



Appeal Decision

Site Visit made on 6 October 2020

by Graham Wyatt BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2020

Appeal Ref: APP/W5780/W/20/3253704

Rear of 178 Headley Drive, Gants Hill, Ilford IG2 6QJ

- 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 Mohammed Salim Choudary against the decision of London Borough of Redbridge.
 - The application Ref 1044/20, dated 27 March 2020, was refused by notice dated 20 May 2020.
 - The development proposed described as the "resubmission – change of use to habitable on existing approved outbuilding, from 2bed unit to 1bed unit"
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on the:
 - living conditions of occupiers of the accommodation with particular regard to privacy, private amenity space, outlook, light and floorspace;
 - character and appearance of the area;
 - living conditions of occupiers of the host property with particular regard to privacy, noise and disturbance and light; and,
 - Epping Forest Special Area of Conservation (SAC).

Reasons

Living Conditions – Current Occupiers

3. The appeal site is an end of terrace property that is located on the junction of Headley Drive and Cantley Gardens. The area is generally residential in character and largely comprises terraces of dwellings. Within the rear garden of the appeal site is a single storey brick and tile building which adjoins an access road that serves the rear of the properties along Headley Drive and Eastern Avenue.
4. The appeal building has been converted into residential use and provides a bedroom, a shower room and a kitchen/living room. The accommodation is considered to be a one bed, two person single storey unit and provides a gross internal floor area (GIA) of some 27.54 sq. m as calculated by the Council. Policy 3.5 of the London Plan 2016 (the London Plan) requires such

- accommodation to provide a minimum GIA of 50 sq. m. Moreover, even if the accommodation is considered to represent a one bed, one person single storey unit, it would still need to provide a minimum GIA of 39 sq. m to comply with the requirements of Policy 3.5 of the London Plan.
5. The window in the rear elevation is at a high level and provides limited outlook over the access. The windows in the front elevation also face onto the fence that separates the site from the host property which, at such a close distance, would reduce the amount of light to the rooms that these windows serve and limits the outlook for the occupiers of the unit.
 6. Furthermore, the amenity area associated with the unit is very small and is required to provide space not only for the occupants to sit out or relax, but also for bin and cycle storage. It would not be compatible with the prevailing pattern of larger garden areas in the vicinity and would fail to provide an adequate area of space for the occupants of the unit.
 7. Although I acknowledge that the amenity space is limited, the fence erected between the host property's garden area provides an adequate barrier to prevent a loss of privacy between the two units. Nevertheless, it is clear that the accommodation falls far short of the minimum space standards, fails to provide an acceptable level of amenity and outlook and results in cramped and substandard living conditions, which is detrimental to the living conditions of current and future occupiers of the accommodation.
 8. Thus, the proposal is in conflict with Policy LP29 of the London Borough of Redbridge Local Plan 2018 (the Local Plan) and Policy 3.5 of the London Plan which seek, amongst other things, to ensure that developments provide external private amenity space and internal space to meet the needs of occupants and have rooms that are functional and fit for purpose.

Character and Appearance

9. The appeal building is single storey and constructed of brick under a tiled roof. The area is characterised by rows of terraced properties arranged in a linear manner that face onto the road. Properties in the vicinity tend to benefit from reasonably sized garden areas which, on the whole, contain domestic structures such as outbuildings, garages and sheds.
10. There are other buildings in the rear gardens of properties that adjoin the appeal site, some of which are of a similar scale and size. Therefore, I am not persuaded that the external appearance of the development is necessarily harmful to the character and appearance of the area.
11. However, the use of a building as a dwelling is fundamentally different to an outbuilding to be used in connection with the main property. The unit covers the width of the site and provides very little space about the building, which is mainly confined to the rear where the amenity space is located. The use of the building as a dwelling fails to respond to local distinctiveness and would create a discordant form of development, quite out of keeping with the area's established suburban grain, in particular the two storey terraced dwellings that characterise the area.
12. In addition, the private amenity area provided for the dwelling is also uncharacteristically small in comparison to the majority of gardens that exist in the vicinity. Moreover, severing part of the garden from the host property

results in both units appearing cramped within their respective sites and at odds with the prevailing pattern of development in the locality, causing unacceptable harm to the character and appearance of the area.

13. Thus, the development would harm the character and appearance of the area. It would be in conflict with Policies LP7 and LP26 of the Local Plan and Policy 7.6 of the London Plan which seek, amongst other things, to ensure that developments respect and reinforce the local character of the area.

Living Conditions – Host Property

14. The fence that forms the site boundary would prevent overlooking to ground floor rooms of adjoining properties. Moreover, the fence between the garden area of the appeal site and the host property would further inhibit overlooking. Consequently, I do not find the separation distance inadequate to protect the living conditions of neighbouring properties through overlooking to habitable rooms in the rear elevations of frontage properties.
15. The amenity space provided for the unit adjoins the garden area of the host property. As a two bed unit there is likely to be noise associated with the comings and goings of occupants and other activities associated with domestic living such as lights being turned on and off, doors opening and closing as well as general socialising over weekends and into the evening. Although the property is limited in its size, the occupation of the building as a dwelling would increase activity over and above what would normally be expected if the building was used as ancillary to the main dwelling. This would result in harm to the living conditions of adjoining occupiers including the host property.
16. Consequently, the development would result in harm to the living conditions of adjoining occupiers. It is in conflict with Policy LP26 of the Local Plan which seeks, amongst other things, to ensure that developments provide do not result in adverse impact upon the amenity of neighbouring occupiers.

Epping Forest SAC

17. Epping Forest is designated as a SAC which is a European site of nature conservation importance. It is established that any development resulting in a net increase in the number of dwellings, without avoidance measures, would be likely to have a significant effect on the SAC within the meaning of the Conservation of Habitats and Species Regulations 2010. This effect principally derives from identified recreational pressures on the SAC associated with additional residential development and atmospheric pollution on the SAC.
18. If I was minded to allow the appeal, I would need to consider whether an appropriate assessment would be required in relation to the effect of the development on the SAC. I understand that mitigation measures to overcome the effects of development on the habitats are stated within the Epping Forest SAC Mitigation Strategy. Nevertheless, as I have concluded that the proposed development would conflict with other development plan policies and have only been provided with very limited information regarding the SAC, I have not completed an appropriate assessment.
19. Without an appropriate assessment, I have to conclude that there is an unacceptable risk of harm on the SAC such that the proposal would be likely to conflict with the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017. These seek to protect nature

conservation sites of international importance, such as SACs, including requiring adequate measures are put in place to avoid or mitigate any potential adverse effects on the ecological integrity of the habitats.

20. The Council has referred to Policies LP33 and LP38 of the Local Plan in its decision notice. As these relate to heritage assets, protecting trees and enhancing the landscape, they are of less relevance to this reason for refusal.

Other Matters

21. I acknowledge that the external appearance of the building is acceptable and as a dwelling it would add to the Council's housing stock. While noting the benefits that would result in this respect, I do not consider that it outweighs the harm identified above.

Conclusion

22. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR