



Appeal Decision

Site visit made on 17 December 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2019

Appeal Ref: APP/W5780/W/19/3237639

Land at rear of 1 Purley Close, Clayhall, Ilford, Essex IG5 0TP

- 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 Jaspreet Singh against the decision of the Council of the London Borough of Redbridge.
- The application Ref 1755/19, dated 23 April 2019, was refused by notice dated 15 July 2019.

The development proposed is described as 'demolition of existing timber out-building, sub-division of garden to create plot at rear. New two-bedroom bungalow, with associated parking, adjacent to boundary with No. 3 Purley Close'.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal form and the Council's decision notice give the site address as 1 Purley Close. However, the submitted location plan does not include the existing dwelling at 1 Purley Close within the red line boundary of the appeal site. The address as described on the application form more accurately reflects the site, and I have therefore used this in the banner heading above.

Main Issues

3. The main issues in this appeal are:
 - i) the effect of the proposed development on the character and appearance of the area;
 - ii) whether or not the proposed development would provide acceptable living conditions for occupiers of the proposed dwelling with particular regard to outlook and the provision of amenity space;
 - iii) the effect of the proposed development on the living conditions of the occupiers of 1 Purley Close with particular regard to outlook; and
 - iv) the effect of the proposed development on pedestrian and highway safety.

Reasons

Character and Appearance

4. The appeal site forms part of the rear garden of 1 Purley Close, a two-storey semi-detached dwelling on a corner plot at the junction of Purley Close with Berkeley Avenue. The site includes soft landscaping, a flat-roofed outbuilding,

- and an area of hardstanding. There is a gated access to the site which is served by a crossover from Purley Close, while fencing marks the remainder of the boundary to the garden at the side of 1 Purley Close with the street.
5. This part of Purley Close is a cul-de-sac accommodating a mixture of bungalows and two-storey dwellings. These are predominantly semi-detached, although 4a Purley Close opposite the appeal site is a detached bungalow. In some cases, dwellings extend out to their flank boundaries, but this is generally at single storey level and views of the relatively generous garden backdrops remain in the space between the upper parts of buildings.
 6. The dwelling at 1 Purley Close is set at an angle to Purley Close, facing the junction with Berkeley Avenue. Its rear garden wraps around to the side and rear of the dwelling and provides for a break in built form along the street scene of Purley Close, although the rear of buildings on Berkeley Avenue and Dunspring Lane are visible across the garden. The development would reduce the gap present between the dwellings at 1 and 3 Purley Close. However, spacing between 1 Purley Close and the proposed dwelling would remain, providing appreciable visual separation as seen from the street scene. The dwelling would also be set off the boundary with 3 Purley Close, and the relatively modest height and width of the dwelling and proposed hipped roof design would reduce its visual impact.
 7. The outbuilding currently on the site is already apparent from Purley Close. In conjunction with the boundary treatment along the street and the views across the appeal site onto existing buildings, this reduces the contribution of the site to any overall sense of space or openness in the area. Moreover, there is a similar relationship and spacing between 2, 4a and 4 Purley Close opposite the site. Taking these factors together, I find that the presence of the proposed dwelling would not result in an uncharacteristic arrangement or the loss of openness that is a distinctive feature of the street scene.
 8. With regard to the design of the proposed dwelling, it would be of modest scale and would be comparable in height to the adjacent dwelling at 3 Purley Close. It would be set at an angle to the flank of 1 Purley Close and the front of 3 Purley Close, but would not project significantly closer to the street than these neighbours so as to disrupt the overall building line. The hipped roof form, front bay and gable projection and rendered finish would also reflect design features common to Purley Close. Overall, the dwelling's appearance would therefore be sympathetic in the street scene.
 9. However, the rear garden for the proposed dwelling would be of significantly reduced depth and overall area in comparison to the rear gardens to other dwellings nearby. While I acknowledge that there is some variation in the size and shape of other gardens the proposed development would nevertheless be at odds with the generous rear gardens which are typical. In addition, space to the sides of the dwelling would be fairly modest. This would not be significantly at odds with that to the sides of other dwellings nearby, but with the limited size and depth of the rear garden, the dwelling would appear cramped and uncomfortable in relation to its plot and this would be to the detriment of the character and appearance of the area.
 10. I note that the proposed garden would be similar in depth to that of 4a Purley Close at its maximum. However, that garden does not notably reduce in depth along the width of the rear boundary as is the case on the appeal site, and

indeed it widens towards the rear increasing its overall size. It does not therefore offer a direct comparison to the appeal proposal. The appellant has also referred to the dwelling to the rear of 82 Dunspring Lane, advising that it was allowed on appeal¹. While space around this dwelling appears relatively limited, it is not part of the street scene of Purley Close or the character of the immediate surroundings of the appeal site. Furthermore, I have not been provided with full details and so I cannot be certain that the considerations relevant in that case would be comparable to the development now before me. In any event, I have considered the current appeal on its own merits

11. I therefore conclude on this main issue that overall, the proposed development would cause unacceptable harm to the character and appearance of the area. Accordingly, the proposal would conflict with Policies LP26 and LP29 of the Redbridge Local Plan 2018 (RLP) and Policies 7.4 and 7.6 of the London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (LP). Together, these broadly require development of good design and architecture that respects and is integrated with the form, function, structure and local character of the area and which reinforces positive and distinctive local character.

Living Conditions – Future Occupiers

12. There is no disagreement between the main parties that the proposed dwelling would meet standards for internal floorspace referred to within RLP Policy LP29 and LP Policy 3.5. However, there remains a requirement within LP Policy 3.5 that development offers high quality internal space, and that new homes are functional and fit for purpose.
13. The proposed dwelling would have two bedrooms, each served by a set of bi-fold doors. These would face onto the proposed garden, but given its limited depth they would be set close to the rear boundary of the site. The proposed dwelling would have glazing to the front and rear elevations so would not be considered a single aspect dwelling, but the only opportunity for outlook from the bedrooms would be to the rear.
14. Although the upper parts of the glazing are shown to be higher than the proposed fencing at the rear of the site, the proximity to the boundary is such that it would nevertheless severely limit outlook and result in an oppressive sense of enclosure. This would cause unacceptable harm to the living conditions of future occupiers, and the effect would be particularly acute in the case of Bedroom 1 where the splayed boundary of the site reduces the spacing available to the boundary. I note that the appellant has suggested obscure glazed windows could be added to the flanks of the dwelling, but this would not overcome the harm which arises from the poor outlook to the bedrooms.
15. Turning to consider the provision of external amenity space, the Council indicate that the proposed dwelling would have a rear amenity space of 35.5sqm and this has not been disputed by the appellant. This would fall some way short of the 50sqm private amenity space which RLP Policy LP29 advises would be required to ensure provision of amenity space of an appropriate scale to maximise usability and to be of a functional and practical configuration to enable a range of reasonable activities.

¹ Appeal reference APP/W5780/A/09/2109216

16. I have found no convincing evidence to demonstrate that the proposed garden would address these requirements so as not to cause harm to the living conditions of future occupiers. While I note that lower standards indicated by the LP may be met, these are expressed as minimum standards and there is nothing that leads me to conclude that there are material considerations to indicate the adopted standards within the RLP should be relaxed or set aside in this case.
17. I therefore conclude on this main issue that the poor outlook from the bedrooms of the proposed dwelling and lack of external amenity space would result in unacceptable living conditions for future occupiers. As such, the proposal would conflict with RLP Policy LP29 and Policy 3.5 of the LP which require high quality internal and external space to meet the needs of occupiers

