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## Appeal Decision

Site visit made on 29 September 2020

**by C Dillon BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 October 2020**

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**Appeal Ref: APP/W5780/W/20/3253864**

**Shop rear of 413-415 Ilford Lane, Ilford IG1 2SN**

- 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 P Singh against the decision of the Council of the London Borough of Redbridge.
  - The application Ref 0890/20, dated 16 March 2020, was refused by notice dated 11 May 2020.
  - The development proposed is first and second floor extension above MOT/tyre fitment shop, rear of 413-415 Ilford Lane, 4 x self-contained units together with amenity space and cycle parking.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The site address cited on the planning application form and banner heading above differs from that stated on the decision notice. The submitted site location plan confirms that both relate to the same site. The appeal proceeds on the basis of the former, having been the address supplied by the appellant.
3. The description cited on the planning application form and in the above banner heading differs from that used in the appeal form and decision notice. From the evidence submitted, I am satisfied that the two relate to the same proposal. The appeal proceeds on the basis of the former, in the absence of evidence that confirms that the amended description was agreed between parties prior to determination.
4. The appeal site falls within the Zone of Influence for the Epping Forest Special Area of Conservation (SAC). I have a statutory duty as the competent authority to ensure that there are no adverse effects on the integrity of this area. I will return to this matter later in my decision.

### Main Issues

5. The main issues are the effect on:
  - character and appearance of the area, with particular regard to design, scale and distance from neighbouring properties;
  - living conditions of occupants of Nos 413a, 413b, 415a and 415b, Ilford Lane, with particular regard to outlook; and

- whether or not the appeal proposal would exacerbate stress upon the capacity of the local highway network, with particular regard to potential for on-street car parking.

## **Reasons**

### *Character and appearance*

6. The appeal site is situated to the rear of Nos 413-415, Ilford Lane, a busy shopping street, at its junction with Loxford Lane, a residential street comprising terraced dwellings. The character of the area is therefore varied, although the predominant 2 storey scale, pitched roofs and terraced pattern of development provides some consistency and rhythm to the built form.
7. Although the proposed materials and design would be contemporary, they would reflect the commercial character and flat roofed form of the host garage building. The resulting overall height would be similar to that of the surrounding buildings.
8. The appeal proposal would be situated within very close proximity to the rear elevation of Nos 413-415, and also near to the side elevation of No 1, Loxford Lane. Consequently, the resulting extension would create a prominent, almost continuous run of built form in this part of the street. The design of the appeal proposal would not reflect the more conventional form of these buildings. In conjunction with the scale and positioning relative to those neighbouring buildings, it would convey a somewhat haphazard and cramped appearance within the street scene.
9. This particular arrangement would jar with its context. Moreover, such a juxtaposition of buildings would not reflect the prevailing pattern of existing development. Consequently, the appeal proposal would be uncharacteristic of the area.
10. The appellant has advanced that a further set-back of the proposal suggested by the Council would render the scheme unviable. No evidence has been submitted to substantiate that claim. In any event, it does not justify or out-weigh the harm that I have identified.
11. For these reasons, I find that the appeal proposal would be harmful to the character and appearance of the area, with particular regard to its design, scale and distance from neighbouring properties.
12. The appellant has drawn my attention to extracts of the National Design Guide (2012). However, that document is guidance. In this instance, it does not out-weigh the nature and level of harm that I have identified.
13. The appellant has also drawn my attention to paragraph 124 of the National Planning Policy Framework (the Framework). However, as I have identified harm, this does justify the appeal proposal.
14. Policies 7.4 and 7.6 of the London Plan (2016) and Policy LP26 of the Redbridge Local Plan 2015-2030 (the Local Plan) seek to deliver high quality design in all development. The latter encourages and promotes innovative and good design, and advocates refusal of development of poor design, that does not take available opportunities to improve an area's character and quality.

That policy also requires that development makes a positive architectural and urban design contribution to its context and location and is well integrated.

15. Given the harm that I have identified, the appeal proposal conflicts with these policies.

*Living conditions*

16. Nos 413a, 413b, 415a and 415b, Ilford Lane currently enjoy a relatively uninterrupted outlook from existing habitable room windows towards the gable end and gardens of No 1. By virtue of its positioning, height and proximity the appeal proposal would encroach upon this.
17. In undertaking my assessment of the effect of this on those existing upper floor flats, I have noted the appellant's arguments regarding what constitutes a habitable room. However, there is an absence of evidence of an adopted definition for this geography.
18. Moreover, these existing flats are small, with little or no private outdoor amenity space. This makes maintaining existing levels of outlook from within even more important, regardless of room size. Therefore, in this particular context and for the purposes of my assessment, I find that both the kitchen and bedrooms of these particular existing units should be regarded as habitable rooms.
19. In terms of the 2 existing first floor flats, the relationship between their existing bathroom windows and the proposal side elevation albeit close, would be satisfactory given that they serve non-habitable rooms. The proposed additional kitchen window for each of these first floor flats is noted. These new windows would not face onto the appeal proposal; however, it would remain that the proposed side elevation would be visible from the existing kitchen windows. The impact, whilst lessened by the provision of alternative outlook, would still exist.
20. Furthermore, the opening serving the bedroom of each of these existing units, whilst off-set a little, would still nonetheless be confronted by the presence of the appeal proposal at an extremely close distance.
21. Similarly, in terms of the 2 existing second floor flats, I find no harm to the facing bathroom windows. However, the bedroom window to each would be confronted by the appeal proposal, in particular its side elevation, at an extremely close distance.
22. Consequently, the height and scale of the appeal proposal, combined with the proposed limited distance between it and all of these existing habitable room windows would significantly reduce levels of outlook for current and future occupants of the existing flats. It would increase the sense of enclosure to a degree that would be both visually intrusive and overbearing.
23. I have had regard to the findings of a recent appeal decision<sup>1</sup> that the appellant has drawn my attention to in terms of separation distances. That decision relates to another site and a different proposal and set of circumstances. The appellant has not substantiated how that decision specifically resonates with the appeal before me in terms of effect upon living conditions. In any event, I

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<sup>1</sup> APP/W5780/W/19/3238447

- have made a site specific assessment based upon the credentials of this particular site and scheme and have identified harm.
24. The appellant has sought to demonstrate that there would be no significant loss of light or overshadowing to the windows in the rear elevation of these existing flats. However, even if I were to concur with the appellant on that matter, this would not reduce or out-weigh the harm which I have identified.
  25. The appellant has stated that he owns all of the existing flats to which the identified harm would relate. However, this does not justify the imposition of the identified harm on tenants living conditions.
  26. For these reasons, I find that the appeal proposal would be harmful to the living conditions of occupants of Nos 413a, 413b, 415a and 415b, Ilford Lane, with particular regard to outlook.
  27. Policy 7.6 of the London Plan (2016) and Policy LP26 of the Local Plan seek to safeguard living conditions. The latter requires, amongst other things, that development does not result in an adverse impact upon the amenity of neighbouring occupiers in relation to outlook. Given the harm that I have identified, the appeal proposal conflicts with these policies.

#### *Highways and Parking*

28. The appeal site falls within a busy, mixed use area. Public transport opportunities are assessed by the Council as being poor. However, some services and facilities are within walking distance, as are a train station and bus service.
29. The appeal proposal does not include any off-street car parking provision. It does not fall within a Controlled Parking Zone. Residential units in the vicinity of the site tend to benefit from private off-street car parking. Nonetheless, the Council has advanced that the appeal site is located within an area with the potential for parking stress. This reflects what I observed during my site inspection. Furthermore, the evidence before me would indicate that the consequences of this could be harmful to living conditions and highway safety.
30. Irrespective of the appellant's explanation of the submitted parking survey, I agree with the Council's concerns regarding the methodology employed.
31. The appellant has drawn my attention to the aforementioned decision, whereby it was concluded that there were particular circumstances in that instance which indicated that it would be less likely that all occupants would own a car. However, the circumstances of that decision are materially different to this proposal. This is because there is insufficient evidence that would indicate that there would be sufficient capacity within this particular local highway network. My own observations have not led me to be convinced that the appellant's survey findings reliably convey the existing parking situation in the locality. Furthermore, although other modes of transport may be available, this proposal represents the intensification of use of the appeal site in the absence of any on-site car parking provision.
32. Although the appellant has drawn my attention to Paragraph 109 of the Framework, my findings indicate that the appeal proposal could have an unacceptable impact on highway safety. This would indicate that the appeal should not succeed.

33. For the reasons given, I find that the appeal proposal could exacerbate stress upon the capacity of the local highway network, with particular regard to the potential for on-street car parking.
34. Policy LP22 seeks to encourage sustainable forms of transport and actively encourage walking and cycling. Policy LP23 of the Local Plan and Policy 6.13 of the London Plan (2016) seek to ensure appropriate levels of parking are made available for all developments. Given the harm that I have identified, the appeal proposal conflicts with these policies.

### **Other Matters**

35. The appellant has advanced that this is a quality scheme that provides a good level of space and living conditions for prospective residents. Furthermore, there is no dispute between parties that the appeal proposal would contribute to housing provision within the area. However, these benefits would be limited and would therefore not out-weigh the harm that I have identified.
36. Furthermore, whilst the appeal proposal would contribute towards the efficient use of land, that is only one strand of sustainability and would not out-weigh the identified harm.
37. The appeal proposal conflicts with the development plan when taken as a whole.
38. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 requires an Appropriate Assessment to be carried out where the competent authority is minded to give consent for the development. As I find that the development is unacceptable for the reasons set out above, there is no need for me, as the competent authority, to carry out an Appropriate Assessment.

### **Conclusion**

39. For the reasons given, the appeal should be dismissed.

*C Dillon*

INSPECTOR