



Appeal Decision

Site visit made on 15 September 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/W5780/W/20/3248400

30 Argyle Road, Ilford, IG1 3BQ

- 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 Mohammad (on behalf of Xchange S&L Ltd) against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3923/19, dated 5 October 2019, was refused by notice dated 22 November 2019.
 - The development is for two ground floor one bedroom one person flats, along with extension of the property at ground floor level.
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Procedural Matter

1. The appellant has described the development as the retention of two ground floor flats along with extensions to the existing property. Whilst the extension to the property had not been undertaken at the time of my visit, I accept the appellant's description of development as factually correct. Nevertheless, the act of retention is not defined as development in section 55 of the Town and Country Planning Act 1990. I have therefore assessed the appeal on the basis of the description of development as set out above.

Decision

2. The appeal is allowed and planning permission is granted for two ground floor one bedroom one person flats, along with extension of the property at ground floor level at no. 30 Argyle Road, IG1 3BQ in accordance with the terms of the application Ref 3923/19 dated 5 October 2019, and subject to the following conditions:
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission
 2. The development hereby permitted shall be in accordance with the following approved plans: Drawing Nos: 1516-001, 1516-002, 1516-003, 1516-004, 1516-005, 1516-006, 1516-007, 1516-008, 1516-009 and 1516-010.
 3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 4. The development hereby approved shall be designed to meet water consumption target of 105 litres per person per day, with an additional 5 litres per person per day for external water use.

5. Prior to the development of the extension hereby permitted commencing at the site, a scheme in accordance with the requirements of BS 5837 (2012) *'Trees in Relation to Design, Demolition and Construction'* for all the trees located within/adjacent to the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The protection measures as approved shall be undertaken at the site before any work in connection with the development hereby permitted commences at the site, and shall be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted, within the fence or other means of enclosure surrounding the trees, no activities associated with building operations shall take place unless previously agreed in writing by the Local Planning Authority. Should the relevant tree be damaged during construction or within the two year period following completion of the works, details of a replacement tree shall be provided to and approved in writing by the LPA and the approved detail shall be implemented in the next available planting season and thereafter maintained.

Application for costs

3. An application for costs was made by Mr A Mohammad against the Council of the London Borough of Redbridge. This application is the subject of a separate Decision.

Main Issues

4. The main issues are;
 - whether the development makes adequate provision for occupiers having regard to internal floorspace and for outlook from flat 1; and,
 - the effect of the development on the character and appearance of the area and on biodiversity, due to the proximity to existing trees.

Reasons

Living conditions

5. The application is made for 2 x 1 bed 1-person (1b1p) units, with the submitted plans showing the bedrooms as occupied by single beds.
6. The Government's Technical housing standards – nationally described space standard March 2015, (NDSS) requires a minimum Gross Internal Area (GIA) for a 1b1p unit as being 39m², or 37m² where a shower room is provided instead of a bathroom. In this instance, the proposed units are shown as both providing a GIA of 45m², which would be comfortably in excess of the standard for a 1b1p dwelling. Furthermore, the separate bedrooms are indicated to be 8.5m² and 10m² for the respective units, with both exceeding the minimum GIA for a single bedroom as set out at paragraph 10(c) of the NDSS. The measurements are not disputed.
7. Despite the above, the Council's contention is that given the size and layout of the bedrooms they should be assessed on an assumption of them being provided as double bedrooms rather than the single bedrooms as applied for. There does not appear to be any reasonable justification for this interpretation based on the evidence submitted with the planning application or indeed the appeal, where in the latter instance I note the Council has not sought to

grapple with the appellant's evidence in this regard. Neither bedroom would provide sufficient floorspace to meet the standard for a double bedroom as set out in the NDSS, and in the circumstances as set out it is perverse to assess the development on this basis. I am therefore satisfied that the development including the extensions would exceed the minimum GIA for 1b1p units and would accord with the NDSS.

8. Turning to matters related to outlook for future occupiers from Flat 1, I have had careful regard to the inter-relationship between the habitable room windows of both units and the surrounding boundary treatments. I accept that the nature of the outlook from the habitable room windows would be somewhat constrained by the proximity to surrounding boundary treatments. However, I observed this to be an existing relationship in a number of circumstances, and I am not persuaded given the relative distance, height of boundary treatment, and size of patio door openings to the main living areas in the extensions to the units, that there would be an unacceptable impact on the living conditions of future occupiers as a result.
9. I therefore consider that the internal space provided and the outlook from the ground floor windows would be acceptable and would make adequate provision for the living conditions of occupiers. Whilst the Council has referred me to Policy LP29 of the Local Plan, I have not found conflict with Policies LP26 and LP29 of the Redbridge Local Plan 2015-2030, adopted March 2018 (the Local Plan) which refers to the NDSS, or to Policy 3.5 of the London Plan. These policies address the promotion of high-quality design, amenity and internal space standards, and a requirement for housing development to be of the highest quality internally, externally and in relation to their context.

Existing trees

10. The appeal site occupies a position at the junction between Argyle Road and Beal Road, with the property possessing a side boundary defined by a brick wall on to Beal Road. On the eastern (rear) boundary between the site and an adjacent yard area, are located several trees which the Council has expressed concern over the potential for retention of during the construction period.
11. The appellant's negative response to the question regarding the presence of trees and hedgerows on the development site at Section 10 of the Planning Application Form was undoubtedly inaccurate. However, setting that aside, although the trees are relatively pleasant in their context any positive contribution that they make to the character and appearance and unqualified biodiversity of the area is limited. In addition, I have not been directed to any apparent legal protection as being in place to prevent their removal at any time. Despite this, the appellant has indicated a willingness to retain the trees as evidenced by their appeal submissions, and in this regard I consider the imposition of a condition to secure protection measures for the tree during the construction period to be a proportionate and appropriate response in this instance.
12. For these reasons, I am satisfied that the development would not result in an adverse effect on the character and appearance or biodiversity of the area. The development would therefore accord with Policy LP38 of the Local Plan which seeks to ensure that trees are protected where they make a positive contribution to local character and biodiversity.

Other Matters

13. I note that in refusing the planning application that the Council focussed the assessment and conclusions on the impact on outlook solely from Flat 1 of the development. Whilst I have also undertaken an assessment of the impact on the outlook from Flat 2 as set out above, I note that the Council has introduced further concerns in the Appeal Statement regarding the availability of natural light and the impact of overshadowing from the existing tree located on the rear boundary. However, even allowing for the extension bringing habitable room windows in closer proximity to the tree, as I observed this is an existing situation which I do not consider the development would worsen.
14. I have also noted the Council's references to the existence of an open enforcement case related to the conversion of the property into 4 flats and that it is inappropriate to consider the development in the absence of the inclusion of the two front ground floor rooms. However, whilst I have been mindful of this situation, the Council has ultimately not refused planning permission on this basis and I must consider the scheme which has been applied for and the evidence placed before me. Any outstanding matters related to the Enforcement Notice or how the remainder of the property is to be used would need to be resolved separately between the parties.

Conditions

15. In addition to the standard conditions related to the commencement of development and the development being completed in accordance with the approved plans, I am satisfied that a condition requiring the use of matching external materials would be necessary in the interest of the character and appearance of the area. A condition securing tree protection measures and the retention of trees on the site would meet the same objective. The requirement for a limited water consumption target would assist in addressing London's response to climate change.

Conclusion

16. For these reasons, and subject to the attached conditions, the appeal is allowed.

Martin Seaton

INSPECTOR