
Appeal Decision

Site visit made on 28 May 2019

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2019

Appeal Ref: APP/W5780/W/19/3225589

262 Chadwell Heath Lane, Chadwell Heath, Romford, RM6 4YL

- 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 Raj Singh of Oojal Property Maintenance Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4500/18, dated 31 October 2018, was refused by notice dated 8 February 2019.
 - The development proposed is the development of a one bedroom two-storey house to land at the rear of 262 Chadwell Heath Lane and 12 West View Cottages.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed site layout indicated on Sheet Number 1 includes land to the rear of 262 Chadwell Heath Lane and part of the rear garden of 12 West View Cottages. However, the site plan submitted with the application and determined by the Council did not include the land to the rear of No 12. An amended site plan has been provided with the appeal, which now includes the land to the rear of 12 West View Cottages. The Council has confirmed that the amended site plan is correct. Given that I am dismissing the appeal, I am satisfied that no parties will be prejudiced by my decision if I take it into account.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the site and surrounding area;
 - the effect of the proposal on the living conditions of 12 West View Cottage with regard to outlook and private amenity space, and 262a Chadwell Heath Lane with regard to outlook;
 - whether the proposal would provide adequate living conditions for future occupiers with regard to outlook, private amenity space and internal layout;
 - whether the proposal would make adequate provision for parking, highway and pedestrian safety.

Reasons

Character and appearance

4. The appeal site is located on a corner plot with a frontage onto Chadwell Heath Lane. It comprises a detached outbuilding and yard to the rear of a ground floor shop in a two storey building with a flat above. The outbuilding fronts onto South Road, a wide and unsurfaced private road which serves two terraces of dwellings. There is a primary school on the opposite side of Chadwell Heath Lane, but with the exception of this and the shop to the front of the appeal site, the area is predominantly residential, characterised by tightly spaced two storey semi-detached and terraced dwellings. There is a degree of variation in the design and external materials of the dwellings in the area, with both hipped and gabled roofs being present. The appeal site appears as a gap between the rear of dwellings on Chadwell Heath Lane and the adjacent terrace on South Road, which provides some visual relief in an otherwise built up area.
5. The appeal proposal would result in a two storey dwelling on the site, set very close to the boundary with the adjacent property at 2 South Road, leaving a relatively narrow walkway between that property and the boundary. The new dwelling would be set close to its own side boundary and to the rear elevation of No 262, which would create a cramped appearance. It would be wider than the adjacent dwelling at No 2 and would have a short rear garden. As a result, it would appear incongruous and out of scale in this setting. The loss of the open area to the rear of the frontage buildings would be at odds with the established pattern of development in the area.
6. I am aware that planning permission has previously been granted for a two storey dwelling¹ on the site, but it has not been built and the permission has now expired. However, I note that it was narrower than the dwelling currently proposed and therefore retained a greater sense of openness to the rear of No 262, and its proportions more closely reflected those of the adjacent end of terrace property. I do not therefore find that this previous permission overrides the harm I have identified.
7. The appellant has provided details of a planning permission² for a new dwelling replacing garages at 1 Mansfield Road, Ilford. From the details that have been provided, it would appear that the character and appearance of the site and surrounding area differs from the appeal site, so that the new dwelling did not appear out of scale with its neighbours. It is not therefore directly comparable and does not have any bearing on my decision.
8. I therefore conclude that the proposed development would be harmful to the character and appearance of the site and surrounding area. Accordingly, it would be in conflict with Policies 7.4 and 7.6 of the London Plan 2016 (the London Plan) and Policy LP26 of the Redbridge Local Plan 2018 (the Local Plan) which seek, amongst other matters to ensure that new development is of high quality design that respects the local character.

¹ Ref 0678/10

² Ref 3128/18

Living conditions of neighbouring occupiers

9. As a result of the proposal, the rear garden of 12 West View Cottages would be shortened, resulting in it having a private amenity area of 28 square metres. Policy LP29 of the Local Plan sets out standards for private amenity space for new development and requires a minimum of 50 square metres for 1 and 2 bedroom houses. Although the rear garden would substantially exceed the minimum standard set out in the London Housing Supplementary Planning Guidance 2016 (the London Housing SPG) of 5 square metres, due to its small size it would not provide adequate practical and useable outdoor amenity space for a range of activities. The presence of public outdoor space in the area is clearly a benefit for occupiers but is not a substitute for private amenity space. From the information provided, it appears that the previous permission for a dwelling on the site had a different layout, that allowed a greater proportion of No 12's garden to be retained.
10. I am aware that the garden that resulted from the development at 1 Mansfield Road, referred to previously, created a garden of only 27 square metres. The Council considered this was acceptable for the proposed one bedroom dwelling, while 12 West View Cottages appears to be a larger dwelling and therefore the approval at 1 Mansfield Road is not directly comparable.
11. With regard to the effect on the outlook from No 12, the proposed dwelling would not enclose the rear garden as it would not extend along its entire rear boundary, but would be set to one side. As a result, it would not have an unduly enclosing effect on the outlook from the garden. Moreover, there do not appear to be main windows to habitable rooms on the rear ground floor elevation of No 12 from which the outlook would be affected. It is therefore not evident that the development would be harmful to the outlook from either the garden or the house.
12. While the ground floor of 262 Chadwell Heath Lane is occupied by a shop, the first floor, identified as No 262a, contains a flat. As a result of the proposal the rear yard to No 262 would be significantly shortened, and the side elevation of the new dwelling would be in relatively close proximity to the rear of No 262a. However, the new dwelling would not extend for the full width of the rear boundary and would be set away from the boundary. There would therefore still be adequate separation from the rear first floor windows and the flank elevation of the new dwelling so that it would not appear overbearing in the outlook from the rear windows of No 262a.
13. For the reasons set out above, I find that the proposal would be harmful to the living conditions of the occupiers of 12 West View Cottages with regard to private amenity space, but would not be harmful to the living conditions of No 12 or No 262a with regard to outlook. It would therefore be contrary to the provisions of Policies LP26 and LP29, which seek, amongst other matters, to ensure that new development does not have an adverse impact on the amenity of neighbouring occupiers.

Living conditions of future occupiers

14. The new dwelling would have a relatively shallow rear garden, which would have an area of 37 square metres, according to the appellant's statement. This would be below the requirement of 50 square metres set out in Policy LP29 of the Local Plan, but would significantly exceed the 5 square metres required by

the London Housing SPG. It would also be considerably larger than the retained garden to 12 West View Cottages. Although it would not meet the minimum requirements of the policy it would be readily accessible from the kitchen/diner and would be a practical and useable space, orientated to receive sunlight. I therefore find that it would provide adequate private amenity space for future occupiers.

15. The appellant's statement indicates that the garden of the new dwelling would have a depth of 4 metres. The rear boundary fence would restrict the outlook from the kitchen/diner at ground floor level to some degree, but due to its relatively low height there would still be a sense of openness and I note that the living room would have an aspect to the front, which would be less restricted. There would therefore be adequate outlook from the new dwelling's ground floor rear habitable room. There is no evidence to indicate that the single aspect nature of the first floor bedroom would result in substandard accommodation for future occupiers and I note that a similar arrangement was approved by the Council at 1 Mansfield Road.
16. I therefore find that the proposal would provide adequate living conditions for future occupiers with regard to outlook, private amenity space and internal layout. As a result, it would not be in conflict with Policies LP29 of the Local Plan or Policy 3.5 of the London Plan, insofar as they seek to provide high quality housing with internal and external space that meets the needs of occupants.

Parking, highway and pedestrian safety

17. I saw on my site visit that the existing outbuilding on the site to the rear of 262 Chadwell Heath Lane is not used as a garage and the site is not being used for parking. The proposal would not therefore result in the loss of existing parking provision. South Road is a private cul-de-sac and has informal parking on both sides. It would appear that it accommodates parking associated with the premises, as well as providing parking for the dwellings that front onto it. On street parking on Chadwell Heath Lane and surrounding residential roads is controlled and restricted, so that there are limited opportunities for on street parking in the wider area.
18. The proposal would result in the additional requirement for 1 parking space, and the plans indicate that it would be accommodated on South Road. However, this land falls outside the application site and the provision of parking could not therefore be secured by a planning condition. I have seen no evidence that this private parking would not be available in the future, and in any event, it is not clear that any additional pressure for on-street parking in the wider area is likely to lead to parking in a manner that would be harmful to highway safety or the amenity of local residents.
19. There is no footway on South Road, so pedestrians have to walk in the road. However, this is an existing situation and there is no evidence that it has resulted in safety concerns. Moreover, South Road is a short cul-de-sac and vehicle speeds are likely to be low. I therefore do not agree that the arrangements are likely to give rise to harm to the safety of other road users and pedestrians.
20. As a result, the proposed development would make adequate provision for parking, highway and pedestrian safety. It would not therefore conflict with

Policy LP23 of the Local Plan, which seeks, amongst other matters, to ensure that new development provides adequate car parking.

Conclusion

21. Although I have found in favour of the appellant in relation to the living conditions of future occupiers and the occupiers of No 262a and 12 West View Cottages with regard to outlook, and parking, highway and pedestrian safety, this does not override the harm I have identified in relation to the effect on character and appearance, and the living conditions of the occupiers of 12 West View Cottages with regard to private amenity space. For the reasons set out above, having regard to all matters raised, I conclude that the appeal should be dismissed.

N Thomas

INSPECTOR