
Appeal Decision

Site visit made on 10 March 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2020

Appeal Ref: APP/W5780/W/19/3244077

35 Coniston Gardens, Ilford IG4 5LU

- 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 Mustafa Ozturk against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0829/19, dated 15 May 2019, was refused by notice dated 10 July 2019.
 - The development proposed is subdivision of the site and the demolition of existing garage and replace with a 2-bedroom detached property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the development on the character and appearance of the area; the effect of the development on the living conditions of the occupiers of neighbouring dwellings in terms of outlook, and future occupiers of the development having regard to privacy and outlook, and the effect of the proposed parking arrangements on highway safety at the entrance to the site.

Reasons

Character and appearance

3. The development plan for the area comprises the London Plan 2016 (LP) and the Redbridge Local Plan 2015-2030 (March 2018) (RLP). Both plans seek to ensure that new developments are of a high quality and take account of local context and character. Policy LP 26 of the RLP, amongst other things, specifically aims to promote high quality design and development that respects the local character and is integrated into its surroundings.
4. The proposed dwelling would introduce a two-storey building into an area of gardens that is largely characterised by single storey outbuildings, clearly subservient to the terraced houses fronting surrounding roads. It would be clearly visible from Babbacombe Gardens and would be seen as an isolated detached dwelling against the backdrop of the existing terraced development. In this respect it would appear as an incongruous feature in the street scene which would not harmonise with its surroundings. In terms of its details; the small windows, hipped roof and expanse of brick work, these would jar with the

architectural details displayed by the terraced houses which include, gabled roofs, large windows, brick detailing, rendered finishes and chimneys. I therefore find that the appeal proposal conflicts with the policies of the development plan, the LP and RLP, in that it would not result in a high-quality development respecting local character and would not be integrated into its surroundings.

5. I note that the appellant has argued that the site is not in a conservation area nor is it adjacent to a listed building and is not near a locally listed structure. Whilst I acknowledge the accuracy of the appellants points in this regard, I still need to ensure that the development is not in conflict with the development plan for the area.

Living Conditions

6. The proposed rear garden would have the whole of its area overlooked by the upper floors of Nos 35 and 33 Coniston Gardens and this would severely restrict its usability, especially in those areas closest to the proposed house. In view of the small size of the proposed rear garden and the degree of overlooking from neighbouring dwellings, I find conflict with Policy LP 29 of the RLP which seeks, amongst other things, to ensure that new dwellings have sufficient private amenity space which is of an appropriate scale to maximise its usability.
7. In terms of its effect on the living conditions of neighbouring residential occupiers, the people most effected would be those living at the host dwelling and its neighbour. Whilst the flank wall of the proposed house would be approximately 15m from the rear of No 35, it would not fully block its outlook. The flank wall of the proposed dwelling would lie approximately 1m from its boundary with No35, however this would not extend along the full length. I therefore find that this is an acceptable relationship and would not unduly harm the outlook of the occupiers of No35, either from the house or the garden. Policy LP 26 seeks to protect existing occupiers from the adverse impact of new development in relation to, amongst other things, overlooking and loss of outlook. I therefore find the effect of the proposed development on the living conditions of neighbouring residential occupiers to be acceptable and therefore in compliance with Policy LP26, given the distance of the proposed dwelling from the surrounding houses, their gardens, and the positioning of the proposed dwelling within its site.

Highway safety

8. The vehicular access to the appeal proposal would be in a similar position to that of the existing garage. Although the Council's second reason for refusal refers to highway safety, the officers' report sets out that in view of the presence of the existing garage and the dropped kerb it is likely that an acceptable arrangement (for vehicular access) can be achieved. I viewed the situation on the ground during my site visit and I am satisfied that this matter could be dealt with by an appropriate condition.

Other matters

9. Reference has been made by the Council to the ceiling height in the proposed dwelling and the unacceptability of the first-floor ceiling heights in particular. Whilst I acknowledge that the first-floor ceiling height is slightly below the

required standard I don't consider that this would materially affect the living conditions of any future occupants.

Conclusion on the main issues

10. I find that the appeal proposal would be in conflict with the development plan, the LP and the RLP, in that it would create an incongruous development that would not respect the existing character of the area. I also find that the living conditions of any future occupiers of the proposed dwelling would be unacceptable as they would not have sufficient private amenity space to maximise its usability as required by Policy LP 29 of the RLP. I do not find the appeal proposal unacceptable in terms of its effect on the outlook of the host dwelling or its neighbour and that any deficiencies with the access in terms of highway safety could be addressed through the use of an appropriate condition.
11. The National Planning Policy Framework (the Framework) seeks amongst other things, that developments add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to local character and maintain a strong sense of place. The Framework also expects developments to provide a high standard of amenity for existing and future users. I find that for the reasons given above the appeal proposal would fail to comply with the requirements of the Framework in these areas.

Conclusion

12. Having regard to all matters before me, including the policies of the development plan, when taken as a whole, the appeal is dismissed.

Peter Mark Sturgess

INSPECTOR