
Appeal Decision

Site visit made on 28 January 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/W5780/W/19/3240218

Land rear of 50-52 Oaks Lane, Newbury Park, Ilford IG2 7PW

- 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 Yaso Tharan Markandu against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3343/18, dated 23 August 2018, was refused by notice dated 26 April 2019.
 - The development proposed is erection of detached two storey dwelling with associated parking and amenity space provision.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The present appeal scheme follows a previous appeal at the site for a 2 storey 2-bedroom house, which was dismissed on 14 November 2017 (Ref APP/W5780/W/17/3180502). The Council has referred to this previous appeal in the officer's report and their appeal statement. I requested copies of the appeal decision and the plans from the Council. As the appellant had not referred to the previous appeal in their submissions, I invited additional comments.
3. Whilst I have considered the present appeal on the merits of the case, I must give the previous Inspector's findings significant weight insofar as they are relevant to the matters in dispute.

Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the living conditions of occupiers of neighbouring properties, with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site is located in a predominantly residential area. The prevailing form of development consists of pairs of semi-detached houses interspersed with occasional short terrace of houses. The area has a degree of openness and spaciousness due to the regular spacing between the pairs of dwellings and the short terraces. In particular, it is a feature of the area that the properties adjacent to road junctions, such as the appeal site, contribute to the spacious

character as they provide breathing space between streets. This is due to the open aspect provided by their rear gardens.

6. In dismissing the previous appeal, the Inspector found that the proposed detached dwelling, located within the rear garden area of Nos 50 & 52 Oaks Lane, would sit incongruously at odds with the prevailing pattern of development. Furthermore, he stated that detached dwellings are not typical of the surrounding area; nor are substantial buildings in prominent positions within the rear gardens of properties that turn the corner from one street to another.
7. In comparison to the previous appeal, the present appeal scheme proposes a narrower but deeper detached dwelling; and the gabled roof has been replaced by a hipped roof. These design alterations would result in an increase in the gap between the proposed detached dwelling and the rear of Nos 50 & 52, however it would amount to a modest increase. In this respect, I find that the appeal scheme would not overcome the concerns raised by the previous Inspector.
8. The proposal would still consist of a detached dwelling located within the rear garden of Nos 50 & 52, which would sit incongruously at odds with the prevailing pattern of development in the area. It would significantly diminish the space between the rear of Nos 50 & 52 and the flank elevation of No 1 Mendip Road. This would erode the breathing space between Oaks Lane and Mendip Road, which would harm the spacious character of the area.
9. For the above reasons, I conclude that the proposed development would fail to respect the character and appearance of the area. The proposal would therefore be contrary to Policies LP7 and LP26 of the Redbridge Local Plan 2015 – 2030 (the RLP), which, amongst other things, seek high quality design and development that respects local character; makes a positive architectural and urban design contribution to its context and location; and, respects the existing layout of buildings, surrounding streets, open spaces and patterns of development.

Living conditions

10. The appeal site includes the rear gardens of both Nos 50 & 52. There are outbuildings positioned along the northern boundary with No 54 and elsewhere within the appeal site, including a detached garage at the rear of the site.
11. In respect of the previous appeal, the Inspector noted that the proposed 2 storey dwelling would be taller than the existing single storey structures. He found that in the context of the prevailing pattern of development, a substantial wall at less than 10 metres from the rear of No 50 would have a dominating and overbearing presence at the rear of No 50. Furthermore, he commented that whilst No 52 is slightly offset from the proposed dwelling's flank wall, No 52 has previously been extended at the rear. As a consequence, the proposed dwelling would be a significant physical feature at the rear of No 52. The Inspector concluded in both instances that the proposal would be harmful to the living conditions of the occupiers of Nos 50 & 52 in terms of outlook.
12. As set out above, the dwelling proposed in the present appeal scheme would be narrower than the previous appeal. The proposed site plan shows that the

proposed dwelling would be around 12.7 metres from the rear elevation of No 50. I have also had regard to the change in the form of the main roof from front and rear gables to a hipped roof. In comparison to the previous appeal, this would reduce the roof bulk of the proposed dwelling.

13. Whilst the proposed dwelling would be further from the rear of No 50 than the previous appeal, and its main roof would be less bulky, the length of the flank wall has been increased from around 5.9 metres to approximately 7.9 metres. The proposed dwelling would therefore have a much greater expanse of solid featureless wall adjacent to the rear of No 50. Given that the proposed dwelling would be only approximately 12.7 metres distant from the rear of No 50, this would have a dominating and overbearing presence in relation to the neighbouring property.
14. The present appeal scheme proposes to demolish the single storey rear extension at No 52. This would increase the distance between the rear elevation of No 52 and the flank elevation of the proposed dwelling. Nevertheless, in comparison to the previous appeal, the increased depth of the proposed dwelling would make the rear elevation of No 52 less offset from its flank wall. The proposed dwelling would therefore be a significant physical feature at the rear of the property.
15. Having regard to the above, the proposed development would cause a significant loss of outlook to the rear of Nos 50 & 52. In these respects, the proposal has not overcome the concerns that led to the dismissal of the previous appeal.
16. I have not been presented with any specific guidance or policies which set out the minimum separation distances between dwellings. However, for the reasons set out above, I find that the proposal would cause a significant loss of outlook to Nos 50 & 52.
17. I therefore conclude that the proposed development would be harmful to the living conditions of the occupiers of Nos 50 & 52 Oaks Lane in respect of loss of outlook. The proposal would therefore be contrary to Policies LP7 and LP26 of the RLP, which, amongst other things, require that development does not result in an adverse impact upon the amenity of neighbouring occupiers. It would also conflict with paragraph 127 of the National Planning Policy Framework, which states, amongst other things, that development should create places that provide a high standard of amenity for existing and future users.

Conclusion

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

C Osgathorp

INSPECTOR