



Appeal Decision

Site visit made on 8 February 2018

by **B Bowker Mplan MRTPI**

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

Decision date: 6 March 2018

Appeal Ref: APP/W5780/W/17/3181509

Shepherds Bakery, 44-46 Prospect Road, Woodford Green IG8 7NA

- 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 Carl Shepherd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 5724/16, dated 15 February 2016, was refused by notice dated 2 February 2017.
 - The development proposed is demolition of existing bakery (B2 industrial), erection of C3 dwellinghouses incorporating 7x2 bedhouses and 2x2 bed flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 24 January 2018 the Council received the Inspector's report on the Redbridge Local Plan (LP) which concluded that the plan is "sound" provided that a number of main modifications are made to it. Comments were sought regarding the effect of this matter on the appeal. Taking into account the advanced stage of the LP, in the light of paragraph 216 of the National Planning Policy Framework, I afford significant weight to policies of the LP. The appeal has been determined accordingly.
3. Revised drawings¹ have been submitted by the appellant as part of the appeal. As the revised plans propose minor internal changes only (resulting in proposed house numbers 6 and 7 each comprising a two bedroom house), I do not believe that any party would be unfairly prejudiced by determining the appeal with regard to them. The appeal has been determined accordingly and the description of development amended based on the appellant's suggested description². The appellant's surname and address have also been amended to reflect a typographical error identified by the appellant.
4. Following the submission of the revised plans, the Council state³ that house numbers 6 and 7 would now meet the relevant internal space standards. Consequently the main issues are as set out below.

Main Issues

5. The main issues are:

¹ Drawing reference numbers FMN 200E and FMN 201B

² Within the appellant's Statement of Case

³ At paragraph 2.1 of the Council's Appeal Statement

- Whether, having regard to development plan policy relating to employment land, it is appropriate to permit residential development on the appeal site;
- Whether the proposal would provide acceptable living conditions for future occupants with particular reference to private and communal amenity space;
- The effect of the proposal on the living conditions of neighbours residing at No 48 Prospect Road, with reference to outlook, and at Nos 2 and 3 Frankland Close with reference to privacy; and,
- The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Employment Land

6. The appeal site comprises a bakery surrounded by residential use on three of its sides and a community hall to the immediate south. Access to the site is from Prospect Road where terraced residential properties are the most prevalent use.
7. As the site is non-designated employment land, LP Policy LP14 applies. Of relevance, Policy LP14 states that the Council will promote business and employment, and maintain the viability of key employment sites by making more effective and efficient use of non-designated employment land by managing the release of 14.45 ha of employment land considered to be outdated, underutilised or poorly performing. It goes on to state that proposals for alternative uses should: demonstrate that continued business activity will conflict with the character, appearance and amenity of the locality and its surrounding area; demonstrate the premises have been vacant for other 12 months, following active marketing using reasonable terms and conditions, and have no reasonable prospects of being occupied for another business use; and include compatible modern fit for purpose employment uses as part of any new or replacement mixed use scheme.
8. During my site visit I saw that the frontage of the site comprises a forecourt where large vehicles associated with the bakery park. Behind the forecourt the utilitarian appearance of the bakery can be seen. However the bakery has a narrow frontage with the majority of the site contained within the depth of the site. In this respect, the site has a limited visual presence within the street scene of Prospect Road and wider public realm. Furthermore, the appeal site is seen alongside Prospect Hall which also has a commercial character. Thus, I cannot agree that existing business activity at the site (including use of the front yard area) conflicts with the character and appearance of the locality.
9. In 2003 a noise abatement notice was served by the Council in relation to disturbance associated with the site for surrounding residents. I understand that business activity was allowed to continue at the site subject to agreed steps to reduce noise. I also understand that the appellant purchased Nos 48 (in 2005) and 50 Prospect Road (in 2010). The appellant states that occupants at No 48 are disturbed by business activity at the site. I also note that the comings and goings of large vehicles are associated with the site which includes early morning deliveries. Furthermore, a letter from the existing occupant of the site states that business activity has to be undertaken carefully to avoid causing disturbance to neighbours. However no evidence is before me

to demonstrate that there have been any recent complaints or issues for residential neighbours connected with business activity at the site. Thus based on the evidence before me, business activity at the site does not conflict with the amenity of the locality and surrounding area.

10. A marketing report dated 2 November 2016 has been submitted in support of the proposal which states marketing on an informal basis has not sourced a tenant for the same use at the site. The report also states that small independent bakeries are no longer viable and that the bakery trading at the site does so at a much reduced level. Reference is also made to servicing, access and parking provision at the site and the poor state of the building. Overall, the report concludes that marketing of the property would not lead to commercial redevelopment.
11. My attention is also drawn to the width of Prospect Road which I saw is reduced owing to on-street parking. The appellant also cited the unsuitability of the site as one reason his business no longer operates at the site. In addition the existing site occupant seeks permanent premises and considers the site dated and access unsuitable. However, although subject to a modest and temporary lease, the site remains in use as a bakery. Furthermore, no details are submitted regarding the informal marketing referred to or to substantiate the view that the property could not be redeveloped for employment use. In this light, no evidence is before me to demonstrate that the site has been vacant for over 12 months, following active marketing using reasonable terms and conditions.
12. Consequently I cannot conclude that the site has no reasonable prospects of being occupied by another business use. The appellant states that the loss of employment use at the site would not conflict with the London Plan (not disputed by the Council). In addition paragraph 3.21.4 accompanying Policy LP14 states that poorer quality space can be released to more productive use such as housing in appropriate locations as part of mixed use developments. However, based on all I have seen and read I cannot agree that the appeal site represents a poor quality space. Nor would the proposal comprise a mixed use development. Moreover these factors would not remove the conflict of the proposal with Policy LP14 part e) and associated criteria as set out above.
13. Therefore, having regard to development plan policy relating to employment land, it is not appropriate to permit residential development on the appeal site. Consequently the proposal would be contrary to LP Policy LP14 and Borough Wide Primary Policies Development Plan Document (DPD) Policy B1 which seek to promote business and employment and prevent the loss of established business premises.

Future Occupants

14. LP Policy LP29 seeks to ensure that new development provides external private and/or communal amenity space to meet the need of occupants. Of relevance, two bedroom dwellings are required to provide 50sqm of private amenity space, whilst flatted development for 1-2 persons are required to provide 5sqm of private amenity space. The policy also requires 5sqm of communal amenity space per flatted development unit.
15. The appellant states that the proposal would provide 600sqm of amenity space in total. Based on the Council's calculations (not disputed), only house number

7 and flat 8 would meet the relevant requirements of Policy LP29 for external private amenity space. The communal amenity space proposed would not allow occupants to undertake uses typically associated with private external spaces, such as drying clothes, sitting outside, and private outside relaxation. Moreover the communal amenity space would be overlooked by houses 4 and 5, and as such I share the Council's concern that it would be restricted in usability.

16. Therefore the proposal would not provide acceptable living conditions for future occupants with reference to private and communal amenity space. Consequently the proposal would be contrary to LP Policy LP29, Core Strategy (CS) Policy SP3 and DPD Policy BD4. Combined these policies seek to ensure that development meets the needs of occupiers and provides acceptable private and amenity space.

Neighbours

17. During my site visit I saw that owing to local topography, the site sits below the ground floor level of Nos 2 and 3 Frankland Close and above No 48 Prospect Road.
18. No 48 is a two storey dwelling with a single storey kitchen to its rear. The single storey element has a window to the rear elevation of the kitchen. A window serving a habitable room is also located at the rear elevation of the two storey element of No 48. Both windows and an outside amenity area adjoin the appeal site. The two storey height and depth of flats 8 and 9 would run alongside the boundary of No 48. The two storey scale of house 7 would be set back from the rear boundary and would extend across over half of the rear aspect of No 48.
19. Owing to the difference in land levels and the boundary fence, neighbours at No 48 would already have a restricted outlook. However the combined scale and mass of house 7 and flats 8 and 9 would extend significantly above the boundary fence. Consequently the proposal would result in a significant and increased sense of enclosure for neighbours at No 48 when viewed from the rear kitchen window, rear habitable room window and adjoining outside amenity area. The absence of an objection from occupants at No 48 and the replacement of the existing site use would not remove or justify this harm.
20. Based on the Council's measurements, house numbers 4 and 5 would be within 15m to 18m of the rear gardens and windows at Nos 2 and 3. This separation distance would be below separation standards cited by the Council⁴. However taking into account the orientation of the properties involved and the difference in ground floor levels, the proposal would not have a harmful effect on the privacy of neighbours residing at Nos 2 and 3. However an absence of harm in this respect would not prevent the harm identified to the outlook of neighbours at No 48.
21. Therefore the proposal would have a harmful effect on the living conditions of neighbours residing at No 48 Prospect Road, with reference to outlook. Consequently the proposal would be contrary CS Policy SP3 and DPD Policy BD1 which of relevance require new development to respect and not prejudice the amenity of adjoining neighbours.

⁴ The Council refer to standards set out at paragraph 2.3.36 of the London Housing SPG and paragraph B3.8 of the Redbridge Householder Design Guide 2012

Character and Appearance

22. The appeal site shares a commercial character with Prospect Hall. Development in the wider area comprises predominantly two storey residential properties with roadside frontages. The proposal would not have an active frontage onto Prospect Road. However, views of the dwellings would have to be actively sought from the site entrance. When viewed from this vantage point, the two storey terraced form proposed would not look out of place with surrounding residential properties. The retention of the substation would not harm the character of the locality, with landscape details at the reserved matters stage potentially reducing views of this feature. In addition, the submitted plans indicate that public areas within the site would be overlooked by active frontages.
23. Therefore the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would meet the requirements of CS Policy SP3, DPD Policy BD1 and London Housing Supplementary Planning Guidance Standard 10. Combined these policies require development to be designed to a high standard, provide natural surveillance and activity, contribute to the distinct character of the area and be of a style and scale appropriate to the locality.

Other Matters

24. A number of benefits are associated with the proposal which include its contribution of smaller residential units towards housing supply. In addition future occupants would benefit from and support nearby public transport, shops and services. The proposal would also support construction employment.
25. Furthermore no harm has been identified to neighbours residing at Nos 2 and 3 Frankland Close or to the character and appearance of the surrounding area. However an absence of harm in these respects can only be considered as neutral factors in the planning balance.
26. In this case, the weight afforded to the combined benefits and factors identified above would not outweigh the conflict of the proposal with LP Policy LP14, the harm identified to future occupants or to neighbours residing at No 48.

Conclusion

27. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker
INSPECTOR