
Appeal Decision

Site visit made on 16 January 2020

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2020

Appeal Ref: APP/W5780/C/19/3233038

Land at 49 Bedford Road, Ilford IG1 1EJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Mahroze Ali Chaudary against an enforcement notice issued by the Council of the London Borough of Redbridge.
 - The enforcement notice, numbered E0475/18, was issued on 31 May 2019.
 - The breach of planning control as alleged in the notice is the unauthorised erection of a first floor extension.
 - The requirements of the notice are:
 - (i) Build first floor extension in accordance with planning consent 0552/18; or
 - (ii) Remove the unauthorised first floor rear extension and make good any damage done; and
 - (iii) Remove from the land all building materials and rubble arising from compliance with the steps (i) or (ii) above.
 - The period for compliance with the requirements is within 6 months from the date of the notice taking effect.
 - The appeal is proceeding on the grounds set out in section 174(2)[a], [f] and [g] of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground [a] and the prescribed fees have been paid within the specified period, an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decisions

1. The appeal is dismissed, and the enforcement notice is upheld.
2. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (a) and the Deemed Planning Application

3. An appeal under ground (a) is on the basis that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to have been granted.

Main issues

4. The main issues are the effect of the development on:
 - The character and appearance of the site and the surrounding area.
 - The living conditions of the occupiers of 47 Bedford Road with particular regard to outlook.

Reasons

Character and appearance

5. Bedford Road, whilst close to the commercial centre of Ilford, serves a predominantly residential area and is characterised by two storey terraced housing. 49 Bedford Road (No. 49) occupies a prominent position at the junction of Bedford Road and Cleveland Road such that its rear elevation and a large portion of the terrace of which it forms part is readily visible in the street scene, despite the presence of a tree in the garden which would provide some screening when in leaf. This is a common feature of the terraces and results in rear extensions of various forms including roof extensions being an integral part of the character and appearance of the area.
6. In 2018 planning permission was granted for a single storey rear extension to No. 49 and a part first floor rear extension to No. 49 and its neighbour No. 47 (No. 47) (Council Ref: 0552/18). The approved plans show the first-floor extensions centrally placed to the rear of each building and each had a vertical emphasis compatible with the terraced form. By contrast the first-floor extension to No. 49 which has been completed is significantly wider, which in combination with its window style results in the extension having a horizontal form which is out of character with the houses in the terrace and other rear extensions.
7. During my site visit I noted that a first-floor extension was under construction at No. 47 and a flat roof dormer window has been erected across both properties. Whilst this development is not referred to on the notice, the first-floor extension to No. 47 does not accord with the plans which were approved in 2018. Both on its own and in combination with the roof dormers and the extension to No. 47, the first-floor rear extension to No. 49 appears as an anomaly in the street scene by virtue of its size, scale and design.
8. The appellant refers to the presence of all types of extensions and new build commercial and residential development close by in Ilford Metropolitan Centre. Whilst this is the case, the character and appearance of the vicinity of the site is of a very different character and it is within this context that the extension is experienced.
9. I conclude that the first-floor rear extension is harmful to the character and appearance of the site and the surrounding area. Therefore, the development is contrary to Policies LP26 and LP30 of the Redbridge Local Plan 2015-2030 (2018) (the Local Plan). These policies jointly require that development respects the local character of the area and makes a positive architectural contribution to its context and location and maintains or improves the appearance of the street scene.

Living conditions

10. The first-floor rear extension to No. 49 is close to the boundary with No. 47 but it does not project beyond the ground floor extensions to both properties. It is visible within the amenity space serving No. 47, however, given the width and length of this garden area, it does not have an overbearing impact. The first-floor extension to No. 47 has changed the window layout and consequently the outlook from that property. Nevertheless, the projection beyond the rear wall of No. 49 is such that it does not have an adverse effect on the views from

these windows and it would also have an acceptable impact if the bathroom window shown on the 'existing floor plans' submitted under Council Ref. 0552/18 was re-instated.

11. I conclude that the first-floor rear extension does not harm the living conditions of the occupiers of 47 Bedford Road with particular regard to outlook. The development is therefore in accordance with Policies LP26 and LP30 of the Local Plan which require that development does not have an adverse upon neighbouring occupiers in relation to outlook.

Conclusion in respect of ground (a) and the DPA

12. Whilst I find that the first-floor rear extension is acceptable in terms of its impact on the living conditions of No. 47, it has a harmful effect on the character and appearance of the site and the surrounding area. Therefore, for the reasons given above, I conclude that the appeal on ground (a) should fail and the deemed planning application should be refused.

Ground (f)

13. An appeal under ground (f) is on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
14. The appellant considers that as an alternative to the requirements of the notice, tall planting along the boundaries of the site would sufficiently interfere with views of the first-floor extension so as to remedy the impacts of the development. Whilst he says that a landscaping plan could be provided to the Council within 6 months, there are no such details before me. Thus, on the basis of my own observations, given that the single storey extension abuts the boundary to the street, it would not be possible to screen the first-floor extension from this position. Furthermore, the existing garden tree and street tree, which are both deciduous specimens, demonstrate that in the winter months such trees do not effectively screen or disrupt views of the rear of the terrace of houses and the extension to No. 49.
15. I am not persuaded that tall planting on the site boundaries, which is not fully detailed in the evidence, would remedy the breach of planning control which has occurred or the injury to amenity which I have found. On this basis, it has not been demonstrated that there is a viable alternative to full compliance with the requirements of the notice or that the requirements of the notice exceed what is necessary.
16. For the reasons set out above, the appeal under ground (f) fails.

Ground (g)

17. Ground (g) is that the period specified for compliance with the notice falls short of what should reasonably be allowed. The appellant considers that the 6-month compliance period is insufficient time to arrange for the builders to return to the site to carry out the works required by the notice. Furthermore, he cites the need for sensitivity given the use of the site as a care home and his wish to carry out negotiations with the Council to agree an alternative

solution in conjunction with works to No. 47. On this basis he requests that the period for compliance be extended to a minimum of one year.

18. There is no information before me to demonstrate that builders are in short supply in the area nor is there any certainty that an alternative way forward could be negotiated with the Council which would overcome the harmful effects on the character and appearance of the area which I have found.
19. It was clear from my site visit that vulnerable people are cared for at No. 49, and I am sympathetic to the disruption that building works are likely to have on them. However, there is no evidence to demonstrate that they could not be accommodated elsewhere during the works or that other means could not be found to maintain their comfort.
20. Taking all of these matters into consideration I find that the 6-month period afforded by the notice does not fall short of what is a reasonable period for compliance. For the reasons given above, I conclude that the appeal on ground (g) should fail.

Conclusion

21. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Sarah Dyer

Inspector