



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: 03 November 2020

Appeal Ref: APP/W5780/W/20/3250627

1 and 1A Chapel Road, Ilford IG1 2AF

- 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 A Karim of Nasskar Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0267/20, dated 24 January 2020, was refused by notice dated 9 April 2020.
 - The development proposed is alterations to the ground floor (commercial) third and fourth floor extensions to existing large HMO (sui generis) to provide additional HMO accommodation and to increase number of people from 12 to 24.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development contained in the banner heading above is that which was cited in the decision notice and appeal form and differs from that contained within the original planning application form. From the evidence submitted, I am satisfied that parties are in agreement with the former. As that more accurately describes the appeal proposal, the appeal proceeds on that basis.
3. The appeal site falls within the 'Zone of Influence' for the Epping Forest Special Area of Conservation (SAC). As the competent authority, I have a statutory duty to ensure that the integrity of this area is not harmed. I will return to this matter later in my decision.

Main Issues

4. The main issues are:
 - whether or not the appeal proposal would fetter the development of the wider 'Opportunity Site';
 - the effect on the living conditions of future residents, with particular regard to the proposed level of private living accommodation and communal facilities;
 - whether or not the proposal would hinder opportunities for residents to access travel by sustainable modes of transport, with particular regard to secure cycle provision; and

- the effect upon the integrity of the Epping Forest Special Area of Conservation (SAC).

Reasons

Future Development Opportunities

5. Policy LP1 of the Redbridge Local Plan 2015-2030 (the Local Plan) supports the redevelopment of a number of 'Opportunity Sites' to meet future development needs through comprehensive housing-led, mixed use redevelopment. These sites are defined in a supplementary planning document 'Appendix 1' (the SPD). The appeal site represents a small part of 'Site No 10' which comprises the wider block of premises within which the appeal site is located. This includes the buildings which directly adjoin the appeal site.
6. Although the resulting extension would significantly intensify the existing residential element of the appeal site, it would be less dense than more recent flatted developments in the locality. However, no break-down is specified in either Policy LP1 or the SPD in respect to the contribution that the appeal site would be expected to make to future housing delivery.
7. The Council has not quantified the scale of the impact that it has cited on optimising densities across the whole 'Opportunity Site' to justify the alleged harm that it has claimed. Neither has the Council articulated how the scale, height and form of the appeal proposal would fetter any future densification potential of the immediately adjoining sites.
8. From the evidence before me, there are no apparent design or layout attributes relating to the appeal proposal which would necessarily fetter any future wider redevelopment opportunities or impede the potential to incorporate the appeal site into any such future scheme.
9. Furthermore, in their assessment of design, appearance and impact on adjoining properties, the Council has concluded that the appeal proposal would be acceptable. Given the site context, I have no cause to dispute that assessment.
10. In terms of delivery, the appellant has stated that his lease for the appeal site has an unexpired term which would substantially exceed the 2030 timeframe of Policy LP1 and that the Council has not provided any notice or correspondence notifying him that the appeal site would be required for redevelopment within a set timescale.
11. I note that no details of any specific studies, development briefs or development schemes consented or otherwise for any part of the 'Opportunity Site' have been put before me. Furthermore, no details of any measures to advance delivery of a scheme that relates to the wider site have been submitted.
12. Moreover, Policies LP1, LP1A and LP2 do not preclude, either explicitly or by implication, applications within this 'Opportunity Site' for purposes other than those identified in the supplementary planning document or for developments which do not extend to the whole 'Opportunity Site'.
13. The SPD requires the promotion and enabling of public realm and pedestrian activity through future comprehensive redevelopment schemes advanced

through the policy. However, as the appeal proposal is not one of those, the requirement contained within the SPD is not a basis to resist the appeal proposal.

14. Consequently, I do not find that the appeal scheme would fetter the development of the wider 'Opportunity Site'.
15. In the absence of harm, I find no conflict with Policies LP1, LP1A, LP2 of the Local Plan. Neither is there conflict with Policies 2.13 and 3.4 of the London Plan (March 2016).

Living Conditions

16. The proposed floor plans show the units to be for single occupancy. This correlates with the numbers of people cited in the description of development. Based upon that level of occupancy, it is evident that the size of the private living and sleeping floor space of 4 of the proposed units would fall below the standards relied upon by the Council. However, these standards are guidance. The shortfall would be extremely marginal per unit. Furthermore, the private sleeping and living floor space of the remaining 8 units would significantly exceed those space standards.
17. Whilst overall, there would be a shortfall in communal floorspace to serve all of these proposed units, the proposed communal kitchen and dining floor space would be of useable dimensions. The more generous level of private floor space that I have identified above would further compensate for the shortfall in size and type of communal space cited by the Council.
18. Consequently, based upon the single occupancy levels per unit proposed, I find that any shortfall would be insignificant in terms of its effect upon living conditions and would be adequately offset across the whole development. The imposition of a planning condition to control occupancy per unit would be necessary to negate the reduction in living conditions that would otherwise arise from multiple occupancy of a given unit.
19. The Council has not raised any other objections in respect to living conditions and has indicated that refuse management could be controlled by a planning condition. I have no reason to disagree with those assessments.
20. For these reasons, and subject to the imposition of the necessary conditions, I do not find that the appeal proposal would have a harmful effect on the living conditions of future residents, with particular regard to the proposed level of private living accommodation and communal facilities.
21. There is no conflict with the Council's Housing Design Guide.
22. Policy LP26 of the Local Plan requires amongst other things, that proposals provide high standards of accommodation for housing in terms of size, quality and arrangement of internal space. In the absence of harm, I find no conflict with that policy.

Sustainable Travel Opportunities

23. Notwithstanding the differences in opinion regarding the required levels of secure cycle storage, the appellant has advised that take-up of the existing on-site provision by existing residents has proved uncommon and has set out

plausible reasons why this would be likely to continue. In any event, the site is located where accessibility to public transport is assessed as being excellent.

24. Consequently, I do not find that the appeal proposal would be harmful in terms of hindering residents' opportunities to access travel by sustainable modes of transport.
25. Policy LP22 seeks to reduce car dependency, encourage sustainable forms of transport and directs new development that generates high transport demands to highly accessible locations. In the absence of harm, I find no conflict with that policy.
26. Furthermore, in view of the particular circumstances of this appeal proposal and in the absence of harm, I afford limited weight to the shortfall in secure cycle provision which is required by Policy LP23 of the Local Plan and Policy 6.9 of the London Plan (2016).

Effect Upon Epping Forest SAC

27. The Council has cited conflict with Policies LP33 and LP38 of the Local Plan in respect to this main issue, although these are not directly relevant.
28. The appellant has drawn my attention to Policy LP39 which states that development will not be permitted where it would adversely affect the integrity of the Epping Forest SAC except for reasons of overriding public interest and only where compensatory measures are provided. It is advanced that the supporting text to this policy refers to a 'risk zone' of 2km from the SAC and as it falls beyond this, the appeal site is excluded from this policy.
29. However, the Council's 'Interim Mitigation Strategy For Epping Forest Special Area of Conservation' evidences the more recently defined wider 'Zone of Influence' of this SAC and the appeal site falls within it.
30. Being a form of new residential development, the appeal proposal would be likely to give rise to additional recreational pressures. In turn, these would be likely to have significant effects on the area's Special Conservation Interests. Therefore, I conclude that there would be the potential for harm to the integrity of this SAC.
31. The Council has set out specific mitigation measures and there is no reason for me to dispute these. However, no suitable mechanism to secure the required mitigation through this appeal has been presented. Furthermore, the necessary mitigation could not be secured by the imposition of a planning condition. There are no other courses of action available to me through the appeal process. Consequently, the appeal proposal would fail to provide the appropriate mitigation.
32. As this is a statutory duty which befalls me, the appellant's assertion that the Council failed to draw this matter to their attention at pre-application stage cannot have any bearing upon my assessment.
33. Based upon the evidence before me, I find that the appeal scheme would be harmful to the integrity of the Epping Forest SAC. In the absence of appropriate mitigation, the appeal proposal would conflict with Policy 39 and would also fail to meet the requirements of the Habitats Regulations (2017).

Conclusion

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

C Dillon

INSPECTOR