



Appeal Decision

Site visit made on 10 October 2017

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 20 October 2017

Appeal Ref: APP/W5780/W/17/3179115

I and K Brown, Church Path, Wanstead, London E11 2SS

- 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 Joshua Reuben, IPE Developments against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0678/17, dated 14 February 2017, was refused by notice dated 10 May 2017.
 - The development proposed is redevelopment of car repairs buildings with luxury warehouse apartments comprising 7 dwellings (2 x studios; 4 x 2 beds; 1 x 3 bed) within 2/3 storey buildings. Associated amenity space, cycle space & 1 one-street disabled parking bay.
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Decision

1. The appeal is dismissed.

Procedural matter

2. On pages 6 and 12 of the appellant's appeal statement two 3D visualisations of the proposal are included. These show a different scheme from the application drawings, particularly in relation to the windows proposed for the front elevation of the building facing Church Path. I have used the drawings submitted with the application as these were those upon which the Council based its decision.
3. Similarly, the visualisation of the existing permission on these pages appears different to the drawing marked "Approved Front Elevation", and I therefore asked to be provided with the approved plans and have used those rather than those in the appeal statement.

Background and Main Issue

4. In February 2017 the Council granted planning permission for a similar scheme to the appeal proposal but with a different design for the building facing Church Path. Under this scheme the new second floor was separate from the adjoining property to the north and only consisted of a single flat. This meant that the overall scheme was for six dwellings rather than the seven proposed in the appeal scheme. The remainder of the scheme, in particular the building facing Fitzgerald Road would be the same. As such my consideration relates primarily to the differences between the two schemes. Like the Council I am satisfied that the design of the remainder of the proposal is appropriate.

5. As such the main issue is the effect on the character and appearance of the Wanstead Village Conservation area (the WVCA).

Reasons

6. The appeal site lies between Church Path and Fitzgerald Road. It used to consist of a vehicle repair workshop and MoT centre, but at the time of my site visit building works were taking place. The building facing Church Path would originally been a tall single storey with a large central door and two large windows on either side and is completed in white render. Above was a horizontal section with two circular windows. The front elevation is broken up with columns topped with ball finials and the building has an industrial quality in its design with a flat roof.
7. Buildings in the immediate area more generally are mostly residential dating from the nineteenth and early twentieth century. Immediately to the north is a pair of semi-detached dwellings, which are set up slightly from the road with a blank gable wall facing the appeal site. There are also a number of non-residential uses in close proximity. For example, on the other side of Church Path is a primary school surrounded by a high metal mesh fence and there is a clinic to the south facing Wanstead Place.
8. I have not been provided with a full copy of the Wanstead Village Character Appraisal (the Appraisal) but I have been provided with extracts in the Design and Access Statement submitted with the application and a copy of a plan showing the Conservation Area. This plan highlights listed and locally listed buildings and among the former is the primary school and the latter is the clinic building to the south noted as "Former Council Offices".
9. In the Appraisal the area is noted as being in a "Subsidiary Zone of Character" and the buildings in the area generally add positively to the overall character of the WVCA with its three large open green areas, two to the south of the appeal site and one to the north. The appeal site can only be seen from the north and central open areas along Church Path in oblique views.
10. The National Planning Policy Framework (the Framework) defines 'significance' as the value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. Both the WVCA and primary school are designated heritage assets and the locally listed clinic is a non-designated heritage asset.
11. The proposal in respect of the building facing Church Path is to construct a second floor above the existing across its whole width. This would be, from the front, in the form of a flat elevation and flat roof set back behind the existing parapet with a membrane or sheeting roof. There would be two windows above the main ground floor windows in this uppermost floor section and two additional circular windows, copying those existing on either side, inserted in the horizontal section in what would become the middle floor. There would be vertical divides at both ends and in the centre of the elevation mimicking the party walls extending through roofs of the semi-detached properties to the north. The rear elevation of the extension would be in mansard form with four windows in the second floor.

12. Providing additional height to the building would be in keeping with the character and appearance of the WVCA. Although the school buildings are lower, most of the properties in the area are two storeys with pitched roofs. The building the subject of the discussion appears lower and somewhat out of keeping with the commonly prevailing height of buildings on this side of Church Path and within the WVCA more generally. This is not in dispute with the Council as it granted planning permission in February 2017 for a smaller second floor extension inset from either side.
13. The Council's objections relate to the asserted bulk of the proposal and various elements of the design. As the extension would be set only a short way back from the parapet it would mostly obscure the blank end elevation of the adjoining property, Malvernia. The windows on the second floor would be four panes by four panes, and would be wider than they are tall. This is the opposite of the windows on the ground floor which are taller than wide. This means that the disposition of windows would not respect the normal hierarchy of windows becoming smaller further up the elevation of the building. This means that the whole of the second floor would appear top heavy and thus bulky.
14. The Council has criticised the materials to be used for the roof being a membrane roofing material. While the front elevation would not be a mansard roof the use of sheeting material is used frequently for that type of roof and an appropriate material would mark the difference in age of this new element. I am satisfied that subject to the precise details being dealt with by condition that this would be in keeping with the overall character and appearance of the WVCA as there is considerable variation in the materials used in the vicinity.
15. In looking at the side elevation from the south the proposal would have an asymmetric appearance due to the mansard nature of the rear elevation. This would be out of keeping with the generally symmetrical nature of the architecture within the WVCA. However, this view would not be particularly intrusive due to the limited nature of the view down Church Path from the south, and by the intervening significant tree within the grounds of the clinic, which will be protected by its location within the WVCA.
16. From the north the proposal would extend in front of the roof pitch of Malvernia, although lower than the ridge. Because the ground level rises from north to south this would only be viewed as a very small element and would not be intrusive into the street scene or the wider WVCA.
17. Overall, I am satisfied that the proposed size of the extension would preserve the overall character and appearance of the WVCA. However, the size and shape of the proposed windows would result in a top heavy appearance to the building which would be harmful to the character and appearance of the WVCA and would thus harm its significance as a designated heritage asset. Given the special attention that has to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area as set out in legislation¹, this harm weighs substantially against the proposal, although in the terms of the Framework this would represent less than substantial harm to the significance of the WVCA.

¹ Section 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

18. The Council has cited a number of development plan policies which it considers the proposal would contravene. Most of these policies, such as Policies 7.4 and 7.8 of the London Plan have a number of different criteria in that buildings should provide a high quality design response in proportion, and as development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. The proposal would comply with those criteria relating to scale and materials, but would not comply with others relating to proportion or architectural details.
19. Similarly, Policy SP3 of the Redbridge Core Strategy requires development to preserve or enhance the character or appearance of conservation areas. Policies BD1 and E3 of the London Borough of Redbridge Borough Wide Primary Policies Development Plan Document 2008 require development to be of a building style, mass and scale appropriate to the locality and contribute to local architecture and design quality, and within a conservation area preserve or enhance the character and appearance of the area. Again there are aspects where the proposal would comply and others where it would contravene.
20. It has often been said that “the devil is in the detail” and much architecture has been compromised by not getting the details right. Overall, while the size of the proposal is such that it would be acceptable the detail would be such that this would be harmful to the WVCA, and it is this harm that needs to be weighed in the final planning balance.

Other matters

21. As noted above the primary school is a listed building. I am satisfied that with the separation of the road, Church Path, that the setting of the listed building would be preserved. The proposal would therefore comply with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which requires that special regard should be had to the desirability of preserving the listed building or its setting.
22. In similar vein, I am satisfied that there is sufficient separation to the locally listed clinic building so that its setting would be preserved. Given the status of this building as a non-designated heritage asset, and the advice in paragraph 135 of the Framework that a balanced judgement will be regard to the scale of the harm and significance of the heritage asset, this is not an impediment to the scheme.

Planning Balance

23. Paragraph 134 of the Framework indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
24. In this case the public benefit is the provision of a single additional dwelling to the previously permitted scheme. For this reason I give this benefit moderate weight, and it does not outweigh the harm I have identified to the character and appearance of the WVCA, which as I noted above, special attention has to be paid.

Conclusion

25. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR