



Appeal Decision

Site visit made on 31 May 2019

by J Slominski BA(Hons) MCD

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal Ref: APP/W5780/W/19/3224125
72 Aldersbrook Road, London, E12 5DL

- 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 Thomas Deininger against the decision of the London Borough of Redbridge.
 - The application Ref 4102/18, dated 03 October 2018, was refused by notice dated 03 December 2018.
 - The development proposed is Two x bedroom dwelling to replace existing coach house including a loft conversion with two rear dormers and one front rooflights. With associated soft and hard landscaping and provision for car park and cycle space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. The effect of the proposed house on the character and appearance of the Aldersbrook Conservation Area;
 - ii. whether the proposed house would provide acceptable living conditions for future occupants;
 - iii. whether the proposed access and parking layout would be acceptable;
 - iv. whether the proposed refuse storage would be acceptable; and
 - v. the effect of the proposal on existing trees.

Reasons

Character and appearance

3. The site is the rear garden of no.72 Aldersbrook Road, within the Aldersbrook Conservation Area. The Conservation Area is characterised by Edwardian houses under pitched roofs facing the streets, with rear gardens containing substantial trees and visually subordinate outbuildings.
4. The proposed house would replace an existing two storey building in the rear garden. The existing building has a kitchen and a living room at ground level, and a bedroom and a bathroom upstairs. It does not have its own separate curtilage, but there is separate access to Empress Avenue. Although the

Council has stated that the siting and location of the development would be contrary to the established pattern of development, it is a significant material consideration that there is already a two storey building on the site which would be replaced by the appeal proposal. The siting and location of a two storey building to the rear of no.72 is therefore already established as a characteristic of the Conservation Area.

5. The proposed house would be 1.2m taller than the existing building, with the first floor partially contained within a pitched roof. As a result it would be lower in height than the surrounding houses. Although it would have a larger footprint than the existing building and would be a larger structure overall, it would still be significantly smaller than (and visually subordinate to) the surrounding houses and blocks of flats which are 2-3 storeys in height. Its small scale would maintain the visual prominence of the buildings facing the street, and the respect the established hierarchy of building scales within the Conservation Area.
6. The house would have brick facades under tiled pitched roofs, with vertical windows and door openings. It would have a modern appearance which would take design cues from the materials and features of the surrounding Victorian houses, and would be sympathetic to their form, scale, materials and architectural detail.
7. The location and siting of the new house would not significantly alter the layout of the Conservation Area, and the provision of a replacement 2 storey building would not be an incongruous addition. The height, bulk and design would be visually subordinate to the surrounding houses, maintaining a similar relationship between the existing building and its surroundings.
8. I therefore find that the proposed development would be of acceptable design which would preserve the character and appearance of the Conservation Area.
9. The new house would comply with London Plan 2016 ("London Plan") Policies 7.4, 7.6 and 7.8, and Redbridge Local Plan 2018 ("Local Plan") Policies LP26 and LP33 which together require high quality design that contributes positively to character of the area whilst preserving or enhancing the character and appearance of the Conservation Area.

Standard of accommodation

10. The proposed house would have two bedrooms and would significantly exceed the minimum floorspace required by the Nationally Described Space Standards. More than 75% of the floorspace would have a ceiling height over 2.3m high, and the house would comply with the Nationally Described Space standards. Although some of the floorspace would be lower than 2.5m in height as encouraged by Table 3.3 of the London Plan, the first floor ceiling would be up to 3.1m in height and the ground floor, at 2.45m, would only be 5cm lower than the recommended height.
11. The house would be well laid out with large rooms, storage spaces, windows on three sides providing good cross ventilation and a good relationship between the internal and external spaces. All habitable rooms and the garden would face south, resulting in good access to sunlight and daylight. It would provide its occupants with a high quality internal living environment which would be of

adequate quality, especially in terms of light, ventilation and sense of space in accordance with the supporting text to Table 3.3 of the London Plan.

12. The house would have a 60 square metre external garden (Excluding the 72 square metre front driveway and garden). At least 33sqm of that space would be over 2.5m wide, and the garden would have a good relationship with the house, having direct access from the kitchen and living room. There would also be external access from the garden to the street. Although some areas of the garden would be narrow they would be useable for planting or storage, and overall the garden would comply with Local Plans Policy LP7 and LP29 which together require new dwellings to provide appropriate internal and external amenity space including at least a 50 square metre garden.
13. The house would be accessed by a 32.5m long driveway and front garden. The driveway is an existing feature and is relatively narrow. However, it is over 2.4m wide and with appropriate landscaping, lighting and security could be designed to provide an attractive entrance to the new dwelling. Furthermore, the driveway and front garden would fall within the curtilage of the house, giving its owners control over the security features and design of the garden.
14. The proposal would provide an acceptable standard of accommodation in accordance with London Plan Policy 3.5 and Local Plan Policies LP7 and LP29 which together seek to ensure adequate internal and external spaces for future occupiers.

Parking and access

15. The proposed dwelling would provide a parking space for one car, which would be 2.4m wide in compliance with Local Plan Policy LP23. That space would re-use the existing crossover, driveway and parking space off Empress Avenue and would not be a new parking space. Although there would be limited space, the plans show that approximately a 0.8m wide gap would remain alongside a parked car, which would be sufficient to pass with a pushchair, wheelchair, bicycle or wheeled bin. Although the arrangement would be relatively tight, it would not be part of a public space with high footfall, and for a single dwelling would be acceptable.
16. The proposed parking space would not allow access to an emergency vehicle to the site. However, all parts of the new building would be within 45m of the street and therefore within reach of a fire appliance stopped on the street.
17. The proposed parking arrangement would therefore comply with Local Plan Policy LP23 which requires sufficient car parking to be provided for new development.

Refuse storage

18. Refuse storage space is proposed within the front garden, within 20m of the street. Although the Council have stated that the refuse storage area will be inaccessible for collection operatives, the Council's waste and recycling collections officer has stated that the waste will need to be presented at the boundary of the highway for collection. There is no apparent reason why that could not be done, and on that basis it would be possible for future occupiers to present their refuse for collection in an accessible location. I therefore find that the proposal would comply with Local Plan Policy LP26 which requires appropriate facilities for refuse, recycling, and servicing.

Trees

19. A tree preservation order plan was provided by the Council, showing that the protected trees nearby are not within close proximity to the proposed building. I observed on my site visit that there are several additional trees close to the building, including small trees in the garden of no.72 and a large tree close to the western corner of the existing outbuilding which makes a significant positive contribution to the character and appearance of the Conservation Area.
20. The proposed house would be no closer to that tree than the existing building, however it would be a larger structure and it would extend 4m further to the south. I have not been provided with any information on the root protection zone of that tree, and I am not able to determine whether or not the proposed development could take place without unacceptably harming it.
21. I therefore find that in the absence of demonstration to the contrary, that the proposal would be contrary to London Plan Policy 7.21 and Local Plan Policy LP38 which together require existing trees of value to be retained; and that it would fail to ensure that the character of the Conservation Area is preserved or enhanced.

Conclusion

22. Although I have found that the proposed dwelling itself would not be harmful to the character and appearance of the Conservation Area, that it would provide a good standard of accommodation, and that its impacts on parking and refuse collection provisions would be acceptable, inadequate provision has been made for the protection of the adjacent tree. The proposed development would therefore be contrary to the development plan.
23. Consequently, having had regard to the other matters raised, the appeal is dismissed.

J Slominski

INSPECTOR