The Planning Inspectorate

Appeal Decision

Site visit made on 19 June 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 31 July 2017

Appeal Ref: APP/W5780/W/17/3172689
Rear of 143 Hermon Hill, London E18 1QE

- 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 Avtar Gakhal against the decision of the Council of the London Borough of Redbridge.
- The application Ref 4389/16, dated 5 June 2016, was refused by notice dated 4 November 2016.
- The development proposed is the erection of a two storey single bedroom chalet bungalow.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site address given on the application form is rear of 146 Herman Hill although it is clear from the plans and other documentation that the site lies to the rear of No 143 and that the street name is spelt differently. I have therefore used the correct address in the heading above.

Main Issues

3. The main issues raised by this appeal are the effect the proposed development would have on the character and appearance of the area, on the living conditions of future occupiers and on highway and pedestrian safety.

Reasons

Character and appearance

4. The appeal site is situated between the rear of No 143 and the side of 2 Charnwood Drive. The appellant advises that it was part of the garden of the former. The proposed development would consist of a modest detached dwelling with first floor accommodation set within the roof served by dormers. Charnwood Drive is characterised by semi-detached houses set back from the road and the rear of properties on Herman Hill have generous rear gardens.

5. The close proximity of the proposed building to Charnwood Drive would mean it would sit considerably forward of No 2 and the consistent building line which extends to the south east along that side of the road. This would result in the dwelling appearing in harmful contrast to surrounding development which creates a more spacious appearance with buildings set back from the road, an arrangement which is replicated by the more recent buildings situated opposite

the site. Furthermore, the building would be situated very close to the site's boundaries on three sides. Although the building would be of modest proportions, this arrangement would nevertheless make it appear cramped within the confines of the small site and consequently as an incongruous element in the streetscene.

6. As such the proposal would harm the character and appearance of the area. It would not achieve the high quality built environment, the compatibility with and reinforcement of local character or have the regard for the pattern and grain of existing spaces and streets required by Core Strategy[1] (CS) Strategic Policy 3, Borough Wide Primary Policies[2] (BWPP) Policy BD1 and London Plan (LP) Policies 7.1 and 7.4, amongst other criteria. It would also not accord with the National Planning Policy Framework's (the Framework) policies requiring good design and that development improves an area's character and quality.

Living conditions of future occupiers

7. Much of the space around the proposed dwelling would be narrow and unlikely to function as anything other than circulation or access space. A small area would be available between the flank of the dwelling and the enclosed car parking space. This would be private and may enable some domestic tasks to be carried out. However, its constrained area and significant enclosure by tall fences and the building would not create a pleasant space in which occupiers of the building could reasonably relax.

8. Whilst the appellant's plan notes the garden would be 50.3m^2 the Council advise that the available area would be 28.3m^2 discounting buffer strips of less than 1.5m wide and the car parking area. As such it would be well below the 20m^2 minimum per habitable room required by BWPP Policy BD4.

9. The interior of the dwelling would be modest in its dimensions. The first floor bedroom and bathroom would be situated within the roofslopes. Whilst the plans indicate a maximum headroom of 2.3m this would only be available within a relatively limited area beneath the apex of the main roof and those of the dormers, with the ceiling sloping down steeply. Much of the floor space of those rooms would have significantly lower headroom with the effect that these rooms would feel constrained and oppressive to occupiers, an effect compounded by the relatively small size of the only bedroom.

10. The overall floor area would accord with the minimum space standard required by LP Policy 3.5, supported by supplementary guidance. However it is unlikely that a minimum 2.3m ceiling height would be achieved for at least 75% of the gross internal area, let alone the 2.5m minimum over a similar area 'strongly encouraged' by the standards referred to in that Policy. The proposed development would not demonstrate the exemplary design which LP Policy 3.5 states may enable a compromise on these requirements.

11. The combination of constrained internal and external space would mean that the living conditions of future occupiers would be materially harmed, contrary to BWPP Policy BD4 and LP Policy 3.5. The proposal would not accord with the Framework's core planning principle of always seeking to secure a good standard of amenity for future occupants of land and buildings.

[1] London Borough of Redbridge Core Strategy, 2008.
[2] London Borough of Redbridge Borough Wide Primary Policies Development Plan Document, 2008

Highway safety

12. The proposed car parking space would be situated adjacent to the boundary with No 2 at a point where there is a discernible bend in Charnwood Drive. The existing boundary treatment and planting within No 2 and the proposed 1.8m high fence enclosing the parking area and the adjacent frontage of the site would considerably reduce the visibility drivers exiting the parking area would have of pedestrians using the adjacent footway. This arrangement would also prevent pedestrians from seeing any vehicle exiting until they were very close to the parking space. The situation would be compounded as a result of the parking area being on the inside of the bend in the road.

13. The safety of pedestrians would be severely affected as a result, particularly if vehicles were to exit in reverse gear. There would be the opportunity to improve visibility across the frontage of the site by the use of lower enclosures and this could be required by condition. However the area required to provide visibility in the other direction is outside the site in the forecourt of No 2 and restricted by boundary treatments and vegetation. There is no evidence that such an area of visibility could be provided or maintained in the long term.

14. The Council consider that the area experiences parking stress but there is little evidence to suggest that the proposal's arrangements would necessarily lead to indiscriminate on-street parking, nor what harm would arise if there was additional on-street parking as a result of the proposed development. The proposal would not conflict with BWPP Policy T5's parking standards in that respect. Nevertheless, the lack of adequate visibility would materially harm the safety of pedestrians.

Other Matters

15. Whilst the Framework's core planning principles encourage the re-use of previously developed land it goes on to exclude land in built-up areas such as private residential gardens from its definition of previously developed land. The proposed development would have the benefit of delivering a new dwelling which would contribute to meeting the Borough's and London's housing needs. However, these benefits would be limited due to only one unit being delivered and the compromised standards of the accommodation that would be provided, and would be outweighed by the harm the proposal would give rise to.

16. The appellant has referred to an appeal decision which he considers is a precedent. However that scheme was materially different in its location and configuration and was in a different authority area with a different development plan. Accordingly, the circumstances of that case are not comparable with those which apply in this appeal. I have, in any case, considered the appeal on its own merits and the evidence before me.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, the proposal would materially harm the character and appearance of the area, the living conditions of future occupiers and the safety of pedestrians, contrary to the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR