



Appeal Decision

Site visit made on 10 March 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th June 2020

Appeal Ref: APP/W5780/W/19/3243382

2 Selbourne Road, Ilford IG1 3AJ

- 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 Iqbal Patel against the decision of the Council of the London Borough of Redbridge.
 - The application Ref: 3242/19, dated 13 August 2019, was refused by notice dated 8 October 2019.
 - The development proposed is described as a rear outbuilding for storage use.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council have queried the accuracy of the drawings submitted with the planning application. Although the drawings are dimensioned insofar as they relate to the size of the proposed building, it was apparent from my site visit that the drawings showing the existing and proposed floor plans in the context of the rear garden do not accurately reflect the actual extent the appeal site, showing it as larger than it is in reality. The drawings also do not illustrate a ground floor extension that has been built to rear the main property and which was evident at the time of my site visit. This notwithstanding, the dimensions of the proposed building are clearly indicated, as is its proposed position in relation to the property boundaries. These dimensions are not in dispute and I was able to see where the building would be located during my site visit. I have determined the appeal on the basis of what I observed on site and using the building dimensions specified on the submitted drawings.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties, with particular regard to outlook.

Reasons

Character and appearance

4. Policy LP26 of the Redbridge Local Plan 2018 (the Local Plan) expects, amongst other matters, that new development is of a high standard of design that has regard to its context and is well-integrated with the surrounding area. Local Plan Policy LP30 in respect of household extensions seeks to ensure, among other matters, that new development complements the character of the existing building; is subordinate in size, scale and height; and retains satisfactory amenity space. More detailed guidance on domestic outbuildings is set out in the Redbridge Householder Design Guide Supplementary Planning Document 2012 (the SPD) which is to be read alongside the more general design policies in the Local Plan. The SPD expects outbuildings to remain subservient to the main house, utilise matching materials to the main house, ensure sufficient amenity space is retained, and be set 1m from boundary to allow access for maintenance. The SPD also expects new outbuildings to be designed having regard to other outbuildings in the area.
5. Number 2 Selbourne Road is a two storey, end of terrace, house which has previously been extended and converted into flats. The appeal proposal is for a detached outbuilding approximately 9.35 metres wide and 5 metres deep. It would be approximately 2.6 metres high to the eaves and have a pitched roof approximately 3.96 metres high at the ridge. The building would be located at the end of the garden, approximately 1 metre from the common boundary with the property to the rear on Belgrave Road and approximately 0.15 metres from the common boundary with number 4 Selbourne Road.
6. Selbourne Road is one of several residential streets leading off York Road. The area primarily consists of relatively large, two storey, houses arranged in short terraces with a long garden to the rear. The frontage of the majority of the houses is given over to hardstanding used for car parking. Several properties in the wider area have been converted to hotel or guest house use. The road layout of the area results in the terraced buildings forming roughly rectangular perimeter blocks with the interior formed of open garden areas. Whilst there are dividing fences and a number of outbuildings within the interior of the perimeter block containing the appeal site, it nevertheless has a green and spacious character that contrasts with the exterior, where many of the former front garden areas have been given over to hard surfacing. York Road has a more mixed character with part of the south side, running to the junction with Cranbrook Road, consisting of commercial properties with residential and other uses on the upper floors and backing onto Ilford Station.
7. I saw when I visited the site that an area to the rear of ground floor flats had been fenced off to create private amenity space for these flats, and which subdivided the garden area. Due to the size of its footprint, the proposed outbuilding would occupy a significant proportion of the remaining area. The SPD identifies that residential conversions should provide 20m² of amenity space per habitable room. Whilst I have no evidence in respect of the number of habitable rooms within the flats contained within 2 Selbourne Road, it was clear from my site visit that the amount of open space that would remain following the construction of the proposed outbuilding would be small and I am not satisfied that adequate, appropriate or useable amenity space would be retained for the occupiers of the upper floor flats.

8. It is also clear from the submitted drawings that although the proposed building would be sited 1 metre from the rear boundary, it would be sited only 0.15 metres from the common boundary with number 4 Selbourne Road which would not allow adequate space to allow access to maintain the gable wall. Locating the building 1 metre from this common boundary would further reduce the remaining useable amenity space within the garden area. The appeal proposal conflicts with the SPD in these respects.
9. I did see that there are other outbuildings within rear gardens of nearby properties within the interior of the perimeter block, including outbuildings adjacent to the garden of number 2 Selbourne Road. Whilst some of these appeared to be relatively large, they were not as large as the appeal proposal. I also noted that these were flat roofed structures and, as a result, lower than the proposed pitched roof building would be. In these respects, the appeal proposal would not be consistent with the prevailing size and form of domestic outbuildings nearby. As a result of its size and height and the extent of the garden area that it would occupy, I do not consider that the proposed building would appear subordinate to the main property.
10. The proposed building would have a large footprint and would be taller than nearby outbuildings and with a different roof form. The combined effect of this, together with the previous extension to main property and the subdivision of the garden would erode open character of interior of block and be inconsistent with its appearance.
11. I accept that the proposed outbuilding would not be widely visible from the public highway. Nonetheless, it would be seen from the upper floor, rear, windows of the adjoining house and from a number of the surrounding properties on York Road and Belgrave Road within the context of the otherwise spacious and green interior of the perimeter block. I also accept that the outbuilding could be constructed in materials to match the main building, but this would not of itself overcome the other harm that would result.
12. I have had regard to the appellant's point that the proposed outbuilding would fall within the parameters set out in Part 1, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which relates to buildings incidental to the enjoyment of a dwelling house. Notwithstanding that the eaves height of the proposed building exceeds the 2.5 metre eaves height permitted by the General Permitted Development Order, the permitted development rights set out in Part 1 do not apply to a building that is used as flats, as these are specifically excluded from the definition of a dwelling house in that document. As such, I do not consider that this amounts to a reason that would justify the proposed development.
13. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of Policies LP26 and LP30 of the Local Plan.

Living conditions

14. Notwithstanding the wording of the first reason for refusal given on the decision notice, the Council's evidence only refers to the neighbouring property at number 4 Selbourne Road. The appeal proposal would result in a building with its gable end located approximately 0.15 metres from the shared

boundary with this neighbouring property. The proposed outbuilding would be taller than the existing boundary fence separating the two properties but, whilst it would be visible from the windows at the rear of the neighbouring house the proposed building, due to the distance it would be from the neighbouring property, it would not unduly restrict outlook from within the house. Nor would it have a significant effect on the levels of daylight or sunlight received to these windows.

15. In combination with the rear extension to 2 Selbourne Road, the proposed new outbuilding would increase the quantum of built development exceeding the height of the current rear boundary fence on the common boundary with number 4. This would increase the degree of enclosure to the rear garden of the neighbouring property. However, the rear garden is wide and would remain largely open on its two remaining sides. As the new structure adjacent to the boundary would be a gable end this would help to reduce its visual effect. The appeal proposal would change the aspect at the rear of the neighbouring house, but the change would be minor and not so significant that it would appear overbearing or adversely alter the living conditions of the occupiers of the adjoining property.
16. I therefore find that the proposed development would not cause harm to the living conditions of the occupiers of neighbouring residential properties, with particular regard to outlook. It would comply with the relevant requirements of Local Plan Policies LP26 and LP30 insofar as they seek to ensure that new development protects the living conditions of, and retains an acceptable outlook from, neighbouring properties.

Conclusion

17. I have found that the proposed development would cause harm to the character and appearance of the area and, as such, it would conflict with relevant policies in the development plan. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. Although I have not found harm to the living conditions of the neighbouring occupier, this of itself does not overcome conflict with other parts of the policies in the development plan. No other material considerations have been identified that would indicate that planning permission could be granted for a development that conflicts with the relevant policies development plan.
18. I therefore conclude that for the above reasons, the appeal should be dismissed.

John Dowsett

INSPECTOR