Living Conditions – Neighbouring Occupiers

18. The proposed development would reduce the garden available to serve 1 Purley Close, although having regard to the space that would remain to the side and rear of this dwelling, I see no reason to disagree with the Council that the reduction would not be harmful to occupiers. Notwithstanding this, the proposed dwelling would extend along the majority of the width of the garden to the rear of 1 Purley Close. It would be positioned at an angle so that the separation to the rear of 1 Purley Close would increase towards the rear of the proposed dwelling. However, the dwelling would be set close to the boundary, and the separation to 1 Purley Close would be relatively limited.
19. The dwelling would be single storey, but its depth means that despite the hipped form, the roof would add considerable bulk as viewed from 1 Purley Close. The position of the development in relation to the rear elevation of 1 Purley Close and its scale mean that there would be little opportunity for an open aspect from windows to the rear of this dwelling either around the front or rear of the proposed development. Together with the height, depth, bulk and proximity of the dwelling, the proposal would therefore result in a dominant and intrusive feature. It would significantly affect outlook from windows to the rear of 1 Purley Close, particularly at ground floor level and would be overbearing.
20. I therefore conclude on this main issue that the development would be overbearing and would cause unacceptable harm to the living conditions of occupiers of 1 Purley Close. As a result, there would be conflict with RLP Policy LP26 and LP Policy 7.6 which include, amongst other things, requirements that development does not result in unacceptable harm to the amenity of neighbouring occupiers.

Pedestrian and Highway Safety

21. The development includes parking for 2 vehicles to the front of the proposed dwelling and I have found nothing in the evidence before me to suggest that this would be insufficient to meet the proposed dwelling's needs or that it would not be possible to provide sufficient cycle parking on the site. There would be some increase in the width of the existing crossover to provide access to the proposed parking. However, the footway past the access serves a relatively low number of dwellings within this part of Purley Close. The crossover would continue to serve a single dwelling and I have found no compelling evidence to show how the proposed widening of the crossover

would result in additional conflict with pedestrians. I therefore see no reason that the development would be likely to cause unacceptable harm to the safety of pedestrians or other users of the highway in this regard.

22. In respect of parking provision for 1 Purley Close, the Council's report on the application suggests that the outbuilding currently on the appeal site is a garage. However, there are no openings suitable to allow access to this building by vehicles. Nevertheless, there is existing hardstanding on the site, and while not actively in use for parking at the time of my visit, the application form indicates that this provides 2 parking spaces.
23. This parking would no longer be available to 1 Purley Close following the proposed development, but since the Council refused planning permission, a dropped kerb access has been implemented to the front of this dwelling. This serves a driveway and offsets the loss of parking to the rear of the site. Sufficient parking would therefore remain to meet the needs of 1 Purley Close.
24. I therefore conclude on this main issue that the development would make suitable provision for parking and there would not be harm to pedestrian or highway safety. Given this, I find no conflict with Policy LP23 of the RLP which requires provision for sufficient cycle and car parking.

Other Matters

25. I note the appellant advises that there was no contact from the Council to arrange a site visit or to discuss concerns with the application prior to determination but this is not a matter which affects my consideration of the planning merits of the case.
26. The proposal would make efficient use of the site which is supported by the National Planning Policy Framework, and would provide an additional two-bedroom dwelling which would help to meet identified demand in the area. While these would be benefits of the development, they do not however justify the harm that I have identified, and neither does the lack of objections to the proposal from neighbours.
27. The Council advise that the appeal site lies within 10km of the Epping Forest Special Area of Conservation (EFSAC) Zone of Influence. EFSAC is a European site which is subject to statutory protection under the Conservation of Species Regulations 2017. However, as I am dismissing the appeal for other reasons, it has not been necessary for me to consider this matter further.

Conclusion

28. I have found no harm to highway or pedestrian safety. Nevertheless, the proposal would cause unacceptable harm to the character and appearance of the area, to the living conditions of the occupiers of 1 Purley Close, and to the living conditions of future occupiers of the proposed dwelling. The proposal would therefore be contrary to the development plan as a whole, and for the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR