



Appeal Decision

Site visit made on 7 January 2020

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Appeal Ref: APP/W5780/W/19/3239360

89 Kings Avenue, Woodford Green, Essex IG8 0JN

- 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 Mrs Manjusha Gupta against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1731/19, dated 5 April 2019, was refused by notice dated 7 August 2019.
 - The development proposed is described as the demolition of the existing residential house and construction of a new residential house.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing residential house and construction of a new residential house at 89 Kings Avenue, Woodford Green, Essex IG8 0JN in accordance with the terms of the application, Ref 1731/19, dated 5 April 2019, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site comprises an existing two-storey detached dwelling with associated driveway to the front and private garden to the rear. The dwelling faces onto Kings Avenue which is a residential street with properties lining either side of the road. The proposed development would involve the demolition of the existing two-storey dwelling on the site. It would be replaced by a 6-bedroomed dwelling, including an internal annex for relatives of the appellant and their carer, set over three storeys.
4. The proposed replacement dwelling would have an increased height over and above the existing property. The existing property has a reasonably shallow roof and sits below the ridge heights of the adjoining dwellings. The proposed ridge height would be above the adjoining properties however would sit at less than half a metre above the ridge height of No 87. Whilst it would therefore be higher than the adjacent properties, it would not be excessively so in the context of No 87 and there are variations in ridge heights in the surrounding area.

5. The proposed dwelling would occupy much of the width of the appeal site. However, the existing property has been extended up to the side boundary with No 87. Many of the neighbouring plots are occupied by semi-detached dwellings which are generally set away from the side boundaries at first floor and with single storey garages adjacent to the side boundaries. Nevertheless, there are other examples along Kings Avenue of dwellings which have been extended to the side boundaries at first floor level.
6. Whilst the proposed dwelling would reduce the existing gap with No 93, it would be more centralised within the site and would therefore be set slightly further away from No 87 than the existing property. I find therefore, that although the property would have a substantial width, it would appear more centralised within the site and allow for a sufficient degree of separation from the neighbouring properties.
7. The proposed development would incorporate two gable features to the front elevation. The smaller gable element located to one side of the front elevation would reflect the current gable and bay window features on the existing property, whilst the larger gable would be positioned centrally. In the immediate surroundings there are a number of gable features to the front of the dwellings, however these are generally smaller than the proposed central gable. Nevertheless, the inclusion of this feature would reflect the predominant appearance of the surroundings and the larger gable would be commensurate with the overall size of the proposed property.
8. The proposed rear elevation would incorporate a large gable feature, with a smaller gable set to the side, and would comprise of large areas of glazing. The rear elevation would project beyond those of the adjoining properties, however the appeal site has an extensive rear garden and therefore this would not appeal overly dominant, large or incongruous in relation to the surroundings. Furthermore, the use of glazing would serve to minimise the perceived width and scale of the property from the rear and avoid a dominant expanse of brickwork.
9. Overall, I find that although the property would be a large dwelling, it can be comfortably accommodated within the site. The proposed dwelling offers improvements over the existing property which is somewhat out of keeping with the dwellings in the surroundings in terms of its overall design and appearance. I find, therefore, that the proposal would not be unacceptably bulky or unduly harmful to the character and appearance of the surroundings for the above reasons.
10. The proposed development would therefore comply with Policies LP26 and LP33 of the Redbridge Local Plan 2015 - 2030 (2018) which seek to ensure that development respects or improves the local character, achieves high quality design and respects the intrinsic character of the Residential Precincts, amongst other things. It would also comply with the requirements of Policies 7.4 and 7.6 of the London Plan (2016) which aim to secure high quality design which has regard to its surroundings and complements but not necessarily replicates the local architectural character, amongst other things.

Other Matters

11. Local concern has been received relating to a loss of privacy. In relation to the property to the rear on Malvern Drive, whilst parts of the proposed dwelling

may be visible through the boundary vegetation to the rear of the appeal site, the dwellings are separated by an extensive garden. As such, there is not likely to be undue harm in terms of loss of privacy due to the distance between the proposed dwelling and the property and garden to the rear.

12. The appeal site is located within 3 kilometres of the Epping Forest. Natural England have produced advice in relation to the SAC mitigation strategy which requires mitigation payments from certain types of development. However, the guidance identifies that replacement dwellings are exempt from the mitigation payment requirement. The Council have therefore confirmed that no payment would be required in this instance.

Conditions

13. In addition to the standard time limit condition, I have imposed a condition listing the approved plans as this provides certainty. The Council have suggested a number of conditions which I have considered against the advice in the Planning Practice Guidance and amended or omitted where necessary.
14. A condition restricting the use of the dwelling to a single unit of accommodation is necessary to prevent the annex being used as a separate dwelling. A condition requiring details of the walls and fencing is required in the visual interests of the development and its surroundings. A condition restricting water consumption is supported by planning policy and therefore I have imposed this.
15. I have not imposed a condition restricting permitted development rights as this should only be used in exceptional circumstances and I have been presented with no such circumstances to justify the use of this condition. I have not applied a condition requiring a landscaping scheme as this is unreasonable for a development for a single property, where future occupiers will landscape the property as they require.

Conclusion

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

R Norman

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 255-01; PL-003; PL-004; PL-101, PL-102, PL-201; PL-202; PL-203 (Basement Plan); PL-203 (Ground Floor Plan); PL-204; PL-205; PL-206 PL-207; PL-208; PL-209; PL-210; PL-211; PL-212 and Location Plan.
- 3) The dwellinghouse hereby approved, as built in accordance with this permission, shall only be used as a single unit of accommodation, and shall not be subdivided, separated or altered in any way so as to create two or more separate units of accommodation, without further grant of planning permission.
- 4) Prior to the first occupation of the site, details of all walls and/or fences to be erected within or on the perimeters of the site shall be submitted to and approved in writing by the local planning authority. The walls and/or fences as approved shall be erected at the site before the first occupation of the dwelling and retained thereafter in accordance with the approved details.
- 5) The development hereby approved shall be designed to meet water consumption target of 105 litres per person per day, with an additional 5 litres per person per day for external water use.