out of character with the generally more modest rear extensions in the area. The proposed rear extensions would significantly detract from the scale and form of the main properties and would fail to achieve an appropriate degree of subordination to the host properties.
8. The consequential harm would not in my view be sufficiently resolved by the limited effect of the proposed extensions on the street scene. In any case, the site can be viewed from a number of public vantage points along Hampton Road at the rear of the site. As such, I consider the proposed rear extensions, by virtue of their scale, siting and design, would result in incongruous and out-of-keeping additions that would adversely harm the character and appearance of the host properties and the area.
9. I have considered the appellant's comments regarding the context provided in the National Planning Policy Framework (the Framework) for good design but I find that the development does not achieve the standards the Framework seeks. I also note the appellant's willingness to amend the appeal scheme so it would be in more in line with the generally more modest rear extensions in the area. This, however, would result in material changes to the proposal before me and in any event, I am required to consider the proposal on the basis of the same details that were before the Council when it made its decision.

10. I have noted the other developments in the area drawn to my attention by the appellant. The scale and form of the rear extensions at Nos. 237, 243 and 245 Ilford Lane have different development characteristics to the appeal scheme. I therefore accord them limited weight as precedents in this case.
11. Consequently, I conclude that the proposal would have a harmful effect on the character and appearance of the area and would conflict with Policy SP3 of the London Borough of Redbridge Core Strategy Development Plan Document 2008 (CS) and Policy BD1 of the London Borough of Redbridge Borough Wide Primary Policies Development Plan Document 2008 (BWPP). These policies, amongst other things, seek to ensure that new development proposals achieve a high quality and standard of sustainable design that are compatible and contribute to the distinctive character of the area and that the building style, massing, scale and design are appropriate to the locality.

Living conditions of the occupiers of the neighbouring properties

12. The rear elevation of the proposed flats would be located close to the common shared boundary with the terraced property at No.2 Hampton Road (No. 2). Bedroom windows would be located at first and second floor levels on the rear elevation on four of the proposed studio flats. The studio flats at second floor levels would have outside balconies with obscured glass screens at the rear. The proposal would be separated from the neighbouring property by an access way and communal shared area.
13. I note the appellant's comments that the views from the proposed development would be limited and that the proposal would have a comparable relationship to the views from rear dormers on the existing properties. However, I have viewed the appeal site and I am not persuaded by the appellant's arguments.
14. Given the position and design of the proposed flats and the separation distance between the properties, I consider that the proposal would overlook the rear gardens of the neighbouring properties on Hampton Road. The occupiers of these properties would use these garden areas to carry out leisure activities where they would be observed at close quarters by the future occupants of the proposal, particularly during the summer months. I consider the proposal would result in an unacceptable level of overlooking and privacy, in particular from the second floor level balconies to the rear garden at No. 2 and to a more limited extent to the rear gardens beyond on Hampton Road.
15. I note the appellant's willingness to carry out further work to amend the details on the rear elevation to include high level windows which would be fixed shut below 1.7m from the finished floor level of the proposed flats. Whilst this would reduce the impact of the proposal to some degree, these aspects do not overcome the adverse effects outlined above.
16. Consequently, I conclude that the proposal would result in harm to the living conditions of the occupiers of the neighbouring properties with particular regard to overlooking and privacy. The development conflicts with CS Policy SP3 and BWPP Policy BD1. These policies and guidance seek, amongst other things, to ensure that new development is compatible with the amenity of the area and does not adversely impact on the amenity of neighbouring occupiers by unreasonably restricting the privacy.

Living conditions of the future occupants

17. The appellant's statement sets out that the proposed flats would be designed to meet the internal space standards of 39 sqm for a one bed dwelling in Policy 3.5 of the London Plan 2016 (LP). The Council have indicated that the proposed flats at second floor level would not demonstrate that they would have a minimum ceiling height of 2.5m for at least 75% of the gross internal area in accordance with LP Policy 3.5. However, whilst I observed on my site visit that the ceiling heights were limited, I have no substantive evidence before me to support this claim and I consider that satisfactory internal space has been provided for the future occupants. However, this is not a determinative factor on its own.
18. The appellant's statement and submitted plans indicate that each of the flats would be served with single aspect window openings with exceptions of the front flats at second floor level. The Council indicates that the windows on the rear elevation would be located about 5m from the flank wall of No. 2 Hampton Road. Whilst the single aspect windows and the distance between the proposal and the flank wall of No. 2 would provide an acceptable outlook in this case, I consider that the front flats at second floor level served solely by two rooflights and one skylight would be unacceptable. These features would severely restrict the outlook for the future occupants of these proposed flats and result in a poor quality living environment.
19. In relation to the private amenity space, whilst the appellant and Council accept that upper floor flats in this location do not include the private amenity space given the site constraints, the Mayor of London's Housing Supplementary Planning Guidance (SPG) 2016 requires a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings. The SPG also requires that the minimum depth and width for all balconies and other private external space should be 1500mm.
20. The appellant has stated that, whilst the four front flats would not provide sufficient private amenity space to meet the SPG requirements, this is justified by the size, nature and location of the proposed flats above shops. Whilst this maybe so, this does not set a precedent for such an inappropriate development in this location. I also note the appellant's comments regarding the flat development granted at No. 237. However, this has different development characteristics to the appeal scheme as outlined above.
21. In light of advice set out in LP Policy 3.5 and the SPG, I consider that the private amenity space provided for the four front flats would not be sufficient and as such would not result in a satisfactory living environment for the future occupants for the reasons set out above.
22. Consequently, I conclude that the proposal would result in harm to the living conditions of the future occupiers of the proposed flats with particular regard to outlook and private amenity space. The development conflicts with CS Policy SP3, and BWPP Policies BD1 and BD4, LP Policy 3.5 and the SPG. These policies and guidance seek, amongst other things, to ensure that new housing development should be of the highest quality internally and externally and provide amenity space in accordance with the minimum standards that should be fit for purpose and is of an appropriate scale to ensure usability.

