The Planning Inspectorate

Appeal Decision

Site visits made on 15 and 29 September 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/W5780/W/20/3244960
Rear of 20 and 22 Homefield Avenue, Newbury Park, Ilford IG2 7JG

- 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 Karam Jit Singh Jandu against the decision of the Council of the London Borough of Redbridge.
- The application Ref 3177/19, dated 28 July 2019, was refused by notice dated 28 October 2019.
- The development proposed is construction of a two bedroom house.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   1) the effect of the proposal on the character and appearance of the area;

   2) the effect of the proposal on the living conditions of neighbouring occupants;

   3) whether the proposal would provide an acceptable standard of accommodation for future occupants of the dwelling, with reference to external garden space and the quality of internal space.

Reasons

Character and appearance

3. The proposed dwelling would be located at the end of the rear gardens of 20 and 22 Homefield Avenue, where it would replace two existing single storey outbuildings. The dwelling would front onto Stapleford Road, where it would stand alongside the end dwelling on one side of the street. The two storey dwellings on Stapleford Avenue are laid out as short terraces of four or six properties, with hipped roofs at either end and double height bay windows to the front, with the rooflines to the adjacent side of the street largely unaltered. This pattern extends to neighbouring streets including Homefield Avenue and creates a distinctly suburban residential character.

4. The proposed dwelling would stand next to the existing terraces, and is designed to reflect the appearance of its immediate neighbours. However, whilst set close to the neighbouring dwelling, it would be detached and would

fail to respect the prevailing pattern of short terraces in the area. As a result, the dwelling would stand by itself in a conspicuous and discordant manner.

5. This effect would be exacerbated by the inclusion of a hipped roof to one side of the dwelling and a gable end facing No 28. The detached nature of the dwelling means there would be an obvious and jarring gap in the roofline between the gable end and the hipped roof to No 28. The Council also indicates the hipped element would pitch at a different angle to that at No 28. Therefore, rather than forming a natural extension of the terrace, the roofline of the proposal would appear as a crude and haphazard arrangement which would add to the incongruous appearance of the dwelling within the street scene and would severely detract from the otherwise consistent form of the dwellings on Stapleford Road.

6. The appellant argues that the site is derelict and under-utilised. I saw the existing outbuildings lacked some upkeep and there was some waste material scattered around the rear part of No 20; however, neither building appeared in a state of dereliction, and both are screened by the high boundary wall on Stapleford Avenue. The present state of the site could also be improved without the need to construct a dwelling. Therefore, the benefit of removing the existing buildings would not outweigh the harm the proposal would cause.

7. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the area, in conflict with Policies 7.4 and 7.6 of the London Plan (March 2016) (the LP) and Policy LP26 of the Redbridge Local Plan 2015-2030 (March 2018) (the Local Plan) which together require development of the highest architectural quality which is well integrated and has regard to the local character of the area, in terms of layout, form, style, massing, scale, density, orientation, materials and design.

Neighbours' living conditions

8. The dwelling would stand perpendicular to the dwellings on Homefield Avenue, which enjoy deep rear gardens. The plans indicate the gardens of Nos 20, 22 and 24 would be separated from the appeal site by 2m high fencing, which would prevent overlooking from the garden and ground floor windows of the proposed dwelling.

9. Two first floor windows are proposed in the rear elevation, indicated to serve a bedroom and bathroom. The appellant has indicated these windows to be obscurely glazed and non-opening below 1.7m above the internal floor level, in what I presume to be an effort to overcome the Council's concerns with overlooking. Conversely, these windows draw concern from the Council in respect of the resulting quality of outlook from, and light to, these rooms for future occupants.

10. I saw on site that the windows would face onto the very rear parts of the gardens of Nos 24 and 26, which are partly occupied by trees and other vegetation. These did not appear to be the most used parts of the gardens and are some way from the rear of the dwellings. The neighbouring gardens are also subject to views from the upper floors of the adjacent dwellings on Homefield Avenue. Moreover, of the two windows proposed, one is to serve a bathroom and in all likelihood would be obscurely glazed anyway, preventing outlook, and the other would serve a bedroom, which is unlikely to be occupied for long periods in the daytime when overlooking could take place. These

factors would serve to limit the degree to which the neighbouring properties would be overlooked from the proposed dwelling. Having regard to these site circumstances, I am satisfied that, even without obscured glazing or restricted opening of the windows, the proposed dwelling would not lead to harmful overlooking of neighbouring gardens or loss of privacy to neighbours.

11. I conclude that the proposal would not harm neighbours' living conditions, and would not conflict with the aims of Policies 7.6 of the LP and Policy LP26 of the Local Plan to resist adverse impacts on the amenity of neighbouring occupiers in relation to overlooking and privacy.

Future occupants' living conditions

12. The proposed dwelling would provide just over 100sqm of garden area, mainly to the side of the site. The Council accepts that its concerns over this garden area not being sufficiently private could be overcome by a taller fence, and having seen the site, I am satisfied there is scope to enclose a sufficient area of side garden to provide functional, private space for occupants.

13. The first floor rooms are indicated to have floor-to-ceiling heights of 2.2m, meaning the dwelling as a whole would fall below the requirement of the Nationally Described Space Standard (NDSS)[1] that the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area. I am aware that the Mayor of London's Housing Supplementary Planning Guidance (March 2016) strongly encourages a height of 2.5m, but Policy LP29 of the Local Plan refers to the NDSS and so I have considered the proposal against this standard.

14. At 2.2m, the shortfall in ceiling height would be modest, and I note that the dwelling would otherwise accord with the relevant standards for bedroom size and overall floorspace. As explained above, I am not persuaded that the first floor rooms require obscurely glazed and restricted opening windows. Therefore, I am satisfied that, despite the modest shortfall in ceiling height, the proposed dwelling would provide an acceptable standard of accommodation for future occupants.

15. For these reasons, I find no conflict with Policies 3.5 of the LP or LP29 of the Local Plan, which together require housing developments to be of the highest quality internally and externally, to provide sufficient external private space and to meet national standards for internal space.

Other Material Considerations

16. The Council did not oppose the proposal in terms of highway safety, cycle or refuse storage, but an absence of harm in these respects is a neutral factor in the planning balance.

17. The appellant refers to the proposal making effective use of previously developed land in meeting the need for homes, per Paragraph 117 of the National Planning Policy Framework (the Framework). However, the definition of previously developed land in the Framework specifically excludes land in built-up areas such as residential gardens. Accordingly, the benefit of making effective use of the land would attract only limited weight in this instance.

[1] Technical housing standards – nationally described space standard (March 2015)

18. Several planning permissions on Homefield and Stapleford Avenues are drawn to my attention by the appellant as perceived precedents for the proposal. However, none of these involved a detached building, but were for side extensions which physically extended the hipped roof form of the host dwelling. Therefore, they are not comparable to the scheme before me and have not had a bearing on my conclusions, which I have reached having regard to the particular planning merits of the proposal itself.

Planning Balance

19. Whilst I have found that the proposal would not cause significant adverse effects on neighbours' or future occupants' living conditions, the significant harm I have identified to the character and appearance of the area means there would be conflict with the development plan, taken as whole, to which I afford significant weight.

20. The proposal would deliver the benefit of an additional dwelling to the Borough's housing stock, along with economic benefits from construction and future expenditure by occupants in the local area. However, given the small scale of the proposal, such benefits would be limited and, taken together, would not amount to material considerations which would outweigh the harm I have identified and consequent conflict with the development plan.

Conclusion

21. Therefore, having regard to all matters raised, the appeal is dismissed.

K Savage

INSPECTOR