

Appeal Decision

Site visit made on 1 August 2017

by H Lock BA(Hons) DipTP MRTPI

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

Decision date: 09 August 2017

Appeal Ref: APP/W5780/D/17/3176811

12 Bloomfield Crescent, Gants Hill, ILFORD, IG2 6DR

- 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 & Mrs Stephen & Susan Tindling against the decision of the Council of the London Borough of Redbridge.
 - The application Ref. 0965/17, dated 2 March 2017, was refused by notice dated 4 May 2017.
 - The development proposed is erection of an ancillary granny annexe.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (1) the effect of the proposal on the living conditions of neighbouring residents, with particular reference to outlook; and (2) whether the proposal would constitute a separate dwelling with a consequent effect on the character of the site and wider area and the living conditions of neighbouring residents.

Reasons

Living Conditions

3. The appeal property is a mid-terrace house within a reasonably built-up residential area. Within the rear garden environment in the vicinity there are a range of domestic outbuildings which vary in size, siting, design and materials.
 4. The proposed building would occupy a significant portion of the rear garden and would be sited close to the boundaries with the rear gardens of neighbouring dwellings to the side and rear. Although the appellants indicate that the height of the boundary fencing could be increased, the eaves and ridge height of the proposed building mean that it would project some distance above the level of boundary screening. Notwithstanding the shallow pitch to the roof of the building, it would nevertheless be a bulky and visually prominent structure in this rear garden setting that would create an undue sense of enclosure and dominate the outlook from the habitable room windows and private garden areas of the neighbouring properties. The adverse impact would be exacerbated by the close proximity to the site boundaries and neighbouring dwellings.
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5. I accept the appellants' view that it is not the role of the planning system to protect outlook and views as such, but it is appropriate to consider a development in terms of its impact if it would result in material harm to living conditions that residents may reasonably expect to enjoy. Policy BD1 of the Council's Borough Wide Primary Policies Development Plan Document 2008 (DPD) does not identify impact on outlook as a policy consideration, but includes an overarching requirement for a development to be compatible with and contribute to the distinctive character and amenity of the area in which it is located. This reflects an aim set out in Strategic Policy 3 (SP3) of the Council's Core Strategy 2008¹ (CS), which requires all new development to respect the amenity of adjoining properties and the locality generally.
6. Some garden outbuildings in the vicinity appear to be quite large in footprint, but there is no indication in the submissions that any are of a size that required express planning permission. However, it is not evident that any are of comparable size overall, in that most are not as high as the appeal proposal; where tall buildings exist they appear to be more compact in floor area. As a result, none have the same visual impact and prominence as the proposed building, which would not reflect the prevailing pattern of development. Given the overall size of the proposed building, it would not appear as a subordinate addition to the main dwelling, as suggested by the appellants.
7. The appellants advise that, through the exercise of Permitted Development rights² (PD), a building of similar dimensions could be constructed in the same position as proposed, resulting in a similar impact on neighbouring amenity and outlook. The Council does not dispute that the property benefits from PD rights. However, given the proximity of the proposed building to the site boundaries, any building constructed as PD would be much lower than proposed in this case. As such, I find that the appeal proposal would have materially greater impact than any building that could be constructed as a 'fallback', and as such this does not warrant acceptance of this proposal.
8. Attention has been drawn to other appeal decisions in support of this proposal. No plans of these developments have been supplied, but from the decision letters they do not appear to be directly comparable to this appeal: in the case of APP/L5240/A/13/2209293, the building was stated as being in a large rear garden, more than 20 metres from the dwelling, and relatively well screened by boundary fences and vegetation. The Inspector noted that there was good separation from the outbuilding to neighbouring properties. The building was stated as being 24cm above that which could be constructed as PD. In appeal refs. APP/Q5300/D/16/3147827 and APP/X1545/D/16/3146541, the impact on neighbouring residents was not at issue. On the matter of impact on living conditions, these decisions do not offer evident support to the proposal.
9. I am mindful of the stated need for the building, as set out in the appellants' submissions, and the benefits that would result for the whole family. However, whilst this is a factor of some weight, it must be balanced against the harm that would arise from a building of the size proposed in this location.

¹ Local Development Framework Core Strategy Development Plan Document 2008

² By virtue of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015

10. I therefore conclude that the proposal would materially detract from the outlook for occupants of adjacent properties to an extent that their living conditions would be harmed, contrary to the aims of CS Policy SP3 and DPD Policy BD1.

Separate Dwelling

11. Whilst the proposed building would have accommodation sufficient for independent living, on the basis of the information provided by the appellants I am satisfied that there would be a functional link between the main house and the use of the proposed outbuilding. Given that all access to the outbuilding would be via the host property I consider that the risk of independent occupation would be slight. In any case, appropriately worded planning conditions would provide sufficient enforceable safeguards to address any future breach of planning control. This assessment is consistent with the appeal decisions cited by the appellants.

12. I have found that the proposal would cause harm to the living conditions of neighbouring residents as a result of its size and siting, and this harm would arise regardless of how the building is occupied. Whilst I do not doubt that occupation as a separate dwelling may cause more intensive harm, as identified in the Council's reason for refusal, use as a separate dwelling is not the development before me, and I have determined the appeal accordingly.

13. On the basis of the information supplied in this appeal, I conclude that the proposal would not constitute a separate dwelling, and in this regard would not detract from the character of the site and the surrounding area. Whilst I have found conflict with CS Policy SP3 and DPD Policy BD1 in respect of the impact on living conditions, I find no conflict with these policies on this specific issue.

Conclusion

14. The National Planning Policy Framework establishes a presumption in favour of sustainable development, and part of its environmental strand is to contribute to protecting and enhancing the built environment. A core planning principle of the Framework is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, but for the reasons given above the proposal would not comply with this principle, and would not be sustainable development supported through the Framework. As a consequence, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR