The Planning Inspectorate

Appeal Decision

Site visit made on 5 February 2019

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2019

Appeal Ref: APP/W5780/W/18/3207273
101 New Wanstead, Wanstead, London E11 2SA

- 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 Ms Bea Mullah against the decision of the Council of the London Borough of Redbridge.
- The application Ref 5751/17, dated 22 December 2017, was refused by notice dated 7 March 2018.
- The development proposed is erection of single storey two-bedroom house (with accommodation to basement level); associated hard and soft landscaping; car parking; cycle storage; and refuse storage.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was refused, the Redbridge Local Plan 2015-2030 (the Local Plan) has been adopted, on 15th March 2018. The policies referred to in the Council's reasons for refusal as being from 'the emerging Local Plan' are therefore now adopted, and the Council has confirmed that the 2008 Core Strategy Development Plan Document (DPD) and the Borough Wide Primary Policies DPD have been superseded. I have considered the appeal accordingly. The adoption of the Local Plan is confirmed in the Council's statement, and it is evident from the appellant's statement that the appellant was also aware of its adoption. I am therefore satisfied that all parties have had the opportunity to comment on this matter.

3. A revised National Planning Policy Framework (the Framework) was published on 24 July 2018. The Government has subsequently published its Housing Delivery Test (HDT) results alongside the publication of an updated revised Framework on 19 February 2019. I have given the main parties the opportunity to comment on the revisions to the Framework since the appeal was submitted, and on the HDT results. Any subsequent reference to the Framework throughout this decision is to the 2019 Framework.

Main Issues

4. The main issues are:

    - the effect of the proposed development on the character and appearance of the appeal site and its surroundings;

- the effect of the proposed development on the living conditions of the occupants of neighbouring properties with regard to outlook, privacy and outdoor amenity space;
- whether sufficient information has been provided to allow the effects of the proposed basement excavation to be fully assessed, with regard to the stability of the proposed development and neighbouring properties and land, and to the drainage of the site; and
- the effect of the proposed development on the free and safe movement of vehicles and pedestrians in the vicinity of the site.

Reasons

Character and appearance

5. The site is part of the rear garden of 101 New Wanstead and would take access from Hollybush Hill to the rear, via a dropped kerb which serves an existing detached garage on the site.

6. 101 New Wanstead is separated from Hollybush Hill by a relatively long rear garden which, together with the main building and a small outbuilding close to its rear elevation, is positioned at a lower level than Hollybush Hill. As such, and as a result of the relatively tall, dense boundary planting and the site's tall rear boundary wall, views of the existing building and its garden from Hollybush Hill are limited.

7. The existing detached garage, closer to the rear boundary, is level with Hollybush Hill, and is therefore built up above the main building and the rear garden. However, it is set back slightly from the road frontage. Therefore, whilst the top part of the garage can be glimpsed from parts of Hollybush Hill, its presence is screened and limited by the adjacent boundary walls, including the wall on the adjacent railway bridge, and by the tall, dense tree and shrub planting around the side and rear boundaries of the site and Agin Court.

8. That existing planting, and the tall walls along the site's rear boundary and over the railway bridge, also provide screening of the houses and gardens further along New Wanstead and their various rear outbuildings, which are further from, and lower than Hollybush Hill. The planted boundaries and limited visibility of nearby buildings along the section of Hollybush Hill which includes the appeal site, together with the open land on the opposite side of the road, combine to give that particular stretch of Hollybush Hill a pleasant, open character, relatively uninterrupted by buildings. As such, that part of Hollybush Hill is distinctive from the section further along, beyond the railway bridge, which has two storey houses on one side, and where buildings are a much more prominent feature of the street scene.

9. The proposed house would be made up of two flat-roofed brick buildings, connected with a glazed link. As it would take access from Hollybush Hill, its entrance level, and the upper ground floor level of the two buildings, would be similar to that of the existing garage. The buildings would therefore both be raised above the ground level of the main building at No 101 and its rear garden, as the existing garage is at present.

10. The building closest to Hollybush Hill would be similar in height to the existing garage, but located in a slightly different position, with its front corner further

forward and extending up to the site's rear boundary. It would therefore have a greater prominence and presence within the Hollybush Hill street scene than the existing garage.

11. The second building would be both taller and wider than the building proposed on the site frontage, and than the existing garden-level outbuilding immediately to the rear of No 101 which it would replace. It would also be closer to Hollybush Hill than that existing outbuilding.

12. The greater height and width of the second building, and the greater proximity of the two structures to one another and to Hollybush Hill, compared with the existing buildings which they would replace, would combine to create a significantly larger mass and expanse of building overall. Whilst separated by a glazed link, that separation would not be readily apparent when viewed from points around the site entrance in particular, and the combined scale and mass of the proposed buildings, seen one behind the other, would be significant when viewed from those points. Even in more distant views, notwithstanding the glazed link separating them, the additional height, mass and scale of the buildings compared to existing outbuildings within the site and neighbouring gardens would be evident. That scale and mass would not be offset by the intended use of green roofs or high quality matching materials.

13. Therefore, as a result of the height, position, and combined mass and bulk of its component structures, the proposed dwelling would appear as an unduly dominant feature within the site and the wider street scene. It would not maintain or reflect the scale or pattern of surrounding development, including the subservient and unobtrusive character of existing outbuildings within the site and surrounding gardens, and would introduce a discordant feature which would disrupt the distinctive open, undeveloped appearance of this part of Hollybush Hill.

14. Works to lower the front boundary wall, provide new landscaping and replace the existing diseased tree on the site frontage may open up views across the site to some degree. However, the elevation of the proposed dwelling facing Hollybush Hill would be blank, and its habitable rooms would instead be served by side-facing windows further back into the site. The glazed entrance area would also be set back from the site frontage, and behind the proposed parking space. I am therefore not persuaded that the proposed development would provide a further sense of activity or surveillance to the Hollybush Hill frontage beyond that which currently exists, or that any benefits arising from the works to the boundary and landscaping would offset the harm to character and appearance which would arise from the size and scale of the building.

15. Therefore, for the reasons given, I conclude that the proposed development would have an adverse effect on the character and appearance of the appeal site and its surroundings. It would therefore conflict with Policy LP26 of the Local Plan which, amongst other things, requires that development is well integrated and has regard to and respect for the surrounding area in terms of layout, form, massing, scale and design.

Living conditions – neighbouring occupants

16. The Council's report refers to the effect of the proposed development on the living conditions of the occupants of 99 New Wanstead. However, I observed that the neighbouring dwelling closest to the boundary with the appeal site was

numbered 99A, and had a separate entrance and rear garden from its adjoining neighbour at No 99 beyond. I have sought clarification on this matter, and the appellant has advised that No 99 was subdivided in 2009 to form a separate residential unit referred to as No 99A. For the avoidance of doubt, I consider the effects of the proposed development on both No 99 and No 99A.

17. I observed that No 99A has a small patio area adjacent to its rear elevation. As it is positioned adjacent to the two storey rear projection of No 99 on one side, and the side elevation of No 101's existing outbuilding on the site boundary on the other, the outlook from that patio, and from the ground floor rear windows of No 99A, is somewhat limited at present. Nonetheless, those spaces currently benefit from some wider outlook across the open garden areas of No 99 and No 101, beyond the existing structures immediately to either side.

18. The proposed dwelling would be further from the rear elevation of No 99A than the existing outbuilding to the rear of No 101. However, it would be taller than that existing outbuilding, and would be clearly evident above the boundary fence of No 99A, despite being located further from the boundary than the existing outbuilding. The section of the dwelling closest to No 99A would also extend alongside No 99A's rear garden for some depth and, whilst separated from the section further away by a glazed link, the part of the building closest to No 99A would have a significant mass and presence, and would be clearly evident from the rear windows and garden area of No 99A.

19. The demolition of the existing outbuilding would slightly open up views from No 99A's patio and rear windows towards the site. However, the outlook from those areas would still be limited by the tall two storey rear projection of No 99 on the other side. As a result of its height, depth and proximity to No 99A's rear garden, the proposed building would appear as an unduly dominant feature which would result in an unacceptable sense of enclosure to one of the only parts of No 99A's rear garden which is not currently enclosed by buildings on one side or another at present. As a result, I consider that the proposed development would cause significant harm to the living conditions of the occupants of No 99A with regard to outlook.

20. As No 99 has a two storey rear projection, its rear windows are further back than those of No 99A, and enjoy a more open outlook across the gardens to either side. Therefore, and as No 99's rear windows and garden areas are further from the site, the proposed development would not result in harm to the outlook from that nearby property.

21. The outlook from the ground floor rear kitchen window of No 101 is somewhat limited at present by the existing outbuilding almost immediately to the rear of it. However, as the existing outbuilding is relatively narrow, some wider outlook from that kitchen window is possible over the rear garden of No 101 at present.

22. The proposed dwelling would be further from the ground floor kitchen window than the existing outbuilding. However, the part of the dwelling closest to No 101 would be both wider and taller, and would thus have a significantly greater mass and presence, than the existing outbuilding. As a result, the proposed building would appear as an unduly dominant and overbearing feature, which would significantly compromise the outlook from that existing ground floor window to a degree that would not be offset by its being located slightly further from that window than the existing outbuilding.

23. The proposed dwelling would have a side bedroom window and glazed link hallway facing No 99A. However, those windows would face the rear garden of No 99A, rather than directly towards the rear windows of that neighbouring property. I therefore consider that the effect on the privacy of neighbouring occupants would not be significantly worse than the mutual overlooking which is possible between the rear windows of houses on New Wanstead and neighbouring gardens at present.

24. The proposed dwelling would have no windows directly facing the rear elevation of No 101, and its main windows would look into either its internal courtyard, or its proposed side garden. They would thus be separated from, and would not face directly into, No 101's remaining rear garden area.

25. I am therefore satisfied that the proposed development would not have an adverse effect on the living conditions of neighbouring occupants with regard to privacy.

26. Whilst the remaining area of outdoor amenity space for No 101 may be smaller than that of other neighbouring dwellings, I am satisfied that the remaining area would be of a satisfactory size for the use of the occupants of No 101.

27. However, for the reasons given, I conclude that the proposed development would have a significant adverse effect on the living conditions of the occupants of neighbouring properties, specifically 99A and 101 New Wanstead, with regard to outlook. The proposal would therefore conflict with Policy LP26 of the Local Plan which, amongst other things, requires that development does not result in an adverse impact upon the amenity of neighbouring occupiers in relation to outlook.

Land stability and drainage

28. A Basement Impact Assessment (BIA) Report (Stage 1 and Stage 2) was submitted by the appellant as part of the application. On the basis of a screening exercise, the BIA concludes that there are a number of items that will need to be investigated further to assess their potential impacts.

29. Those items include a ground investigation to assess ground water levels and confirm the soils present underlying the site, a Flood Risk Statement, and an assessment of increased surface water disposal. The BIA also recommends an assessment of ground movements in relation to the proposed excavation with regard to potential damage to the adjacent highway/footway, and the effect of foundation excavation on the stability of adjacent properties. On the basis of the submissions before me, it does not appear that those recommended further investigations and assessments have been carried out to date.

30. The proposed basement would be adjacent to the boundary of No 99A, and the BIA identifies that the excavation would be within 10m of the London Underground Central Line, which runs in a cutting close to the site, and within 5m of the adjacent highway, Hollybush Hill. I have noted the relatively small scale of the proposal and extent of the basement excavation, and the absence of an objection from Network Rail. However, on the basis of the evidence before me, uncertainty remains with regard to a number of matters relating to the site's underlying soil and water conditions and their potential implications for the development, and regarding the potential effects of the proposed

development on the stability of adjacent land and infrastructure, and drainage conditions.

31. Therefore, on the basis of the evidence before me I cannot be certain that the proposed development would not have significant implications for the stability or drainage of the site, or for the stability of adjacent property and transport infrastructure. Given that uncertainty, I am not satisfied that those outstanding matters could be dealt with by planning condition in this instance.

32. For the reasons given, I conclude that sufficient information has not been provided to allow the effects of the proposed basement excavation to be fully assessed, with regard to the stability of the proposed development and neighbouring properties and land, and to the drainage of the site. The proposal would therefore conflict with Policy LP31 of the Local Plan. Amongst other things, that policy states that the Council will only support basement and subterranean development involving further excavation of land that does not have an adverse impact on drainage, groundwater conditions and the structural stability of the host property or neighbouring properties, and includes a Basement Impact Assessment appropriate to the scale of the proposal that assesses geotechnical, structural engineering and hydrological impacts. The absence of additional guidance from the Council related to basement development does not dissuade me from my conclusions in this respect.

Vehicle and pedestrian safety

33. The parking space for the proposed house would be in the same location as the property's existing garage, which does not appear to be perpendicular to the road frontage at present. I acknowledge the Council's concerns regarding pedestrian visibility from the parking space. However, on the basis of the evidence before me I have little reason to conclude that the proposed 2-bedroom dwelling would result in a significant increase in the frequency of use of this access or present a significantly greater hazard in that respect, compared with vehicular activity which could be associated with the use of this garage by occupants of the existing property at No 101 at present.

34. No 101 has a large area of hard surfacing to the front, with access from New Wanstead. I am therefore satisfied that sufficient parking would remain within the site for the occupants of the existing building.

35. Therefore, I conclude that the proposed development would not have an adverse effect on the free and safe movement of vehicles and pedestrians in the vicinity of the site. The proposal would therefore not conflict with Policy LP23 of the Local Plan which, amongst other things, states that the Council will ensure new development provides sufficient parking.

Other Matters

36. The proposed development would provide a new dwelling which, I am advised, would exceed internal space standards, and which would have cycle parking, and be close to public transport connections. I have also had regard to the biodiversity benefits likely to arise from the incorporation of green roofs and new landscaping as part of the scheme. However, the benefits of the proposal in those respects, and its contribution to local housing supply, would be modest, and would not outweigh the significant harm to character and appearance or living conditions, or overcome the concerns regarding the

potential implications for land stability and drainage that I have identified in this instance.

37. I have had regard to various concerns referred to in the Council's report relating to the living conditions of future occupants. However, those concerns are not specifically referred to in the Council's reasons for refusal and, as I find the proposal to be unacceptable for other reasons, I have not needed to consider those matters further in this instance.

38. My attention has been drawn to interim advice from Natural England, issued in September 2018, with regard to the Epping Forest Special Area of Conservation (SAC) Mitigation Strategy. The Council has confirmed that it is working with Natural England and other neighbouring authorities to establishing a mechanism for collecting contributions that would be used to offset any potential impact on the SAC, and a Mitigation Strategy which would identify specific measures or projects. As such, the Council has confirmed, the interim advice from Natural England no longer applies to this case. Therefore, and as I am dismissing the appeal in any event, I have not needed to consider this matter further in this instance.

Conclusion

39. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR