



Appeal Decision

Site visit made on 10 December 2019

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2020

Appeal Ref: APP/W5780/W/19/3236394

32 Aragon Drive, Ilford, Essex IG6 2TS

- 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 Harry Walker against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4560/18, dated 9 January 2019, was refused by notice dated 22 August 2019.
 - The development proposed is the construction of a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether or not satisfactory living conditions would be provided for future occupants, with particular regard to outlook; and
 - the effect of the proposal on highway safety.

Reasons

Character and Appearance

3. The appeal site is located in a residential area on the corner of Aragon Drive and Montfort Gardens. It accommodates a two storey, semi-detached, property which fronts Aragon Drive with a rear garden that extends along Montfort Gardens. At the back of this garden are a number of sheds and a car port. An existing dropped kerb provides access to this car port from Montfort Gardens. Both Aragon Drive and Montfort Gardens are mainly characterised by two storey, semi-detached, dwellings set behind relatively small front gardens with larger gardens to the rear. This common layout gives the spatial pattern of properties in these streets a sense of rhythm and uniformity.
4. The proposal has been revised during the Council's determination and seeks planning permission to subdivide the existing plot and construct a detached, single storey, dwelling. This would be positioned at the end of the rear garden following the removal of the existing sheds and car port. The proposed dwelling would be set back from the carriageway and trees in the rear gardens of neighbouring properties would be visible above it. Nevertheless, sited to the

rear of an existing dwelling, close to its rear boundary and one of its side boundaries with only a small garden area to its side, the proposal's layout would be markedly different to that of nearby properties. It would therefore disrupt their rhythm and uniformity. In this context, I also consider that the proposal would appear unduly cramped upon its plot in relation to its size.

5. Furthermore, the proposed dwelling would be notably smaller in height compared to surrounding properties. This would reinforce its incongruity with them. Taking this, and all of the above into account, I am not persuaded that the scheme would enhance the appearance of the site. On the contrary, it would introduce an inappropriate feature to it that would fail to integrate effectively with the spatial pattern and character of surrounding built form. Given that the proposed dwelling would be taller and more substantial than the existing outbuildings, and that the large gates adjacent to the dropped kerb would be removed, its harmful impact would be readily apparent from the public domain. Such harm would not be sufficiently mitigated through the use of appropriate materials and additional planting.
6. I appreciate that the proposal would incorporate similar fenestration to that at nearby properties. However, the entrance porch and large bay window would occupy a large proportion of its principal elevation. In my view, these features would draw the eye to the proposal's discordant height and would emphasise its cramped appearance. This is therefore not a reason to set aside the identified harm.
7. The appellant states that there are similar developments to that proposed within the surrounding area and refers specifically to No 7 Tudor Crescent. However, in the absence of details about when or how such developments were assessed, they carry little weight in my assessment of the appeal scheme. I also note that a single storey garage has been previously granted¹ at the appeal site. Nonetheless, this would be an ancillary residential structure and would not subdivide the plot. Its impact on the character of the area would therefore be wholly different and less harmful compared to the appeal proposal. I have no evidence to show that this previously approved scheme is extant and, in any event, it is not directly comparable to the appeal proposal, which I have assessed on its own individual planning merits.
8. For the reasons given, I conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with Policy LP26 of the Redbridge Local Plan (LP) and Policies 7.4 and 7.6 of the London Plan. Amongst other things, these seek to ensure that developments have regard to the form and structure of the area and are high quality with a composition and scale that enhances the public realm.

Living Conditions

9. The window serving the bedroom would not be obscure glazed and, on balance, it would be a sufficient distance from the site's side boundary. I therefore find that there would be an acceptable outlook from this room. This would also be true for the lounge area. However, the rear window serving the kitchen would be closer to the boundary treatment at the site compared to the bedroom window. It would also appear to be obscure glazed. Even if this window were to be clear glazed, I find that its proximity to the rear boundary would afford an

¹ Ref. 3073/08

unduly enclosed outlook from the kitchen. This is so even though this room would also benefit from a rooflight.

10. For this reason, I conclude that the proposal would not afford satisfactory living conditions for future occupants in terms of outlook. It would therefore conflict with Policy LP29 of the LP and Policy 3.5 of the London Plan insofar as they seek to ensure that new housing developments are of the highest quality internally and maximise outlook.

Highway Safety

11. The proposal would be accessed via the existing dropped kerb to Montfort Gardens which, on the evidence before me, would be widened to approximately 7.4 metres. The appellant has not provided visibility splays for this widened access. Consequently, I cannot be certain that vehicles exiting the proposal would have suitable visibility of pedestrians on the adjacent footway. This is particularly so given that a wall of approximately 2 metres in height bounds the rear garden of the appeal site up to the proposed access.
12. In addition, the widening of the dropped kerb would appear to require the relocation of an existing street light. No information has been provided as to whether or not the Highway Authority would consider this acceptable. I therefore cannot be certain that this item of street furniture could be appropriately relocated to suitably light the carriageway. This reinforces my concerns in terms of highway safety. Under these circumstances, I also do not consider it reasonable to impose a condition requiring a scheme showing appropriate visibility splays, with regard to the tests at paragraph 55 of the National Planning Policy Framework (the Framework).
13. For the reasons given, I conclude that the proposal would adversely affect highway safety. It would therefore conflict with the objectives of the Framework insofar as it seeks to prevent developments which would have an unacceptable impact on highway safety. I have also been referred to Policy LP23 of the LP. However, this deals with the quantum of vehicle and cycle parking spaces and is not relevant to this main issue.

Other Matters

14. I appreciate that the proposal would assist with the health of one of the appellant's family members and, in the future, would provide an affordable housing option for the younger generation of his family. However, I do not consider that these personal circumstances are a justification for permitting a development that would not meet the requirements of the development plan in the manner identified.
15. I note that the Council took a considerable amount of time to determine the planning application. Whilst I sympathise with the appellant in this respect, any concerns regarding due process during the processing of the planning application fall outside of the remit of this decision.
16. Although not within its reason for refusal, it would appear that the Council has concerns with regard to the impact of the proposal on the living conditions of future occupants in terms of privacy. However, as I am dismissing the appeal for other substantive reasons, I have not taken this matter further as it is not determinative to my decision.

Planning Balance

17. The Government is seeking to significantly boost the supply of housing. However, the proposal for a single dwelling would make only a minimal contribution to the Council's housing stock. Similarly, the economic benefits of the proposal would also be minimal and would primarily relate to short-term employment during the construction period. In this context, I give limited weight to these social and economic benefits.
18. The proposal would be acceptable in some respects. For example, it would not significantly harm the living conditions at nearby properties in terms of access to daylight and privacy and would be acceptable in terms of drainage. However, these are requirements of the development plan and are therefore neutral factors in the overall balance.
19. On the other hand, the scheme would result in harm to the character and appearance of the area and would fail to afford suitable living conditions for future occupants in terms of outlook. I also cannot be certain that it would not adversely impact upon highway safety. These are matters which collectively attract significant weight.
20. In my view, the adverse effects would outweigh the benefits associated with the provision of one dwelling. The proposal conflicts with the development plan and there are no material considerations, including the advice of the Framework, which outweigh this conflict.

Conclusion

21. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

M Heron

INSPECTOR