
Appeal Decision

Site visit made on 20 September 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/W5780/W/19/3230972
24 The Avenue, Wanstead, London E11 2EF

- 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 Sumal against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0319/19, dated 25 January 2019, was refused by notice dated 15 May 2019.
 - The development proposed is demolition of existing 2 1/2 storey dwellinghouse and replacement with 2 1/2 storey 6 bed dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing 2 1/2 storey dwellinghouse and replacement with 2 1/2 storey 6 bed dwellinghouse at 24 The Avenue, Wanstead, London E11 2EF in accordance with the terms of the application, Ref 0319/19, dated 25 January 2019, subject to the attached schedule of conditions.

Procedural Matter

2. While I note that the description of development differs on the application form compared with the appeal form and decision notice, I have used the description from the application form in the interests of certainty.

Main Issues

3. From the evidence before me, the main issues are:
 - whether the proposed development preserves or enhances the character or appearance of Wanstead Grove Conservation Area; and
 - the effect of the proposed development on the living conditions of neighbouring occupiers at No 26 The Avenue with particular regard to outlook and light.

Reasons

Character and appearance

4. The appeal site lies within Wanstead Grove Conservation Area (CA). From the evidence before me the significance of the CA lies in the evidence of historic architecture with original detailing that reflect the growth of an affluent suburb of London. The Avenue primarily consists of two storey large dwellings with

modest spacing in styles that are generally traditional but varied such that the area has an attractive character and appearance.

5. The existing building is a two-storey dwelling with dormer extension that was built later than the other dwellings in the area. The existing dwelling lacks the level of detailing that is apparent on the nearby properties and appears in need of some maintenance. It therefore does not provide a positive contribution to the significance of the CA or character and appearance of the area.
6. The proposal would be a two storey dwelling with dormer windows in a similar position to the existing building. While the ridge height of the roof would be higher than the existing building, it would be roughly in line with the adjacent buildings. Similarly, while the footprint of the proposed house would be larger than the existing dwelling, it would reflect others in the area that have been extended. Furthermore, the pool house in the rear garden would be demolished, therefore the overall footprint of built development on the site would be reduced. Consequently, in terms of mass and footprint the proposal would be in harmony with the character and appearance of the area.
7. The parapet height of the proposed dwelling would be higher than the eaves line of the adjacent buildings. However, given the variety of building styles along The Avenue including gable ends and hipped roofs fronting the street, this particular element of the scheme, though unusual along this street, would not appear incongruous or prominent in the street scene.
8. The size, position and design of the fenestration would be distinct when viewed against the adjacent properties. However, the fenestration of the properties opposite the appeal site and along The Avenue are varied in size and position such that the proposal would not appear incongruous in this regard.
9. The external materials of the other dwellings along The Avenue generally include red brick, white or light colour render and hanging tiles. While the proposed materials would be a white or buff colour brick with stone detailing, since the render in the area is generally a light colour, the proposed bricks would not appear prominent or discordant along the street scene.
10. While the building line of the proposal would be set slightly in front of No 22 The Avenue (No 22), it would still be set back from No 26 The Avenue (No 26) and would therefore not appear prominent in this particular regard. I note examples of other large houses in the wider area, such as Applegarth on Nutter Lane, which provide an indication of houses with similar features to the proposal in the CA. However, each case must be assessed on its individual merits. Overall, for the foregoing reasons, having attributed great weight to the conservation of the CA in accordance with paragraph 193 of the National Planning Policy Framework (Framework) the proposed development would preserve the significance of the CA.
11. Consequently, the proposed development would preserve the character and appearance of the CA. Therefore, it would not conflict with Policy LP26 of the Redbridge Local Plan 2015 – 2030 March 2018 (LP) which seeks, among other things, development that respects the local character of the area, and makes a positive architectural and urban design contribution to its context and location. It would also not conflict with LP Policy LP33 which supports development proposals within Conservation Areas which preserve or enhance the character or appearance of the area.

12. The proposal would not conflict with Policies 7.4 and 7.6 of The London Plan The Spatial Development Strategy For London Consolidated With Alterations Since 2011 March 2016 (London Plan) which relate to local character and among other things seek buildings that comprise details and materials that complement, not necessarily replicate, the local architectural character. Furthermore, the proposal would not conflict with the Framework in this regard.

