



Appeal Decision

Site visit made on 7 October 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 16th January 2020

Appeal Ref: APP/W5780/W/19/3233462

98 Snakes Lane East, Woodford Green IG8 7HX

- 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 R Hopkins, Foxstone Estates Limited against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1930/19, dated 3 May 2019, was refused by notice dated 28 June 2019.
 - The development proposed is for the self-containment of existing first floor flat involving new staircase and internal alterations together with erection of a two-storey structure within the rear yard to facilitate one additional self-contained residential unit.
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Decision

1. The appeal is dismissed

Procedural Matters

2. It was evident from the site visit that there are discrepancies with the submitted plans for the existing layout of flat No 98A. A rear access stairway to No 98A is now present. This leads to a new door and window on the first floor. However, these inconsistencies do not impact on my consideration of this appeal, as the proposals are still clear.
3. The correct numbering of the adjoining neighbouring residential property is No 100A and not No 100 as referenced by the Local Planning Authority (LPA).

Main Issues

4. The main issue is whether or not there would be an adverse effect on the living conditions of:
 - a) the occupiers of the adjoining properties of Snakes Lane East, due to a loss of outlook and light; and
 - b) the future occupiers of the proposed property in relation to private external recreational space and outlook.

Reasons

5. The appeal site is attached to the rear of No 98 Snakes Lane East. This is a two-storey building consisting of a ground floor shop unit and No 98A, a first floor residential flat, which both front onto Snakes Lane East. The rear of this area of Snakes Lane East consists of a mixture of residential and commercial

units, forming a staggered building line. These properties back onto a private access road which leads on to Prospect Road.

6. The proposal involves the construction of a self-contained, two-storey, one-bedroom residential unit in the existing rear yard of No 98 and located to the rear of flat No 98A. The existing rear access to 98A would be retained by creating a ground floor passageway beneath and to the side of the first floor of the proposed flat.
7. The new dwelling would be set back from the service road to allow an area of outdoor amenity space on the ground floor. This area would be accessed by double doors from the ground floor bedroom. A metal mesh privacy screen would be constructed around this outdoor space to resolve the issue of privacy.
8. Works would also be required to No 98A in order to accommodate construction of this new flat. This would involve reconfiguring the rooms within No 98A and construction of an external stairway up to this property, which is also within the appellant's ownership.
9. I acknowledge that the internal alterations and self-containment of No 98A, may not require planning permission. However, they do form part of the original planning application, and therefore they are before me in this appeal.

a) Living Conditions of the Occupiers of the Adjoining Properties

10. The bedroom window of No 98A would look directly onto the rear wall of the proposed dwelling, in extremely close proximity. This would cause an unacceptable impact on the outlook from this room. I acknowledge that the outlook from this window is already adversely affected by the existing rear projections on either side. However, this would not justify loss of almost all outlook to the occupiers of this room due to this development.
11. Moreover, the revised configuration of the existing flat would considerably reduce the quality of the living conditions for the occupants. The kitchen would have little outlook and light levels would be reduced due to a single window with obscure glazing facing directly onto the side wall of No 100A.
12. Furthermore, the sense of enclosure would also be apparent to the occupants of No 100A. As their existing outlook from their bedroom window, would be partially obstructed by the rear and side walls of the first floor of the proposed development.
13. However, the living conditions of the occupants of No 96A would not be unacceptably affected by this development. This property would still have a considerable outlook to the side of the new flat, due to the separation distance between the proposed flat and the window of No 96A.

b) Living Conditions of the Future Occupiers of the Proposed Property

14. The area of private outdoor space would fall short of the required minimum standards set out in policy LP 29 of the Local Plan¹. This requires 5sqm of private outdoor space, for a 1-2-person flatted development; this development would only provide 4.6sqm.

¹ Redbridge Local Plan 2015 – 2030, March 2018.

15. Furthermore, the proposed privacy screen would result in an unacceptable enclosing effect. This would dominate this narrow area of private recreational space, providing little outlook for the future occupiers of this single aspect bedroom. This would be further exacerbated by the northerly orientation of this window.
16. I also consider that the provision of planting to enhance the outlook, as proposed by the appellant, would not provide a suitable solution to this issue. Planting would reduce the actual area of usable outdoor space and further obscure the outlook for the future occupiers of this proposed dwelling.
17. The appellant states that the adjacent properties do not have outdoor amenity space but have the facilities at Ray Park. However, I noted that Nos 96A and 100A had roof terraces, which could be used as outdoor space. Furthermore, Ray Park is not in close proximity and would require a minimum of a 5-minute walk. In addition, the park would not provide private outdoor amenity space.
18. I have taken into consideration that the construction of one dwelling would bring some economic and social benefits. These include construction jobs, increased local spend and a new home boosting the supply of housing. However, these are extremely modest due to the small scale of the development and do not outweigh the harm that I have identified.
19. I therefore conclude that this development would fail to comply with policies LP26 and LP29 of the Local Plan, policies 3.5, 7.4 and 7.6 of the London Plan², and the London Plan Housing Supplementary Planning Guidance³. Together these require that development does not negatively impact on the living conditions of neighbouring occupiers and should provide high quality external private space, which complies with minimum space standards.

Other Matters

20. The appellant references the lack of objections from neighbours. However, this does not justify the harm I have identified or alter my decision.
21. The LPA have mentioned a new issue which was not originally cited as a reason for refusal. This relates to concern over the viability and practicality of the provision of cycle parking. I consider that the Council have raised a valid point here. Nevertheless, I feel that this issue could be resolved with the condition already proposed by the LPA, which relates to details of secure cycle spaces. The appellant has not raised any objection to the proposed conditions in their final statement of case.

Conclusion

22. Notwithstanding this, and for the reasons detailed above I conclude the appeal should be dismissed.

D Hilton-Brown

INSPECTOR

² The London Plan, The Spatial Development Strategy for London Consolidated with Alterations Since 2011. March 2011.

³ London Plan 2016 Implementation Framework, Housing Supplementary Planning Guidance, March 2016.