



Appeal Decision

Site visit made on 12 December 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 19th January 2018

Appeal Ref: APP/W5780/W/17/3180589

10 Charnwood Drive, South Woodford, London E18 1PE

- 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 Paul Crispin against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1378/17, dated 25 March 2017, was refused by notice dated 5 June 2017.
 - The development proposed is a new detached three bedroom house on land to rear of 10, 12 and 14 Charnwood Drive, Woodford E18 1PE. Off street parking with access from Lancaster Avenue.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has provided additional plans which they state clarify their position regarding visibility splays, parking and amenity space. The Council have referred to Annex M of the Procedural Guide¹ which states that. "If an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application... If an appeal is made the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought".
3. The view of the Council is that these plans should not be accepted as they deal with issues that go to the heart of the planning application and the decision making process. Moreover, in denying the Council, third parties including neighbours and the Council's Highways Officer the opportunity to comment on the additional submissions would fail the tests as set out within the Wheatcroft Principles². The appellant maintains that the additional information cannot be considered as material changes to the scheme.
4. I have to consider whether the additional plans provided by the appellant are essentially what were considered by the Council, as the appeal process is not a means to progress alternatives to a scheme. The siting of the proposed dwelling has not changed on the amended plans. However, details relating to parking and visibility splays have been provided on the additional plans supplied by the

¹ Procedural Guide Planning Appeals – England 2016

² Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]. This decision has since been confirmed in Wessex Regional Health Authority v SSE [1984] and Wadehurst Properties v SSE & Wychavon DC [1990] and Breckland DC v SSE and T. Hill [1992]

appellant as part of his initial appeal submission. Notwithstanding that the Council consider it inequitable to accept the additional plans, it remains that they seek to expand on matters raised by the Council and do not seek to amend or materially change the scheme they considered. Moreover, the council have had the opportunity to comment on them as part of their appeal submissions. Therefore, I have considered the additional plans as part of this appeal.

Main Issues

5. The main issues are the effect of the development on:

- The character and appearance of the area;
- The living conditions of adjoining occupiers with particular regard to overlooking and outlook;
- The living conditions of future occupiers with particular regard to the provision of private garden space; and
- Highway safety.

Reasons

Character and Appearance

6. The appeal site forms part of the rear gardens to 10, 12, and 14 Charnwood Drive. 10 Charnwood Drive sits on the junction of Lancaster Avenue so that the development would be read as part of Lancaster Avenue, where its access would also be provided. The area is predominantly residential in character with dwellings arranged in a linear manner fronting the road.
7. Although there is a variety in the style and size of dwellings, the area mainly comprises semi-detached dwellings that are developed in close proximity to neighbouring properties, some of which have been extended and now give the impression of being part of a terrace. There is a degree of uniformity and spaciousness to the area created by the presence of private gardens and parking areas to the front of dwellings with additional large private gardens to the rear. The rear gardens of those properties that are sited on junctions, such as the appeal site, create a sense of openness to the area and are reflected in similar corner plots throughout the area.
8. The proposal seeks to erect a detached two storey dwelling on the site following the demolition of an existing double garage. During my visit while standing on the corner of Charnwood Drive and Lancaster Avenue facing the site, it is apparent that the land drops along Charnwood Drive and rises along Lancaster Avenue. Although the proposed dwelling would be set down within the site and its ridge line would be lower than the adjacent property at 20 Lancaster Avenue, it would still be conspicuous within the street scene.
9. However, as a result of its siting, the dwelling would fail to respond to the character and appearance of the area which is characterised by dwellings set within decent sized gardens. The proposal would appear as a cramped and disconnected development that fails to respond to the pattern of development that surrounds it, eroding the sense of openness at this part of Lancaster Avenue. Moreover, in reducing the levels at the site the dwelling would fail to respond positively to the rhythm of development along Lancaster Avenue as the road rises. Furthermore, while the front projecting gable attempts to reflect those found on neighbouring properties, the pitched roof of the proposal would be incompatible with the surrounding properties.

10. On this basis, I conclude that the development would have an unacceptably harmful effect on the character and appearance of the area. The development would be in conflict with Policy BD1 of the London Borough of Redbridge Borough Wide Primary Policies Development Plan Document 2008 (the DPD) and Policy SP3 of the London Borough of Redbridge Core Strategy 2008 (the Core Strategy) which seek, amongst other things, to ensure that development is compatible with and contributes to the distinctive character of the area in which it is located and respects the locality generally.

Living Conditions of Adjoining Occupiers

11. The proposed dwelling would be set back from the road and would occupy part of the rear gardens of 10 and 12 Charnwood Drive. In order to facilitate the development, a cluster of leylandii trees will be removed on the boundary between 12 and 14 Charnwood Drive. The flank elevation facing Charnwood Drive would contain a window to serve a dressing room and is indicated as being a glass back window. Thus, overlooking to habitable rooms within 10, 12 and 14 Charnwood Drive is unlikely to occur to a significant level.
12. However, the rear of the proposed dwelling would contain windows for bedrooms two and three. The gardens at 14 and 16 are at a lower level than the appeal site and the windows on the rear elevation serving the bedrooms would be at such a height to allow overlooking into the gardens of 14 and 16 materially affecting the living conditions that adjoining occupiers currently enjoy. Moreover, as the scale of the development would be exacerbated by the difference in levels, it would also result in a stark and overbearing development when viewed from 10 to 16 Charnwood Drive and would have a detrimental impact on the visual amenities they currently enjoy. Although these matters could potentially be mitigated through landscaping, it would take some time to mature and cannot be relied upon to be retained in perpetuity.
13. Therefore, I conclude that the development would have an unacceptably harmful effect on the living conditions of adjoining occupiers by virtue of loss of outlook and overlooking. The development is in conflict with Policy BD1 of the DPD and policy SP3 of the Core Strategy which seek, amongst other things, to ensure that development does not impact on and respects the living conditions of adjoining occupiers.

Living Conditions of Future Occupiers

14. The appellant confirms that the development would provide some 173 square metres of external space for future the occupiers, which includes space to the front and side of the dwelling. However, of the total private garden space provided, some 110 square metres would be provided to the rear and side of the dwelling. Consequently, this exceeds the minimum 100 square metres as required by Policy BD4 of the DPD.
15. However, Policy BD4.2 (a) of the DPD also requires that, in all cases, amenity space in new residential development should be compatible with the prevailing pattern in the surrounding area. Therefore, while the development would provide an acceptable level of amenity space, given the limited depth of the proposed garden, it would not be compatible with the prevailing pattern of development, which is characterised by dwellings with larger, in depth private gardens.
16. Therefore, I conclude that while the development would provide an acceptable level of private garden space, it would be incompatible with the prevailing pattern in the surrounding area. The development is in conflict with Policy BD4 of the DPD and Policy SP3 of the Core Strategy which seeks, amongst other things, to ensure

that new development provides private garden spaces that are compatible with the prevailing pattern in the surrounding area and respects the locality generally.

Highway Safety

17. The Council are concerned that that the appellant did not provide adequate information to demonstrate that appropriate visibility splays and parking areas would be provided at the site. However, as part of the appeal submissions, the appellant has provided an additional plan³ clarifying these particular matters. From this plan it is clear that adequate visibility and parking areas could be provided within the site.
18. Moreover, the site currently contains a double garage with parking areas to the front with vehicles free to enter and exit the site at will. The provision of a single dwelling is unlikely to generate a vast amount of traffic. In addition, the road is not a particularly busy one whereby vehicles manoeuvring in and out of the site would represent a hazard to the detriment of safety of other road users and pedestrians.
19. Therefore, I conclude that the development would not be detrimental to highway safety. It would accord with Policy T5 of the DPD which seeks, amongst other things, to ensure that adequate levels of parking are provided for a development.

Other Matters

20. Although there is support for the principle of housing in this location, which would add to the housing mix in the area, and that suitable materials could be employed neither this nor any other material consideration that has been advanced outweighs the identified harm and conflict with policy.
21. I note that there have been objections from local residents, some of whom raise additional concerns. However, given my adverse findings on the main issues I do not consider it necessary to address those concerns in detail here.

Conclusion

22. While I have found that the development would not have a detrimental impact on highway safety, I have found that it would materially harm the character and appearance of the area, the living conditions of adjoining occupiers and that the private garden area would be incompatible with the prevailing pattern in the surrounding area, having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR

³ Plan 1.30 dated July 2017