Living conditions

13. The proposed dwelling would have a single storey element to the rear of the building near the boundary with No 26. This part of the proposal would project some distance further to the rear and would have a parapet that would be slightly higher than the existing single storey element.
14. No 26 has a conservatory to the rear near the boundary with the appeal site and there is a tall boundary fence with taller vegetation along many parts of the boundary. No 26 also has a substantial garden with outlook in other directions. Therefore, while the proposed single storey element would be visible from the conservatory and garden of No 26, the outlook from these areas would not be adversely affected to a degree that would detrimentally affect the living conditions of the occupiers of No 26 in this regard.
15. Turning my attention to light, I acknowledge that the rear of the proposal would project to the south of No 26 and would be a greater depth and height than the existing single storey element. However, since the part closer to No 26 would be single storey and given the presence of the tall fence and vegetation that currently affect the levels of light to the conservatory and garden, the proposal would not unduly affect the living conditions of neighbouring occupiers of this dwelling in this respect.
16. Consequently, the proposed development would not harm the living conditions of future occupiers with particular regard to outlook and light. Therefore, it would not conflict with LP Policy 26 which among other things seeks development that does not result in an adverse impact upon the amenity of neighbouring occupiers in relation to daylight, sunlight and outlook.

Other Matters

17. I note comments relating to the service provided by the Council. However, this has not altered my overall decision.

Conditions

18. I have considered the conditions suggested by the Council. I have made some minor changes to these having regard to the tests set out in paragraph 55 of the Framework and the guidance contained in the Planning Practice Guidance. I have amended some of the wording of the conditions in the interests of precision and clarity.
19. In addition to the standard time limit condition, I have included a condition requiring that the development is carried out in accordance with the approved plans excluding existing drawings and supplementary application documents, as well as a condition relating to the external materials. This is in the interest of certainty and to safeguard the character and appearance of the area.

20. I have attached conditions relating to fences and walls, hardscaping and landscaping to safeguard the character and appearance of the CA. These conditions need to be pre-commencement as they are likely to affect the early stages of construction.
21. Given the position of the proposed dwelling on the site, the condition relating to permitted development rights is necessary to safeguard the character and appearance of the area.
22. The condition relating to water efficiency is necessary to accord with the London Plan and the condition relating to Approved Document M is necessary to accord with LP Policy LP26.
23. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, in response to a request by e-mail, the appellant has confirmed that they agree to the pre-commencement conditions.

Conclusion

24. For the reasons given above the appeal should be allowed.

R Sabu

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 000, 110, 111, 112, 113 Rev A, 114 Rev A, 120 Rev A, 121 Rev A, 130 Rev A.
- 3) No development above ground shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted, including brickwork, cladding, windows and doors (including frames), external guttering and roof tiles, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until details of all walls and/or fences to be erected within or on the perimeters of the site shall be submitted to and approved in writing by the Local Planning Authority. The walls/fences as approved shall be erected at the site before the building hereby permitted is first brought into use and retained thereafter in accordance with the approved details.
- 5) No development shall commence until a scheme showing hard surfacing and complying with the requirements specified in BS 5837 (2005) 'Trees in Relation to Construction' shall be submitted to and approved in writing

by the Local Planning Authority. This scheme shall show the extent and nature of all hard surfaced areas, and the materials to be used. The hard surfacing shall be completed before the building/use hereby permitted is first occupied/commenced, and shall be permanently retained thereafter, in accordance with the agreed details.

- 6) No development shall commence until a scheme showing proposed landscaping, shall be submitted to and approved in writing by the Local Planning Authority. The new planting shall be carried out in the first planting and/or seeding season in accordance with the approved landscaping scheme following the first occupation of the building and shall comply with the requirements specified in BS 3936 (1992) 'Specification of Nursery Stock Part 1 Trees and Shrubs', and in BS 4428 (1989) 'Recommendations for General Landscape Operations'. None of the new trees, plants or shrubs planted shall be lopped or topped within a period of five years from the completion of the development. Any trees, plants or shrubs, which, within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season, in accordance with the approved scheme. The approved landscaping scheme shall be maintained thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellinghouse shall be erected other than those expressly authorised by this permission.
- 8) Before occupation the dwellings shall comply with Building Regulations Optional Requirement Approved Document G2 - Water efficiency (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
- 9) Before occupation, the dwellings shall comply with Building Regulations Optional Requirement Approved Document M4 (1) Category 2: Accessible and adaptable dwellings (2015 edition) and evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

END OF SCHEDULE