



Appeal Decision

Site visit made on 12 November 2019

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2019

Appeal Ref: APP/W5780/W/19/3236167

47 George Lane, South Woodford, London, E18 1LN

- 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 Mr Ying Cheung against the Council of the London Borough of Redbridge.
 - The application ref 1510/19, is dated 2 April 2019.
 - The development proposed is change of use from A5 (hot food takeaways) to A1 (shop). Retain 20 sq metre shop space at the front. Residential use to 1 x One bedroom flat and 1 x three bedroom flat for HMO use (Use Class C4). Two storey side and rear extension wrap around existing rear block (101 sq. metre). Loft conversion with a rear dormer and three front roof lights.
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Decision

1. The appeal is dismissed and planning permission for change of use from A5 (Hot food takeaways) to A1 (Shop). Retain 20 sq metre shop space at the front. Residential use to 1 x One bedroom flat and 1 x three bedroom flat for HMO use (Use Class C4). Two storey side and rear extension wrap around existing rear block (101 sq. metre). Loft conversion with a rear dormer and three front roof lights, is refused.

Preliminary Matter

2. This is an appeal against the failure to give notice of a decision within prescribed timescales. The Council confirmed that, had it made a decision on the planning application that led to this appeal, it would have refused planning permission. It has supplied a list of putative reasons for refusal which I have had regard to in my assessment of this case.

Main Issues

3. The main issues are
 - i) The effect on the living conditions of future occupants with particular regard to the outlook from habitable rooms and the floor to ceiling height at second floor level;
 - ii) The effect on the character and appearance of the host building and surrounding area;
 - iii) The effect on the function and attractiveness of the South Woodford District Centre; and

- iv) Whether or not appropriate arrangements are made for the collection of waste from the ground floor commercial unit.

Reasons

Living conditions

4. The enlarged building would include a void area that effectively comprises an internal lightwell, serving a courtyard at ground floor level.
5. At ground floor level the main windows in the kitchen / dining area and living room would both look directly in to this lightwell. The view would be of another wall a few metres away. The enclosed nature of this space means that limited natural light would reach the affected rooms. Consequently, the poor outlook would give rise to cramped and claustrophobic living conditions in each affected room. These rooms are both habitable living areas, where future occupants of the flat would be likely to spend significant amounts of time.
6. The courtyard area at the foot of the lightwell is not large enough to provide good quality external amenity space. The existence of this outdoor space does not mitigate the harm through poor quality outlook from the rooms that face on to it. Overall, the living conditions in the ground floor flat would be poor.
7. Due to their raised position the equivalent rooms in the upper floor flat would have better natural light and a clearer view of the sky, and in this respect would have an adequate outlook. The room in the extended roof would be used as a bedroom, also providing space for a shower room and walk in wardrobe/study. The head height in this part of the apartment would be limited to 2 metres at most, which is below the requirements set out in the London Plan (2016) and the Nationally Described Space Standard¹. However, most of the accommodation in this flat would be at first floor level and would have an acceptable ceiling height. Overall this would be a large, spacious apartment and the limited height in one of the rooms is not a significant flaw in the proposal. Overall the living conditions in the upper floor flat would be acceptable.
8. However, the poor outlook from windows in the flat at ground floor level mean that the living conditions for future occupants of the proposed residential accommodation would overall be unacceptable. The proposal conflicts with policy LP26 of the adopted London Borough of Redbridge: Redbridge Local Plan 2015-2030 (March 2018) ("Local Plan"), together with policy 3.5 of the London Plan (2016) which seek, amongst other things, to achieve a high standard of accommodation where new housing is proposed.

Character and Appearance

9. The host building falls within a terrace of similar properties beneath a pitched roof. Whilst these properties have been altered and extended considerably below roof level, the pitched roof largely retains its existing form, thus providing visual coherence to the wider terrace. This is apparent in views from the service road to the rear of the property.
10. The proposed roof extension would be set down from the ridge by around 50cm and up from the eaves by around 1 metre. However, it would be a very wide

¹ As defined in the document entitled 'Technical housing standards, nationally described space standard (March 2015, Department for Communities and Local Government')

structure, being set very close to the parapet wall on each side of the site. In this respect, the extension would overwhelm the original pitched roof on this part of the terrace, appearing as an unduly dominant feature. This would detract from the visual coherence of this group of properties, none of which have been altered to such a degree at roof level.

11. Other large roof extensions have been permitted within the Borough, including other properties along George Lane. However, my decision is based on an appraisal of this individual site and its immediate surroundings, with particular reference to the terrace of which the site forms a part. On this occasion there would be unacceptable harm to the character and appearance of both the host building and the surrounding area, due to the size of the roof extension. The proposal conflicts with policy LP26 of the Local Plan, together with policy 7.4 of the London Plan (2016) which require, amongst other things, that new development respects the local character of the area.

South Woodford District Centre.

12. The site falls within the secondary frontage of the South Woodford District Centre. Whilst the existing use of the premises as a hot food takeaway would cease, an active commercial frontage would be retained in the form of a shop facing this busy road.
13. The plans show that the size of the retail unit would be 18.5 sqm. Whilst it is suggested that this unit would be tokenistic, the appellant refers to other examples of similar sized shops around this part of London which provide services such as mobile phone repairs. As noted previously, it would retain its frontage to the main road. These considerations lead me to the view that the new shop is likely to be viable.
14. It is suggested that the existing hot food take away supports the night-time economy. However, as a hot food take away it functions as a peripheral service rather than serving as an attraction in its own right. The replacement shop would also be likely to serve the local economy, supporting the vitality of this town centre. Overall there would be no material harm to the function and attractiveness of the South Woodford District Centre, as a consequence of this proposal. There is no conflict with policy LP10 and LP12 of the Local Plan, nor policy 4.8 of the London Plan (2016) which, amongst other things, seek to promote the vitality and viability of the borough's town centres.

Waste

15. The bin store for the commercial element of the development would be set to the rear of the building, along the service road. As a consequence of the proposed layout, this waste store could not be directly accessed through the building. Future occupants of the shop would need walk around the side of the terrace to the rear service road to get to the external bin store.
16. This would be a short walk of around a minute or so. Given the size of the commercial premises, the amount of waste generated is unlikely to be significant. Future occupants of the shop would be aware of the location of the bin store, which would then inform a decision about the suitability of the premises for their operation.
17. The proposed waste store also faces on to an existing access road, alongside other bins. As such, it should be reasonably accessible to any servicing

vehicles. Overall, appropriate arrangements are therefore made for the storage and collection of commercial waste and in this respect there is no conflict with the requirements of policy LP26 of the Local Plan.

Other Matters

18. The proposal has been designed and sited in a way that would not lead to unacceptable harm to the living conditions of existing residents in the area surrounding the site. However, this is a neutral factor in the overall planning balance.
19. Both parties make reference to other planning policies and supplementary planning guidance in their respective statements of case. However, my conclusions refer to the most relevant development plan policies to the main issues in the appeal.
20. It is argued that the removal of the existing hot food takeaway would improve the residential environment. In some respects the works would improve the appearance of the site particularly by tidying up the rear elevation of the property. The proposal would also provide additional well sized housing on the site, in a sustainable location close to services and public transport links, in addition to a small shop for which there is likely to be a demand. The proposal would therefore make efficient use of land. There is support for this in the National Planning Policy Framework ("the Framework"), which seeks, amongst other things, to deliver a sufficient supply of homes, together with other policies in the Local Plan and the London Plan².
21. However, the concerns set out in the first two main issues of this appeal mean that, overall, the proposal would not achieve a well-designed place, which is another objective of the Framework. I attach substantial weight to the harm that would arise, in this respect. Overall, the considerations that weigh in favour of the development do not outweigh the harm identified. The proposal conflicts with the development plan and the presumption in favour of sustainable development, as set out in the Framework, does not apply.

Conclusion

22. The proposal would not lead to harm to the function and attractiveness of the South Woodford District Shopping Centre, and the arrangements for commercial waste storage are adequate. However, there would be unacceptable harm to the character and appearance of the area and to the living conditions of future occupants, with particular regard to outlook. The proposal conflicts with the development plan and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR

² As cited by the appellant in the appeal statement.