
Appeal Decision

Site visit made on 2 July 2019

by J Williamson BSc (Hons), MPlan, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 16 August 2019

Appeal Ref: APP/W5780/W/19/3227254

Land rear of 1a and 1b Hamilton Avenue, Barkingside, IG6 1AE

- 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 Kalpesh Savjani against the decision of the London Borough of Redbridge.
 - The application Ref 5162/18, dated 13 December 2018, was refused by notice dated 6 March 2019.
 - The development proposed is replacement of two existing garages with detached bungalow dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the area; ii) the living conditions of future occupants of the proposed development and occupants of neighbouring properties and iii) highway safety.

Reasons

Character and Appearance

3. The site comprises the existing garages and an area of land that is now separated from the rear outdoor amenity space of 1a/1b Hamilton Avenue by a timber fence approximately 1.8 m high. There is an existing vehicle access from Hamilton Avenue to the appeal site which also serves a further 3 garages located opposite the site.
4. The surrounding area comprises mainly two-storey, semi-detached and detached dwellings laid out in a traditional grid pattern with properties having defined building lines fronting the highway. The dwellings have relatively deep rear gardens, many of which have domestic outbuildings located within them. The properties tend to also have gardens or space to the front which is often used for off-street parking.
5. Within the context of the pattern of development in the area, I consider that the proposal would introduce an incongruous residential property which would not sit comfortably alongside the rear gardens of nearby dwellings. The building would be of a scale which would be higher than outbuildings in nearby

rear gardens whilst simultaneously would not be in keeping with the surrounding two-storey dwellings. The limited size of the proposed garden and the proximity of the proposal to the garages to the rear as well as nearby boundaries, would lead to a density and arrangement of development which would further erode the prevailing pattern of development. Although the proposal would not be readily visible from the public highway, this incongruous pattern of development would be apparent from the rear of nearby properties.

6. Consequently, the proposed development would be out of keeping with, and detrimental to, the character and appearance of the area. As such it would not accord with policies LP7 and LP26 of the Redbridge Local Plan 2018 (RLP), which seek to resist the use of buildings in back gardens as separate living accommodation and to promote high quality design. The proposal would also be contrary to policies 7.4 and 7.6 of the London Plan 2016 (LP) which seek, amongst other things, to ensure that buildings have regard to the pattern and grain of existing streets and complement the local character.

Living Conditions – Future Occupiers

7. Due to the layout of the site the primary outlook for future residents of the proposal would be of the vehicle access track that would pass to the front of the dwelling and a timber fence, approximately 1.8m high, which is sited approximately only 3 m in front of the windows on the front elevation of the proposed dwelling. This would provide an enclosed and restricted outlook which would be detrimental to the living conditions of residents. Occupants of the dwelling would also have poor privacy levels as a result of users of the neighbouring garages passing directly adjacent to windows facing the track and as a result of overlooking from first-floor habitable room windows at 1a/1b Hamilton Avenue, which are only approximately 12.5 m away.
8. The appellant considers that the property would be well lit and would improve security. However, pedestrian access to the development would be along an unlit vehicle access track and access into the property would be directly off this track, which would be intimidating for residents with regards to safety. There would also be limited natural surveillance of the property, thereby providing opportunities for crime.
9. The proposed floor plan shows an open-plan lounge/kitchen and a separate bathroom. A bed would need to be sited within the open-plan lounge/kitchen area. As such the dwelling would be better described as a bedsit. The Council considers the Gross Internal Area (GIA) to be 39 sq m and the appellant considers it to be slightly above this. The outdoor garden area is a little over half the size of the building's footprint, at approximately 25 sq m. The Council considers the floor to ceiling height to be 2.34 m; the appellant has not disputed this, and based on the evidence before me I see no reason to disagree.
10. Policy LP29 of the RLP deals with amenity and internal space standards. The Policy requires new housing development to provide 50 sq m of outdoor amenity space per dwelling for 1 & 2 bed units and the space should be compatible with the prevailing pattern in the surrounding area. The Policy refers to the adoption of national internal space standards and the Council's decision refers to the Nationally Described Space Standards (NDSS).

11. Policy 3.5 of the LP requires development to reflect the NDSS minimum space standards. The NDSS states that a 1-bedroom, 1-person, 1-storey dwelling with bathroom, should provide a minimum of 39 sq m GIA and the minimum floor to ceiling height should be 2.3 m for at least 75% of the GIA. Notwithstanding the NDSS standards, LP Policy 3.5 strongly encourages a floor to ceiling height of 2.5 m, to address the physical characteristics of the Capital.
12. As the GIA of the proposed dwelling would be 39 sq m it would meet the minimum standards of the NDSS. The Council considers that the floor to ceiling height of 2.34 m is below that encouraged by a local Housing Supplementary Planning Guidance document (SPG). However, I have not been provided with a copy of the SPG. As noted above, the NDSS recommends a minimum floor to ceiling height of 2.3 m, and the proposal meets this standard. However, the proposal does not satisfy the standard of 2.5 m recommended in Policy 3.5 of the LP; the additional height is recommended due to the unique heat island effect of London and its density and flatted nature of residential development. Such a higher ceiling height ensures new residential development provides an adequate quality of light, ventilation and sense of space. Hence, in these regards, the proposal accords with RLP Policy LP29, the minimum space standards outlined in the NDSS and footnote 46 of the Framework but does not accord with the recommended floor to ceiling height standard in Policy 3.5 of the LP.
13. Although policy LP29 of the RLP requires a 1-bed dwelling to have an outdoor amenity area of 50 sq m the Council accept that the size of the outdoor amenity area proposed, approximately 25 sq m, is adequate for the size of the bedsit it is to serve. I agree with this view.
14. Notwithstanding my comments in respect of external amenity space standards, I conclude that the proposal would not provide suitable living conditions for future residents with regards to outlook, privacy, internal space, safe access and security. Consequently, the proposal would not accord with Policy LP26 of the RLP and policies 3.5 and 7.3 of the LP which require development to provide a high standard of accommodation and create safe and secure environments that reduce opportunities for crime. The proposal would also be contrary to the Framework with regards to creating places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. Whilst the proposal would not conflict with Policy LP29 of the RLP with regards to amenity and internal space standards this would not outweigh the harm identified.

Living Conditions – Neighbours

15. The proposed dwelling would be located approximately 10 m from the ground-floor and 12.5 m from the first-floor of the rear elevation of 1a/1b Hamilton Avenue and it would be directly adjacent to part of the rear garden side boundaries of numbers 1 Hamilton Avenue and 2 Campbell Avenue.
16. The proposed dwelling would have a ridge height of 5 m, and due to the arrangement of the properties, I consider this would have an overbearing effect on the respective outdoor rear amenity spaces of properties 1a/1b & 1 Hamilton Avenue and 2 Campbell Avenue. This would be detrimental to the living conditions of the occupants of these properties with regard to outlook. Consequently, the proposal would not accord with RLP Policy LP26, policies 7.4 & 7.6 of the LP or paragraph 127 of the Framework, which, amongst other

things, require development not to have an adverse impact upon the amenity of neighbouring properties in relation to outlook and the scale/mass and height of surrounding buildings. Buildings should to be constructed such that people feel comfortable with their surroundings and should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, and a high standard of amenity should be retained for existing users of land or buildings.

Highway Safety

17. The proposed site plan shows 2 off-street car parking spaces at the front of flats 1a/1b Hamilton avenue. The car parking spaces are outside the site boundary, though I note they are on land within the ownership of the appellant. The Officer Report states that the appellant has confirmed that one of the off-street parking spaces shown at the front of 1a/1b Hamilton Avenue is to be associated with the proposed development.
18. The Council considers that works required to achieve these 2 car parking spaces, of the required size, would entail development that requires planning permission. Moreover, the Council considers that such works would result in blocking access to the flats, displacing refuse storage and removing landscaping, neither of which it considers would be desirable outcomes. Based on my own observations I consider the Council's concerns in this regard are well founded.
19. In addition to the above the Council considers that the width of the access is insufficient for emergency service vehicle use, that the visibility splays are not adequate and that the loss of 2 garages has not been justified. I note that the access can currently be used in association with the 5 existing garages and that the appellant states that the garages on the site are not currently used. Whilst the appellant contends that the access road width is sufficient to ensure emergency service vehicles could access the site, mindful of the Highway Authority consultee comments, there is no substantive evidence that this is the case and taking a precautionary approach this weighs against the proposal. Furthermore, no details have been provided to substantiate the assertion that the garages are not used and consequently their removal would displace existing off-street parking on to the street.
20. I have not been provided with the minimum & maximum parking standards set out in the LP. However, with reference to these standards the Officer Report states that the proposal would require 1 to 1.5 car parking spaces. I have no grounds for disputing these figures.
21. As a result of the above, there is a significant possibility that the proposal would result in additional on-street parking and displacement of refuse bins on to the street, which would result in disrupting the flow of pedestrian and vehicular traffic on the surrounding highway network to the detriment of highway safety. Furthermore, inadequate access would be provided for emergency vehicles to the detriment of the safety of future residents of the site. As such, the proposal would not accord with RLP policies LP23 & LP26 or the car parking standards of the LP, which, collectively, seek to ensure that new development provides sufficient car parking in accordance with the standards outlined in relevant policies and to demonstrate that sufficient parking will remain in the area to meet local needs where existing off-street

parking is reduced. In addition, new development should provide appropriate facilities for refuse, recycling and services.

Other Matters

22. The appellant considers there to be other material considerations that weigh in favour of the proposal. In summary, the appellant contends that there are several public amenity spaces within walking distance of the appeal site; the development would tidy up the area, providing a visual improvement and deter fly-tipping and anti-social behaviour, and the proposal would contribute to the housing needs of the area, particularly for first-time buyers.
23. As I have concluded that the extent of outdoor amenity space proposed would be sufficient for the size of the dwelling, I attach limited weight to there being public amenity spaces within walking distance of the site. I am not convinced that the proposal would, in the long-term, ensure that the area, which includes the access track and 3 other garages, would be tidied up and not used for fly-tipping or anti-social behaviour. As such, I attach little weight to this aspect. The provision of a small dwelling that could attract interest from a first-time buyer is a benefit to which I attach significant weight. However, these matters, either singularly or collectively, do not outweigh the substantial weight that I give to the harm I have identified.
24. The appellant suggests that additional windows could be inserted, if required, and that the property could be developed to be used as specialist accommodation for older, vulnerable adults, in accordance with Policy LP4 of the RLP. However, I have made my decision on the submitted plans and the development proposed. In any event, the provision of additional windows would not overcome the harm identified.
25. My attention has been drawn to several similar developments in the Borough. However, I do not have the details of the cases the appellant refers to and therefore cannot be certain that they represent a direct parallel to the appeal before me. Notwithstanding, I must determine this appeal on its own merits.

Conclusion

26. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

J Williamson

INSPECTOR