

Appeal Decision

Site visit made on 30 October 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 14 November 2017

Appeal Ref: APP/W5780/W/17/3180502
50 and 52 Oaks Lane, Ilford IG2 7PW

- 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 Yasotharan Markandu against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1060/17, dated 6 March 2017, was refused by notice dated 28 April 2017.
 - The development proposed is a two storey new two bedroom house at the rear garden of 50 & 52 Oaks Lane.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the surrounding area;
 - The living conditions of occupiers of neighbouring properties, with particular regard to outlook; and
 - Highway safety.

Reasons

Character and Appearance

3. The area in which the appeal site lies is predominantly residential in its character and the prevailing form of development is that of pairs of semi-detached dwellings interspersed with an occasional short terrace of houses. I saw that the regular spacing between the pairs of dwellings and terraced blocks manages to maintain a reasonable degree of openness and spaciousness in the surrounding area. Properties which turn the corner from one street to another, such as the appeal site, where rear gardens with an open aspect above and across those gardens, play a crucial role in maintaining this sense of spaciousness, providing a breathing space between streets and are a recurring feature of the surrounding area.
4. In this context, the proposed detached dwelling, located within the rear garden area of Nos. 50 and 52, would sit incongruously at odds with the prevailing pattern of development. Detached dwellings are not typical of the surrounding area. Nor are substantial buildings in prominent positions within the rear gardens of properties that turn the corner from one street to another.

5. Whilst the gabled front elevation of the proposed dwelling would pick up on other gabled front elevations elsewhere on Oaks Lane and Mendip Road, they are seen as a 'feature' of part of a larger semi-detached dwelling or a terraced block. The proposed dwelling, on the other hand, would appear as an isolated detached building. Without the other half of a semi or the rest of a terrace, it would have an uncomfortable relationship with the surrounding properties and would appear as an incongruous, and awkwardly isolated, building.
6. Neither the gabled front elevation of the proposed dwelling, nor its rear garden location, would reflect the character, appearance or prevailing pattern of development in the surrounding streets. It would also significantly diminish the space between the rears of Nos. 50 and 52 and the flank elevation of 1 Mendip Road. In turn, this would erode the breathing space between Oaks Lane and Mendip Road, which I observed to be a feature within the surrounding area.
7. On this matter, I therefore conclude that the proposal would fail to respect the character or appearance of the surrounding area. The dwelling would be of a design and proportions, and in a location, that would result in a jarring and incongruous form of development that would erode the breathing space and openness provided by the generous rear garden of the appeal site. The proposal would therefore conflict with policy SP3 of the Local Development Framework Core Strategy (the CS) and policy BD1 of the Borough Wide Primary Policies Development Plan Document (DPD). Together, these policies seek to ensure that development is of high quality and is compatible with, and contributes to, the distinctive character and amenity of the area in which it is located, and does so in a style, scale, massing and design appropriate to the locality. For these reasons the proposal would also fail to secure the high quality design that the National Planning Policy Framework (the Framework) seeks to secure as one of its core planning principles.

Living Conditions

8. The appeal site takes in the rear garden areas of both Nos. 50 and 52. There are outbuildings situated along the site's northern boundary with No.54, and also elsewhere within the appeal site. There is also a detached garage located at the rear of the site. Unlike the proposed dwelling however, all of these structures are single storey. The proposal would present a full two storey flank elevation directly at the rear of No. 50. Although the dwelling's design would mean that the additional height of the roof from eaves to ridge level would be a receding feature, it is common ground that the flank wall would be less than 10 metres from the rear of No. 50.
9. In the context of the prevailing pattern of development and character of the surrounding area, a substantial wall such as that proposed, at less than 10 metres distant from the rear of No. 50, would have a dominating and overbearing presence at the rear of No. 50. Whilst No.52 is slightly offset from the proposed dwelling's flank wall and would not therefore be directly in line with it, No. 52 has previously been extended at the rear. As a consequence, the flank wall, rear corner and rear elevation of the proposed dwelling would still be significant physical features at the rear of No. 52. In both instances, I conclude, the proposal would be harmful to the living conditions of occupiers of those properties in terms of outlook.
10. I have not been directed towards any specific guidelines or policies setting out minimum stand-off distances between dwellings. However, for the reasons I

have set out, the proposal would not respect the amenity of occupiers of adjacent properties at 50 and 52 Oaks Lane. Consequently, the proposal would fail to accord with CS policy SP3 and would also fail to secure the good standard of amenity for existing and future occupiers of land and buildings that the Framework seeks as one of its core planning principles.

Highway Safety

11. The proposal would result in the loss of parking provision currently situated within the rear garden area of Nos. 50 and 52. It is also not clear whether the proposal would be able to make sufficient provision for the parking of one vehicle at the front of the proposed dwelling. Although the appellant suggests that appropriate provision could be made for parking associated with the proposed dwelling and that lost to the development, the proposal does not provide such detail. I cannot therefore be certain that the proposal would not give rise to additional on-street car parking at the expense of existing local need and, in the absence of compelling evidence to the contrary, I conclude that the proposal would fail to accord with DPD policy T5.

Conclusion

12. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR