



Appeal Decision

Site visit made on 17 June 2019

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 20th August 2019

Appeal Ref: APP/W5780/W/19/3226480
30-32 Balfour Road, Ilford IG1 4JG

- 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 105 Water Gardens Ltd against the London Borough of Redbridge.
 - The application Ref 3948/18 is dated 20 September 2018.
 - The development proposed is the redevelopment of the site to deliver a 12 unit flatted development.
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Decision

1. The appeal is dismissed and planning permission for the redevelopment of the site to deliver a 12 unit flatted development is refused.

Preliminary Matters

2. Since the submission of the appeal, an updated version of the National Planning Policy Framework (February 2019) (the Framework) has been published by the Government. This is a material consideration in planning decisions. In relation to the main issues in this appeal, Government policy has not materially changed, and it was not therefore necessary to invite any further comments from the different parties involved.
3. The application form gives the address of the proposed development as 28-32 Balfour Road but the appellant's statement of case states it is at 30-32 Balfour Road, as does the Council's decision notice. Therefore, have taken the address to be 30-32 Balfour Road.
4. While the Council was unable to determine the application within the statutory time limit, it has submitted a statement in which it gives its reasons for objecting to the proposed development. This has enabled me to make an assessment of the main issues.

Main Issues

5. The main issues are (i) the impact upon the character and appearance of the area; (ii) the proposed living conditions of future occupiers in terms of outlook and (iii) the impact upon the living conditions of the occupiers of adjoining dwellings by reason of privacy.

Reasons

Character and appearance

6. The area is primarily residential and is composed of 2 storey dwellings with dual pitched roofs. Properties are mainly semi-detached and where separate dwellings are clearly defined by their separate entrances and front community spaces. Building materials vary but there is a preponderance of brick. Spaces between buildings are usually very limited. Many have pitched gables to their front elevations.
7. The Local Planning Authority (LPA) considers that the height of the proposed building, combined with the part hipped/gabled roof, gives a bulky and therefore adverse impact upon the street scene. It also considers that proposed 3 storey gables add to its bulk and that the area is characterised by dwellings with 2 story gables. In addition, the LPA states that the existing dwellings create regular rhythms in the street scene whereas the proposal results in a single mass which fails to respond to it.
8. However, the proposed development would have a height comparable to the surrounding properties. In addition, its proposed front building line would not compromise that of the buildings immediately around it. Whilst of a slightly different design, it would include front gables which would reflect those in the surrounding properties, as would the proposed building materials.
9. The width of the proposed building would be somewhat greater than that of the surrounding properties and, with its one entrance, it would differ from them in this respect. In addition, while the buildings in the area are normally two storeys and the proposed development would be three storeys, the top storey would be incorporated into the roof space and its overall height would be comparable to surrounding properties.
10. The proposed development, by its height and length, would not significantly interrupt the regular rhythm of the street pattern and its roof would not appear significantly bulkier than those of surrounding buildings. Taking these matters into account, as well as the proposed building line, front community space, the incorporation of front gables and the proposed building materials, I find that the proposed development would be compatible with the character and appearance of the area.
11. I therefore conclude that it would accord with policy LP26 of the Redbridge Local Plan (2018) (RLP) which promotes high quality design which respects local character, and with policy 7.4 of the London Plan 2016(LP) which has the same aim. I also conclude that it would accord with paragraphs 127, 130 and 131 of the Framework which require good design which is sympathetic to local character and appearance.

Living conditions for future occupants

12. Some of the windows to the proposed bedrooms would face the adjoining properties along the flank walls and where separation distances would be limited. This would significantly and adversely affect the outlook from those windows, giving an unsatisfactory sense of enclosure: this would not be overcome by the size of bedrooms, which the appellant claims exceed

minimum space standards, or where he considers that there is adequate daylighting. It is appreciated that other habitable rooms such as living rooms would face the front and the rear of the property and that these would not be constrained in this way. However, this would not overcome the sense of enclosure that I have identified when viewed from the bedroom windows facing the flank walls.

13. I therefore find that the proposed development would lead to a significant and adverse impact upon the living conditions of future occupants by reason of outlook from the proposed bedroom windows.
14. For this reason, I conclude that the proposed development would not accord with policy LP26 of the RLP which promotes high quality design, or with policy 7.4 of the LP which has the same aim. I also conclude that it would not accord with paragraphs 127, 130 and 131 of the Framework which require good design.

Living conditions for existing occupants

15. The proposed development would be approximately 13 metres from a single storey kitchen window to the nearest property at the rear, but otherwise properties would generally be at a greater distance. Interested parties have referred to the likely loss of privacy and to the adverse impact on their living conditions by the nearness of the proposed development.
16. The Council's Householder Design Guide Supplementary Planning Document (2012) advises that kitchens of less than 13 square metres in size would not normally be considered to be habitable rooms: the appellant considers that this is the case with regard to the building opposite to the rear of the appeal site. In addition, the appellant considers that other outbuildings to properties to the rear would also prevent overlooking into their main habitable rooms. However, I am unable to conclude on the exact size of the said kitchen.
17. I have not been advised of any Council policy containing minimum distances between habitable rooms. However, taking into account the three-storey height of the proposed development and the proposed rear windows, I find that the separation distance would be insufficient to provide adequate privacy for the occupiers of the properties to the rear of the proposed development despite any intervening outbuildings or extensions.
18. The proposed development would be further away from number 24 Balfour Road than the existing building on the site but it would be closer to number 26 Balfour Road than is the existing property. However, whilst I have found that the distance between the proposed development and number 26 Balfour Rd would not give a satisfactory outlook to future residents of the proposed development, I do not find that the proposed distance would create a significantly adverse sense of enclosure to the occupiers of number 26 Balfour Road: the resulting gap between the 2 properties would still be significantly greater than that between the majority of properties in the immediate area.
19. Notwithstanding this, and with regard to separation distances between properties to the rear, I conclude that the proposed development would not

accord with the policies as set out in paragraph 11 above and for the same reasons.

Other matters

20. The proposed development would provide a greater number of residential units than the existing built form and by so doing would assist in the provision of the housing needs of the area. Moreover, it would do so in a sustainable location close to services including public transport and where the site has a PTAL rating of 6a. Furthermore, it would make efficient use of the site. It would also accord with the Framework's aim of building a strong, competitive economy by providing accommodation for occupiers who would be likely to provide custom to local businesses.
21. I attach significant weight to all these factors. However, neither individually nor cumulatively, are they sufficient to overcome my conclusions regarding the impact upon the living conditions of both future and existing occupants.

Conclusion

22. For the reasons outlined above, and taking into account all other matters raised, the appeal is dismissed, and planning approval is refused.

Steven Hartley

INSPECTOR