
Appeal Decision

Site visit made on 21 November 2017

by Katie McDonald MSc MRTPI

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

Decision date: 6 December 2017

Appeal Ref: APP/W5780/W/17/3181036
Rear of 176 Tomswood Hill, Ilford IG6 2QR

- 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 Riza Yelden against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0780/17, dated 20 February 2017, was refused by notice dated 21 April 2017.
 - The development proposed is demolition of existing single storey garage building. Erection of a new build 2 bedroom double storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal form states that the description of development has not changed, but it is different from that on the application form. I have used the application form description as this is what the appellant sought specific permission for.
3. Amended plans were submitted with the appeal. They feature changes to the fenestration on the western first floor elevation and the removal of bedroom 2 with the insertion of a study. They also provide correct labelling. I have taken account of The Procedural Guide: Planning Appeals – England (August 2016), specifically Annex M. In this instance, the appellant has suggested that the changes will overcome one of the reasons for refusal. The changes are relatively minor. However, as they require the description of development to change, along with changes to the elevations, I find that the neighbouring properties should be given the opportunity to provide comments. Thus, in the interest of fairness, openness and impartiality, I will not allow the amended plans.
4. Notwithstanding the plans subject to the appeal being incorrectly labelled, as these inaccuracies relate only to drawing titles, I was able to accurately assess the proposal without the corrections.
5. The appellant suggests that the Council have not accurately cited the development plan documents in the decision notice. As I have been provided with copies of the relevant policies by the Council, I am satisfied that I have the correct development plan policies on which to make my decision.

Main Issues

6. I consider the main issues to be;

- i) The effect of the proposal on the character and appearance of the area;
- ii) Whether the proposed development would provide acceptable living conditions for the occupants of 176 and 176A Tomswood Hill.

Reasons

Character and appearance

7. There is a single storey garage building located at the end of the lengthy rear garden of 176 and 176A Tomswood Hill. The proposal is for demolition of the garage and the erection of a two storey detached dwelling. The dwelling would conspicuously front Penhurst Road, featuring a dual pitched roof with dormer like windows set into the eaves and roof.
8. The area is characterised by residential dwellings in a sub-urban context. To the side of the appeal site are two storey hipped roof semi-detached dwellings. Opposing the site is a pitched roof bungalow, and to the side of this are hipped roof bungalows.
9. Policy BD1 of the Borough Wide Primary Policies Development Plan Document (May 2008) (DPD) requires that a development proposal must be compatible with and contribute to the distinctive character and amenity of the area in which it is located. The use of a pitched roof within a street scene of predominantly hipped roof dwellings would be incompatible with the building style and character of the area.
10. The dormer style windows, due to their positioning and design would not contribute to, or complement the local architecture and design quality, and would appear out of keeping in this particular street scene.
11. The appellant contends that the proposal should be considered more in context with the opposing building, which has a gable roof and is shorter in scale and height. I saw the opposing dwelling on my site visit and I found that its design was quite unusual in this location. Moreover, the opposing dwelling is of a very different design, scale and height to the appeal before me and, apart from the pitched roof, I find there are few contextual similarities.
12. Additionally, whilst the height of the proposal would be noticeably lower than the neighbouring 2 storey dwellings and the appellant suggests that the design is a different vernacular with its own architectural style; its distinctly different proportions, design and height to the opposing and surrounding dwellings would only serve to increase its incongruity within the street scene.
13. Therefore, despite the fact that the materials may be similar to those within the street and the site is not within a conservation area; the overall design would fail to promote or reinforce local distinctiveness, would not constitute good design and would have a harmful effect upon the character and appearance of the area.
14. Thus, this proposal would be in conflict with Strategic Policy 3 of the Core Strategy (March 2008) (CS) and Policy BD1 of the DPD, in so far as they seek

all development to be of a high quality that respects the character and amenity of the area.

Living conditions

15. The proposal features 2 windows in the western flank elevation that would serve 2 bedrooms. To the west would be the private garden of the dwelling, at around 8.5m deep. Beyond this would be the neighbouring private garden areas of Nos 176 and 176A, with over 20m separation distance between buildings.
16. The height of the dwelling would be low and due to the change in levels, the first floor windows would be positioned at a slightly taller level than the ground floor rear windows of Nos 176 and 176A. Whilst there may be some passive overlooking; due to the depth of the proposed garden, the height of the proposed boundary treatment and the height of the bedroom windows, I find that overlooking towards the remaining garden area of Nos 176 and 176A would not be detrimental or prejudice the amenity of neighbouring occupiers.
17. Consequently, the effect upon neighbouring living conditions would be acceptable, in compliance with Strategic Policy 3 of the CS and Policy BD1 of the DPD; in so far as they seek new developments to respect the amenity of adjoining properties.

Conclusion

18. The proposal would contribute towards the delivery of housing in the area with associated social and economic benefits. It would also remove a disused garage. As the proposal is for a single dwelling and the garage is not causing harm to the street scene, these benefits would be very modest. The proposal would also have an acceptable effect upon the living conditions of Nos 176 and 176A.
19. On the other hand, the proposal would have a detrimental effect upon the character and appearance of the area. The harm I have found would outweigh all other matters.
20. Therefore, for the reasons above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR