



Appeal Decision

Site visit made on 18 June 2019

by M Heron BA (Hons) MA MRTPI

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

Decision date: Thursday, 11 July 2019

Appeal Ref: APP/W5780/W/18/3217162

5A Jubilee Market, St Barnabas Road, Woodford Green IG8 7BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Hayes against the Council of the London Borough of Redbridge.
 - The application Ref 1953/18, is dated 8 May 2018.
 - The development proposed is the change of use from a commercial unit to a C3 dwelling by means of alterations to roof and internal configuration.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The description of development in the heading above has mostly been taken from the application form. However, the appeal form shows that the proposed change of use is from a commercial unit. I have therefore included this in the heading above for the sake of clarity and precision.
3. This appeal has been made following the failure of the Council to determine application Ref 1953/18 in the prescribed period. During the course of the Council's determination period, revised plans were submitted. These plans were acknowledged by the Council's Officer. Furthermore, the Council has had the opportunity to comment on the revised plans through the appeal process, and I do not consider that any other party would be prejudiced by my acceptance of them. I have therefore determined the appeal based on the revised plans.

Main Issues

4. Although the Council failed to determine the current proposal within the prescribed period, its statement of case clarifies that if it were still able to have determined the planning application, it would have refused it for 2 reasons. Having considered these reasons, I consider that the main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether or not the proposal would provide satisfactory living conditions for future occupants, with particular regard to external amenity space, privacy and useable internal floor space.

Reasons

Character and Appearance

5. The appeal property faces St Barnabas Road and occupies the front section of a row of single storey, monopitch, garages which are positioned at a right angle to the carriageway. From the evidence before me, these garages are located on the edge of a local centre, as defined by the Council's development plan, and the last lawful use of the appeal building appears to be as a commercial unit (shop).
6. Immediately to the north of the appeal property is a parade of single storey commercial units constructed under predominately flat roofs. However, on the other side is a row of traditional, two storey, semi-detached dwellings. These have front facing gable features and are constructed under hipped or gabled roofs. These properties face similar dwellings along the western side of the street. This common design gives the residential properties within this part of St Barnabas Road a strong sense of rhythm and uniformity. Given the scale of the appeal building, it is relatively unobtrusive within this streetscene.
7. Consistent with a previous scheme¹ at the site that was refused and subsequently dismissed at appeal², this proposal seeks permission to change the use of the existing commercial unit to a one-bedroom dwellinghouse. However, it also seeks to raise the height of the existing building to form a first floor. This element would be set-back considerably from the front of the property and would be constructed under a small pitched roof with sections of flat roof to either side.
8. I appreciate that there has not been a significant number of objections from neighbours and that the first floor element may have been included in an attempt to improve living conditions at the proposed dwelling. Nonetheless, the proposal would be significantly taller and bulkier than the adjoining garages. A dwelling of this size and mass would therefore appear as an incongruous addition to them. Furthermore, the design of its roof and the set-back nature of the first floor level would result in an overall design that would be markedly different to that of any nearby commercial or residential property. Consequently, in my view the proposal would also introduce a conspicuous and alien dwelling to the site that would fail to integrate effectively with the rhythm and pattern of surrounding built form. This harmful impact would be readily apparent from the public domain.
9. Additionally, the revised plans show that the proposal would incorporate a large flue to the front of the property. This feature would project well above the section of flat roof on which it would be sited. It would therefore appear as an unduly dominant and discordant feature that would further draw the eye to the proposal's incongruity. My assessment in this regard is reinforced by the previous Inspector who presented similar concerns with such a feature.
10. For the reasons given, I conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with Policy LP26 of the Redbridge Local Plan (LP) and Policies 7.4 and 7.6 of the London Plan. Amongst other things, these seek to ensure that developments are of a high quality design and improve the character of areas. I have also been referred to Policy

¹ Ref 5455/16

² Ref APP/W5780/W/17/3185724

LP7 of the LP. However, this concerns the use of outbuildings within residential curtilages and gardens as separate living accommodation and the sub-division of existing housing plots and gardens. As the appeal building does not appear to be within a residential curtilage or garden and has a separate commercial use, this policy is not relevant to this main issue.

Living Conditions

External Amenity Space

11. Given the constrained location of the appeal property, with access driveways on either side, the only external amenity space would be a decked area to the front. I appreciate that this is similar to the smaller scheme dismissed at appeal, and I note the Inspector's comments in terms of external amenity provision. However, this previous scheme appears to have been assessed under a different policy climate, prior to the adoption of the LP.
12. Policy LP29 of the LP now requires that this proposal provides 50sq.m of private external amenity space. The proposed decked area would be 12sq.m in size and therefore falls well short of the minimum acceptable size identified by Policy LP29. Furthermore, given its positioning, in my view it would be unacceptably overlooked from St Barnabas Road and the adjacent access driveways. The use of substantial boundary treatments to screen this decked area would result in further harm to the character and appearance of the area. It would therefore not be reasonable to condition such screening, with regard to the tests set out at paragraph 55 of the National Planning Policy Framework (the Framework). Taking all of the above into account, I am not satisfied that future occupants would have suitable private external amenity space.

Privacy

13. There would also be close distance and direct views into the ground floor, side facing, kitchen and living room windows at the proposed dwelling from the adjacent access driveways. This would unacceptably diminish the level of privacy within the proposed dwelling. A condition requiring these windows to be obscure glazed would improve this situation. However, this in turn would result in an enclosed and oppressive outlook, particularly from the kitchen area. It is therefore not reasonable to impose such a condition with regard to the above mentioned tests within the Framework. Consequently, the identified overlooking could not be suitably mitigated.

Internal Floor Space

14. The London Plan, together with The Technical Housing Standards – nationally described space standards (NDSS), set out the minimum space requirements for all new residential units. For this scheme, it is agreed that these standards would require the property to have a minimum gross internal floor area of 58sq.m.
15. On the evidence before me, it would appear that the original scheme fell marginally short of the above mentioned requisite floor area (providing only 57sq.m). However, the appellant was advised by the Council during determination that the removal of a balcony at first floor level would allow for the identified requirement of the London Plan to be met. This balcony has indeed been removed on revised plans, which has increased the floor area within the bedroom. Consequently, it seems to me that it is likely that the

amended scheme would now provide at least 58sq.m of internal floor space, in line with the Council's recommendations.

16. Furthermore, I note that the Council raises concern that the proposal would not have a usable floor space at a height greater than 2.5m for at least 75% of its gross internal area. A section through the building has not been provided. However, submitted plans show that storage areas would be positioned directly below the lower flat parts of the roof. Taking everything together, although the entrance door would open into the living room, on balance, I consider that the proposed dwelling would not feel overly cramped and that the amount of useable internal floor space would be acceptable.

Overall Findings – Living Conditions

17. Drawing the threads of the above assessment together, I conclude that the proposal would not provide satisfactory living conditions for future occupants, in terms of the provision of suitable external amenity space and privacy. It would therefore conflict with Policy LP29 of the LP and Policy 3.5 of the London Plan. Amongst other things, these seek to ensure that developments provide sufficient external amenity space and have high quality internal layouts to meet the needs of Londoners over their lifetimes. It would also conflict with the Framework insofar as it seeks to achieve a high standard of amenity for existing and future users. Notwithstanding this, I have again been referred to Policy LP7 of the LP. However, for reasons discussed in the first main issue, this policy is also not relevant to this main issue.

Other Matters

18. I note that, subject to a number of amendments to the scheme, the Council's Officer may have recommended the proposal for approval. However, not all of these recommendations appear to have been met. In any event, I have assessed the scheme on all of its planning merits and found that it would fail to comply with the provisions of the Council's development plan. This is therefore not a reason to permit the appeal.
19. Furthermore, I sympathise with the appellant in terms of not being able to contact the Council's Officer during the determination of the application. However, this matter falls outside of the remit of this decision and therefore does not alter my conclusions.

Planning Balance

20. The Government is seeking to significantly boost the supply of housing and the proposal would provide an additional dwelling at the site in an accessible location. However, its contribution to the Borough's housing stock would be minimal. Similarly, the economic benefits of the proposal would also be minimal and would primarily relate to short-term employment during the construction period. In this context, I give limited weight to these social and economic benefits.
21. I have found that the proposal would afford satisfactory living conditions for future occupants in terms of the provision of usable internal floor space. I also note that it would be acceptable in other respects. For example, it would not harm the functionality of the local centre. However, these are requirements of the development plan and are therefore neutral in the overall balance.

22. On the other hand, I have found that the proposal would harm the character and appearance of the area and would fail to afford satisfactory living conditions for future occupants in terms of the provision of suitable external amenity space and privacy. It is therefore clearly contrary to the development plan and these are matters to which I give considerable weight.
23. Consequently, the harm that I have identified would significantly and demonstrably outweigh the limited social and economic benefits associated with the provision of one dwelling. There are no material considerations, including the Framework, that justify a decision other than in accordance with the development plan.

Conclusion

24. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

M Heron

INSPECTOR