
Appeal Decision

Site visit made on 4 October 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 20 October 2017

Appeal Ref: APP/W5780/D/17/3180679

8 Capel Gardens, Seven Kings, Ilford IG3 9DH

- 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 I Ahmed against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4915/16, dated 17 October 2016, was refused by notice dated 30 May 2017.
 - The development proposed is the erection of a rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are (a) whether the proposed development would preserve or enhance the character or appearance of the Bungalow Estate Conservation Area; (b) the effects of the proposed development on the living conditions of the occupiers of neighbouring properties and (c) whether the future occupiers would have a satisfactory standard of accommodation.

Reasons

Character and Appearance

3. The appeal property is a semi-detached bungalow with a single storey rear addition. Within the rear garden is a detached single storey outbuilding. The proposed development is a further rear extension which would also have the effect of linking the extended property with the outbuilding.
4. The property is situated within the Bungalow Estate Conservation Area (formerly the Mayfield Conservation Area) where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This duty is echoed in Policy SP3 of the Core Strategy Development Plan Document (CS) and Policy E3 of the Borough Wide Primary Policies Development Plan Document (DPD). The *Mayfield Conservation Area Supplementary Planning Guidance* (SPG) identifies that the area is characterised as primarily an estate of bungalows which have spacious gardens, a regular street plan and properties set back from the footways to the rear of front gardens.

5. From what was observed during the site visit, some of the properties have been altered by the erection of dormer windows within the roofslopes and modest sized single storey extensions, including to the rear of both 6 and 10 Capel Gardens. These alterations have not materially changed the assessment of the character and appearance of the Conservation Area contained in the SPG. However, the appeal scheme would further encroach into the property's rear garden which, because of the existing addition and outbuilding, is already less spacious than other properties within the Conservation Area.
6. The *Council's Householder Design Guide Supplementary Planning Document* (SPD) notes that for single storey rear extensions there is no specific rule governing their maximum depth. However, by reason of the cumulative depth of the proposed and existing extensions, the scale of the resulting rear addition would significantly increase the footprint of the property. Cumulatively, the enlarged rear extension would dominate the existing building in terms of size rather than be a subservient or subordinate addition. Further, the scale of the resulting addition would be accentuated by physically linking the property and the outbuilding. The unacceptable harm which has been identified would be seen from neighbouring properties, principally from rear dormer windows.
7. Although the proposed development would cause less than substantial harm to the significance of the Conservation Area, the harm which has been identified would not be outweighed by the public benefits of the appeal scheme, including the creation of additional habitable accommodation for the appellant. Accordingly, and for the reasons given, it is concluded that the proposed development would fail to preserve the character and appearance of the Bungalow Estate Conservation Area and, as such, it would conflict with CS Policy SP3, DPD Policies E3, BD1 and BD5 and the SPD. These policies also require development to be of a high standard of design, including extensions being compatible with the character of the host building rather than dominate the existing building in terms of size and scale. These policies are consistent with the National Planning Policy Framework's (the Framework) core principle of securing high quality design.

Living Conditions

8. There is an existing extension to the rear of No. 6 which projects further rewards than the existing rear addition to the appeal property. The appeal scheme would result in the property's rear addition projecting beyond the current rear elevation of No. 6 by, according to the appellant, 2.5 metres. The rear elevation of No. 6 includes a large expanse of glazing in the form of bifold doors which, from what could be observed, are related to habitable accommodation. Although there is no specific rule about the depth of rear extensions, the SPD does refer to the key concern being to minimise adverse impacts on neighbouring dwellings where they abut habitable rooms.
9. By reason of the extent of the projection beyond the rear elevation of No. 6 and the size of the glazed area, there would be a limited impact on levels of daylight and sunlight reaching this neighbouring property as a consequence of the appeal scheme. The extent of the projection along the shared boundary would not represent an overbearing form of development or a significant increase in the sense of enclosure when viewed from either within the residential accommodation of No. 6 or its garden. There would be a very limited impact on the living conditions of the occupiers of No. 10 because of the

separation distance from the property and the intervening outbuildings sited adjacent to the shared boundary.

10. On this issue it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would not conflict with CS Policy SP3, DPD Policy BD1 and the SPD. Amongst other matters, these policies require development to respect the amenity of adjoining properties and not to prejudice the amenity of neighbouring occupiers. These policies are consistent with the Framework's core principle of securing a good standard of amenity for all existing and future occupants of land and buildings.

Living Standards

11. As already noted, the appeal scheme would encroach into the property's rear garden which is already less spacious than some of the other surrounding properties. By reason of the appeal scheme encroaching further into the garden, the resulting rear amenity area of circa 55sq m (as calculated by the Council) would not accord with DPD Policy BD4 which requires 20sq m of amenity space per habitable room of an extended residential development.
12. The appellant has referred to the front and rear gardens as providing 100sq m of amenity space for the property but DPD Policy BD4 excludes any area used for parking and driveways from the required amenity space. It is unclear whether the standard applied by DPD Policy BD4 includes front gardens but, in any event, part of the front garden is used for off-street parking and vehicular access and would not be classed as amenity space. Accordingly, even if the front and rear gardens were taken together there would still be a lack of amenity space for the existing and future occupiers of the property.
13. For the reasons given, it is concluded that the proposed development would fail to provide a satisfactory standard of accommodation for the future occupiers of the property and, as such, it would conflict with DPD Policy BD4. This policy is consistent with the Framework's core principle of securing a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

14. Although the proposed development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties, this matter is significantly and demonstrably outweighed by the failure to preserve or enhance the character or appearance of the Bungalow Estate Conservation Area and the failure to provide a satisfactory standard of accommodation for the future occupiers. Accordingly, and taking into account all other matters, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR