



Appeal Decision

Site visit made on 22 July 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2019

Appeal Ref: APP/W5780/W/19/3229229

49 York Road, Ilford IG1 3AD

- 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 O Ahmed (Al-Madina Investments Ltd) against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4983/18, dated 5 December 2018, was refused by notice dated 28 February 2019.
 - The development is described as 'separate the recently constructed rear single storey part of the ground floor retail use, part demolish rear section and reconstruct in new position all to match existing and convert structure into a single storey self-contained studio flat'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide adequate living conditions for future occupiers, with particular regard to disturbance and privacy, the quality of external amenity space and outlook.

Reasons

Disturbance and privacy

3. The flat would incorporate two windows serving both the kitchen and bedroom/living areas. Unlike other windows serving residential property within the block and York Mews, which are predominantly at first floor level or higher, these windows would be positioned at ground floor level only a very short distance from the shared boundary with the rear service yard of the supermarket at the neighbouring 51 York Road.
4. The boundary treatment between the appeal site and the supermarket service yard is formed of a brick wall but with open railings above. Accordingly, there is not a contiguous barrier to deflect noise and disturbance from the service yard. Subsequently, future occupiers would be at risk from significant levels of disturbance from activities associated with the commercial use such as deliveries and unloading, particularly when the windows were open which would have a significant detrimental impact on their living conditions.
5. Moreover, due to the visual permeability of the boundary treatment, users of the service yard would be able to see into the flat. In addition, those using the narrow passageway which provides access to the external entrance door which

serves the upper floor flats would be able to see through the windows at a close range, overlooking most of the living space. This would harmfully diminish the privacy of future occupants of the appeal scheme.

6. Subsequently, while this would afford a sense of surveillance to the flat, comings and goings associated with these flats would result in a loss of privacy which would have a significant detrimental impact on the living conditions of future occupants.

Quality of external amenity space

7. The size of the external amenity space would be acceptable, with a space proposed between the end elevation of the unit and York Mews.
8. However, given that the external amenity space would be the only remaining external space within the boundary of 49 York Road, other than the accessway, it is subsequently likely that the space would be utilised for bin storage which would render the area largely unusable as external amenity space. This is particularly the case as there are questions over the capacity of existing domestic refuse containers on York Mews.
9. The quality of the external amenity space provided would therefore be poor, which would have a significant detrimental impact on the living conditions of future occupants.
10. There is public amenity open space nearby, and the existing upper floor flats in the block do not benefit from their own external amenity space. However, this is a historical situation and the policy requirement for such space relates to new development.

Outlook

11. This would in a large part be borrowed across the service yard of 51 York Road and would be reliant on the existing railings on the shared boundary and the railing gates on the rear boundary of the service yard. However, it is likely that as the windows on the side elevation would look out directly onto the service yard and accessway, blinds would have to be drawn to maintain privacy.
12. This would result in a poor outlook which would have a significant detrimental impact on the living conditions of future occupants.
13. Overall, the proposal would fail to provide acceptable living conditions for future occupants contrary to Policy LP26 of the Redbridge Local Plan 2015-2030 and Policy 3.5 of The London Plan (2016) which seek to promote high quality design within housing development including the protection of residential amenity and privacy.

Other Matters

14. The external physical alterations to the building would have a neutral impact on the character and appearance of the area. Both parties agree the accommodation would provide an internal floor area which would meet the relevant nationally described space standard and I find no contravention of that standard. The flat would provide a light environment due to the rooflights proposed, would not suffer from any significant overlooking from public areas and would make provision for bicycle storage. However, the absence of harm in

respect of these matters is a neutral point that would not outweigh the harm I have identified.

15. Land should be used efficiently and effectively and windfall housing development such as the proposal would provide public benefit through making a contribution, albeit small, towards furthering housing provision. The appeal site is also located nearby an entrance to Ilford Station, enabling travel by public transport thereby encouraging the use of more sustainable modes of transport. However, these benefits should not be achieved at the cost of the significant detrimental impact on the living conditions of future occupiers that I have identified.
16. The appellant has also drawn my attention to other existing¹ and emerging planning policy² as well as supplementary planning guidance³ mainly concerning housing supply and provision which was not identified in the Council's report. The policies and guidance require amongst other things effective and efficient use of land and optimisation and increase in supply of housing provision. However as identified above, such aims should not be achieved at the cost of significant detrimental impact on the living conditions of future occupiers, which I have afforded significant weight, thus outweighing these matters.

Conclusion

17. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

T J Burnham

INSPECTOR

¹ Policy LP2 of the Redbridge Local Plan 2015-2030 & Policy 3.4 of The London Plan (2016)

² The Draft London Plan

³ Mayor of London Housing Supplementary Planning Guidance (2016)