Highway safety

23. The appeal site is located on Ilford Lane, a two-way road with double yellow lines on both sides of the road and limited on-street parking available in parking laybys in front of the shopping parade with parking restrictions.
24. BWPP Policy 5 states that car parking will be sought in accordance with the maximum parking standards and where lesser standards of parking provision is proposed, planning applications will be considered on the basis of adherence to green travel planning measures, level of public transport accessibility, the availability of public parking, the character of the area and the nature of the development proposed.
25. The approach in the BWPP Policy 5 is generally consistent with the Framework which encourages solutions which reduce congestion and facilitate use of sustainable transport and specifies that local parking standards should take into account the accessibility of a development, type, mix and use of the development, the availability of and opportunities for public transport, local car ownership and an overall need to reduce the use of high-emission vehicles¹. This is underpinned by the core principle set out in paragraph 17 of the Framework to make the fullest use possible use of public transport, walking and cycling.
26. The Council's officer report outlines that the appeal site is located in an out of centre location with poor level of access to public transport (PTAL 2) and the surrounding predominantly residential streets are not subject to parking controls and on-street parking is limited and in high demand. The Council's Highway department have objected to the proposal stating that the development does not have parking provision and that the parking demand from the development and the current shortage of car parking in the area around the appeal site will lead to increased parking pressure on nearby streets that cannot be met and indiscriminate kerb side parking to the detriment of highway safety. However, I have not been provided with any substantive evidence as to how the local parking standards seek to be more flexible for a small scale development in such an accessible location as advocated in the Framework.
27. I acknowledge that the properties along both Ilford Lane and the surrounding predominantly residential terraced streets rely on on-street parking and there is likely to be competition for parking spaces at peak periods. However, whilst waiting is restricted on Ilford Lane during the day, these restrictions do not apply in the evenings, thereby freeing up space when residents return from work or other daily activities. There are no parking restrictions on the surrounding streets and at the time of my site visit, there were parking spaces available in the nearby streets.
28. In any event, the appeal site is located in a sustainable location within easy walking distance of the local services and facilities and public transport services. With the limited off street parking provision, I consider it is likely to be more attractive for occupation by people who do not use cars than those who do. Whilst I acknowledge the Council and Highway Department objections regarding this proposal, in view of the scale of development and the evidence before me, I consider that the extra demand for on-street parking generated

¹ Paragraphs 30 and 39 of the Framework

by the development is relatively small in the context of the overall supply and availability of parking in the area. Therefore, I consider that the effect is likely to be only marginal and certainly not severe, the test set by the Framework² for preventing development on highway grounds.

29. Consequently, I conclude that the development would not have an adverse effect on highway safety in the area and would not conflict with the BWPP Policy 5 for the reasons set out above. In addition, the proposal would accord with the aims of the Framework that seeks to actively manage patterns of growth to make the fullest use possible use of public transport, walking and cycling (paragraph 17).

Other Matters

30. The appellant states that the development would contribute towards the supply of small housing units in the area and the Borough more generally. Whilst the proposal would contribute toward meeting the local demand for a range of housing types and tenures in line with the development plan and the Framework (paragraph 50), the proposed flats would make a limited contribution, more generally, to the total housing stock in the Borough. I therefore accord these matters limited weight in making my decision.
31. I have noted the issues raised by the appellant regarding the way in which the application was processed by the Council. However, these are not a material consideration to which I can attach significant weight in making this decision.

Conclusion

32. Notwithstanding my findings on the lack of harm to highway safety this is significantly outweighed by the harm found to the character and appearance of the area, the living conditions of the occupiers of the neighbouring properties and the living conditions of the future occupants of the proposed flats with particular regard to the outlook and private amenity space. The proposal would conflict with the development plan taken as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR

² Paragraphs 32 of the Framework