
Appeal Decision

Site visit made on 21 January 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/W5780/W/19/3240073

7 Gaysham Avenue, Gants Hill, Ilford IG2 6TH

- 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 Salim Sonuch against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1289/19, dated 18 March 2019, was refused by notice dated 13 May 2019.
 - The development proposed is change of use from residential (use class C3) to a children's day nursery (use class D1), double storey rear and side extension including garage conversion to form an office.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on 1) supply and choice of residential properties having regard to the provisions of the development plan 2) the character and appearance of the area 3) the living conditions of occupants of surrounding properties, and 4) highway safety with regard to parking.

Reasons

Supply and choice of residential properties

3. The appeal site comprises a two-storey semi-detached dwelling.
4. Policy LP2 of the Redbridge Local Plan (2018) outlines that one of the ways in which the Council will deliver housing growth is by resisting the net loss of residential accommodation. The Council comment that this is particularly applicable to the loss of family housing in order to maintain a balanced housing stock which reflects the overall need of the Borough.
5. I note the appellant's comments that planning applications for changes of use from family dwellings have been few and that the vast majority of dwellings in the area remain in single family use. However, one may equally make the opposing interpretation of this view that the lack of planning applications resulting in the loss of a family dwelling point towards the robustness of the policy. Furthermore, whilst the loss of one dwelling might be insignificant on its

own, a cumulative impact of such incremental changes could have significant effects.

6. The appellant refers to the supporting text of Policy LP2 which outlines that the Borough has sufficient capacity to meet and exceed its minimum housing target whilst also closing the gap to its objectively assessed housing need. This supporting text must be read in the context of the Policy to which it relates. The ability of the Council to meet and exceed its minimum housing target will include the measures outlined in Policy LP2 about how the Council will deliver housing growth, one of which is by resisting the net loss of residential accommodation. Therefore, the supporting text does not provide reasoned justification to depart from the development plan.
7. I conclude that the change of use of the premises would result in the loss of residential accommodation, unacceptably harming the supply and choice of residential properties in the Borough, contrary to the aims of policy LP2 of the Redbridge Local Plan (2018).

Character and appearance

8. The appeal property, which is one half of a semi-detached pair is characterised by its hipped roofs. The proposed building up of the gable on the side and the addition of the gabled roof on the proposed side extension would add excessive bulk and mass to the dwelling and would spoil the symmetry of the pair of semi's. I accept that there are some other properties in the area that have had hip to gable extensions, but these do not provide a justification for further harm.
9. Although the proposed two storey side extension would be set back from the front building line and would sit below the ridge of the main part of the property, its width when combined with altering the roof from hipped to pitched results in the extension elongating the property. For these reasons, it does not appear subordinate or sit comfortably in the street-scene.
10. The side extension would leave a 1m gap from the side boundary of the appeal site. Due to the siting of the development, on a prominent corner projecting forward from the building line of properties on Roll Gardens, and its scale, I find that this gap would not be sufficient to prevent the development from appearing intrusive and highly prominent in the street-scene.
11. At the rear the proposal incorporates a combination of hipped roofed, flat roofed and pitched roofed elements. Due to the mixture of styles, the resulting appearance would lack visual cohesion. Overall, the extension would appear uncharacteristically wide in comparison to the host dwelling and surrounding properties.
12. I therefore conclude that the proposal would have an unacceptable impact on the character and appearance of the area. It would be contrary to Policies LP26 and LP30 of the Redbridge Local Plan (2018) which seek to deliver high quality design in all development within the borough, and refuse development of poor design, that does not take available opportunities to improve an area's character and quality. These policies also require that extensions such as this, complement the character of the building, particularly in terms of scale, style and form; are subordinate to the existing building in terms of size, scale or

height; incorporate a roof profile sympathetic to the existing building; and maintain or improve the appearance of the locality or street-scene.

Living conditions

13. The Council, in the Officer Report, consider that due to high levels of noise, disturbance, and general pedestrian and vehicular activity associated with the proposed use, given that the children would be expected to use the rear garden during the day, the proposal would harm the living conditions of surrounding residents.
14. A noise impact assessment was submitted with the application. The Council outline that the survey, which was based on historical noise measurements of a similar nursery, concludes that the proposed nursery is predicted to meet appropriate/reasonable guidance and relevant noise criteria.
15. I find that, given the number of children that would attend the nursery has not been provided, the noise survey, which is based on a different site has limited weight. I find that the proposal due to the numbers of comings and goings, including by vehicles, combined with the proposed use of the appeal property, particularly the outdoor areas, would generate noise and disturbance that would have a harmful impact on the living conditions of surrounding residents.
16. In relation to the proposed extensions, the Council do not object to the depth of the proposed rear extension. In relation to the side extension, I have considered its impact on the character and appearance of the area above. I find that as Roll Gardens runs almost perpendicular to the street on which the appeal site is located, none of the properties face directly onto the appeal site or would face directly onto the proposed extension. Due to this reason, and combined with the distance from the extension, there would be no adverse effect upon the outlook from these dwellings.
17. I therefore conclude that the proposal would cause unacceptable harm to the living conditions of surrounding residents in terms of noise and disturbance. It would be contrary to Policy LP26 of the Redbridge Local Plan (2018) which requires, amongst other things, that development does not result in an adverse impact upon the amenity of neighbouring occupiers in relation to noise.

Highway safety

18. The appeal property is located on a corner junction of Gaysham Avenue and Roll Gardens. The streets in the immediate vicinity have a combination of double or single yellow lines. There are also on-street parking bays. Most properties in the surrounding area have off-street parking in the form of driveways. The application form and the proposed plan outline that the proposed use would include 7 off-street parking spaces. The appellant's statement however, outlines that 8 parking spaces would be provided. I have taken the number of spaces proposed from the application form and the proposed plan.
19. The Council have commented that 5 of the parking spaces are illegal as they do not benefit from a crossover and there are yellow lines. In this regard, the Council appear to be commenting on the existing situation rather than the proposed. In any event, notwithstanding the effect of the proposal on highway safety, it is not for me to determine the legality of these spaces. On my visit I observed that some of those proposed were in existence and in use.

20. The submission outlines that 13 members of staff would work at the nursery (10 full time, 3 part time). The submission does not provide any information in relation to the number of children that would attend the nursery. I consider that such information would be essential in considering, amongst other things, the highways impact of the development. There is also no information in relation to drop-off and pick-up arrangements or any surveys to examine if there is capacity available for parents and carers to park. Due to the age of the children attending the day nursery, parents or carers would be required to accompany them in and out of the building for pick-up and drop-off. The result is that vehicles would be parked on the highway, particularly if the proposed parking is taken up by staff or other parents and carers. Despite the presence of parking restrictions around the site in the form of double and single yellow lines, as pick-up and drop-off would likely be for a short length of time, parents and carers are more likely to park indiscriminately in close proximity to the site. Individually, this may not cause harm, however collectively combined with the numbers of pick-ups and drop-offs throughout the day, particularly at peak times, this could lead to conditions that would be detrimental to highway safety.
21. Although the site has a moderate PTAL rating of 3, I find that this would not overcome the highway safety concerns I have identified. The appellant comments that the parking spaces that would be provided meet the operational needs of the development. Without any form of Transport Statement or information in relation to numbers of children, pick-up and drop-off, I can not make the same conclusion with regard to parking numbers.
22. Without any evidence to the contrary, I therefore conclude that there is an unacceptable risk that the proposal would cause unacceptable harm to highway safety with regard to parking. It would be contrary to Policies LP22 and LP23 of the Redbridge Local Plan (2018) which seek, amongst other things, to resist new development that results in an unacceptable adverse impact on traffic congestion unless it incorporates effective mitigation measures, and ensure appropriate levels of parking is made available for all developments.

Other Matters

23. The appellant refers to Policy LP17 of the Local Plan which is concerned with delivering community infrastructure. The appellant outlines that the Policy states that they 'will only be supported where they are local in nature and scale and where a local need can be demonstrated'. The appellant concludes on this point that the use would meet local need and is located in a residential area to serve the local community.
24. Although some representations have been submitted outlining the need/demand for nursery school places, there is a lack of data to support this and I do not find that this represents comprehensive evidence that would be required by the policy. I also consider that the need/demand that might exist does not outweigh the harm I have identified would be caused by the proposal.
25. The appellant and representations make reference to the employment opportunities that would be created by the development. I find that the benefit of such employment creation would not outweigh the harm I have identified would be caused by the proposal.

26. Representations have also been made in relation to the proposed use being located in a convenient location close to Gants Hill Underground station and how the proposal would help build community relationships between parents and between parents and teachers. These factors do not outweigh the harm that would be caused by the proposal.

Conclusion

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

A M Nilsson

INSPECTOR