
Appeal Decision

Site visit made on 5 July, 2017

by G. Rollings, BA (Hons) MA(UD) MRTPI

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

Decision date: 10th August, 2017

Appeal Ref: APP/W5780/W/17/3172964

73 Forest Road, Hainault, Ilford, IG6 3HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs K Larkin against the decision of the Council of the London Borough of Redbridge.
 - The application Ref: 0246/17 dated 17 January, 2017 was refused by notice dated 15 March, 2017.
 - The development proposed is the erection of a two-storey 1 x 4-bedroom dwelling with associated access (all other matters reserved).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey 1 x 4-bedroom dwelling with associated access at 73 Forest Road, Hainault, Ilford, IG6 3HA in accordance with the terms of the application Ref: 0246/17 dated 17 January, 2017 subject to list of conditions attached at Annex A.

Procedural Matter

2. As set out in the description of the proposed development, the outline proposal includes access as a matter for detailed consideration at this stage. The appeal plans show the proposed access arrangements to the site. Appearance, landscaping, layout, and scale are the remaining four reserved matters for future detailed consideration. Aside from matters regarding access, the appellant has confirmed that these demonstrate an indicative design, and I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

4. The existing property at 73 Forest Road accommodates an end-of-terrace, two-storey house with front and rear gardens. It abuts the intersection of Forest Road and a service road that runs along its eastern side boundary. The appeal proposal seeks to subdivide the property, truncating the garden of No. 73 and creating a new property (the appeal site) alongside the service road and to the rear of No. 73, with access onto both Forest Road and the service road.

5. The parties have drawn my attention to the advice at paragraph 53 of the *National Planning Policy Framework*, and chapter 3 of *The London Plan* (2016), which support a plan-led approach to development of land used as residential gardens. The Council has not provided any adopted policies that relate specifically to back garden development, but has referred to its *Borough Wide Primary Policies* (2008) (BWPP) Policy BD1 and *Core Strategy* (2008) Strategic Policy 3, as well as London Plan Policy 7.4, which together include the requirement for new development to be designed to a high standard, and compatible with the distinctive character and design of the surrounding area.
6. Existing development along the northern side of this part of Forest Road is regularly aligned to the road, with garden land behind. Importantly, the new dwelling would also be aligned with a road, similar to existing development. It would be built on the strip of garden land behind the existing dwellings fronting Forest Road, where there are already sizeable outbuildings on some of these properties. There are several large buildings on the green belt land behind this strip, to which the service road leads, and the dwelling would be located between these developed areas. In considering these factors together, whilst the dwelling would be out of character with the existing placement of dwellings along Forest Road, it would not be out of character with the general form of perimeter development aligned to street frontages, and would not protrude into the green belt. Accordingly, there would be no significant harm to, or deviation from, the character of the area.
7. The appeal site widens towards the rear, meaning that the new house would be set behind the existing row of houses fronting Forest Road. The indicative layout indicates that the house would also be visible from Forest Road. However, this visibility would be limited to the narrow gap of the intersection of Forest Road and the service road, between Nos. 73 and 79. Given the otherwise unbroken, long row of houses fronting this side of Forest Road, this gap and the current views of vegetation is already incongruous. The additional dwelling would consolidate the existing built form within the view and would appear less incongruous in its context than the current layout.
8. The site would have a garden significantly larger than those of surrounding properties. The indicative layout shows that a house centrally positioned within the site would have sizeable front and rear garden areas. Clearances at the sides of the dwellings would be similar those on existing nearby homes, and there would be sufficient on-site space for the manoeuvring of cars. The Council has brought to my attention the reduced rear garden size of the existing property at No. 73. This property and several others to the west vary in width, with the site of No. 73 being wider than that the immediately neighbouring sites at Nos. 71 and 69. Thus, although the development would result in a reduced depth to the rear garden of No. 73, its overall area would not be significantly less than others in the area. For these reasons, I am satisfied that development on the appeal site could be undertaken without resulting in a cramped or unsuitable design.
9. I therefore conclude that the outline proposed development would not harm the character and appearance of the area. It would not conflict with the Council's *Core Strategy* (2008) Strategic Policy 3, *Borough Wide Primary Policies* (2008) Policy BD1, or *The London Plan* (2016) Policy 7.4, which together require development to be designed to a high standard that is compatible with the character of its surroundings, amongst other

considerations. These policies are consistent with the *National Planning Policy Framework*, which requires as a core planning principle a high standard of design in all development (paragraph 17).

Other issues

10. The Council has not raised specific concerns regarding the detailed matter of access. I note the Council's correspondence regarding access onto the service road, but consider that this is a matter to be resolved outside of the planning process. Visibility splays would be required as per the highway authority's response, and I have included a relevant planning condition.

Conditions

11. The Council has provided a list of conditions on which the appellant has provided comments, and against which I have assessed with regard to the tests set out in the Planning Practice Guidance (PPG)¹. These are set out in the annex to this letter. Conditions 1 and 2 set out the statutory time limits pertaining to this approval and its reserved matters, with conditions 3 and 4 required to provide certainty. Conditions 5 and 6 has been applied in the interests of preserving the living conditions of neighbours, with conditions 7 and 8 required for reasons of enhancing biodiversity and the area's character and appearance. I have imposed condition 9 to ensure that the development complies with the Council's requirements on sustainability through water efficiency, and condition 10 is required in respect of the detailed matter of access, in order to ensure the safety of pedestrians and other users of the highway.
12. There is no suggestion, in the evidence of either the appellant or the Council, that there is any existing land contamination, or that the land was at any time occupied by a contaminating use that could have resulted in ground gas deposits. I am therefore not convinced that the Council's suggested condition no. 4 requiring various reports, modelling and other procedures to be submitted by the appellant, would meet the tests of necessity and being relevant to the development to be permitted. Accordingly, I have declined to impose it.
13. The Council's suggested condition no. 5 concerns boundary treatment, which under the interpretation of The Town and Country Planning (Development Management Procedure) (England) Order 2015 is included within the reserved matter of landscaping. Suggested condition no. 20 can be similarly included. Likewise, suggested condition nos. 6 and 7, which requires details of parking and cycle storage to be provided, no. 15, which requires that the building is accessible, and no. 17, requiring the provision of certain obscure and non-opening windows, can be included within the layout reserved matter. Additionally, suggested condition nos. 8 and 9 concern matters that can be considered under the reserved matter of scale, and suggested condition no. 11 under the appearance reserved matter. For these reasons, I have not included the conditions.
14. The Council's suggested condition no. 10 incorporates a provision restricting the extension of the dwelling by removing its "permitted development" rights. The PPG² states that such conditions rarely pass the test of necessity and

¹ PPG reference ID: 21a-003-20140306; revision date: 06 03 2014.

² PPG reference ID: 21a-017-20140306; revision date: 06 03 2014.

should only be used in exceptional circumstances. No such circumstances have been demonstrated in this instance, and I have therefore declined to impose the condition.

Conclusion

15. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

G Rollings

INSPECTOR

ANNEX A – LIST OF CONDITIONS

- 1) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) Details of the appearance, landscaping (including biodiversity and boundary treatment considerations), layout (including on-site parking considerations), and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos. L1 rev. B; 01 rev. B; and 02 rev. B, but only in respect of those matters not reserved for later approval.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) Construction traffic routes;
 - ii) Construction traffic washing;
 - iii) Public highway cleaning;
 - iv) Dust suppression;
 - v) Noise suppression;
 - vi) Hours of work;
 - vii) Construction waste disposal.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) Demolition or construction works shall take place only between 08:00 and 18:00 on Monday to Friday and between 08:00 and 13:00 on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) All trees outside the site's north-western (rear boundary, south-western (side) boundary, and north-eastern (side) boundary shall be protected in accordance with *British Standard BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations* (or in an equivalent British Standard if replaced). The protection measures shall be undertaken before any work in connection with the development hereby permitted commences at the site, and shall be retained for the entire duration of any work at the site, in connection with the development hereby permitted. Within the fence or other means of enclosure surrounding the trees, no activities associate with building operations shall take place unless previously agreed in writing by the Local Planning Authority.

- 8) If any tree and shrub removal is to take place within the bird-nesting season (March to August inclusive), a suitably qualified ecologist shall have a watching brief to check for nesting birds and ensure their suitable relocation.
- 9) The dwelling shall not be occupied until the Building Regulations Optional requirement *Approved Document G2: Water efficiency (2015 edition)* has been complied with. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
- 10) No development shall take place until details are submitted to and approved in writing by the Local Planning Authority that demonstrate how pedestrian viability splays will be provided at the site. The development hereby permitted shall not be occupied until pedestrian viability splays have been laid out within the site in accordance with the approved plans. The pedestrian viability splays shall be permanently maintained and retained exclusively for their designated purpose.