



Appeal Decision

Site visit made on 26 November 2020

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/W5780/W/20/3253395

131A Woodlands Road, Ilford IG1 1JR

- 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 J Rupra against the decision of the London Borough of Redbridge.
 - The application Ref 0652/20, dated 27 February 2020, was refused by notice dated 21 April 2020.
 - The development proposed is described as a "first floor rear extension".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon (i) the character and appearance of the host property and the surrounding area and (ii) the living conditions of the occupiers of 133 Woodlands Road by reason of outlook.

Reasons

Character and appearance

3. The appeal relates to a proposed first floor flat in an area of mixed commercial and residential uses and which would occupy a corner plot at the junction of Woodlands Road and Windsor Road. Buildings are of a varied design but are mainly brick built with double pitched roofs and are predominantly two or three storeys high. Buildings often face directly onto the adjoining footpaths. The residential properties in the neighbourhood are mainly two storey terraces.
4. The appeal building has commercial uses at ground floor level with a flat above. It has a two-storey, brick-built outrigger to its rear with a pitched roof and beyond this is a flat roofed single storey extension, all of which abut the pavement on Windsor Rd. The flat roofed extension is used commercially.
5. The proposed development is to construct a first-floor extension on top of the flat roof to provide additional accommodation for the existing flat. It would have a depth of approximately 9.5 metres, extending to the rear wall of the existing flat roofed extension. It would have a width of about 3.6 metres, being set in slightly from Windsor Rd. It would have a height of about 2.3 metres at its eaves and 3 metres at its highest point, both when measured from the flat roof of the existing extension and on top of which it would be constructed.

6. The proposed extension would be especially visible from Windsor Road. However, it would face buildings of comparable or greater height and which, in the main, have blank gables. The proposed extension would also be of a comparable height to the commercial building facing it beyond its length. Owing to its bulk, size and overall design, I find that the proposed extension would not adversely affect the character and appearance of the area.
7. The existing extension, by its flat roof and general appearance, is not in keeping with the original building. In this context, I find that the addition of the proposed extension with a pitched roof would improve its general appearance.
8. The Council's Housing Design Supplementary Planning Document (SPD) advises that first floor rear extensions generally should have a maximum depth of 3 metres and a width not exceeding half the width of the main dwelling. While the appellant considers that the SPD refers to houses and not flats and is therefore not applicable, I nevertheless afford it significant weight as the appeal relates to a residential property.
9. However, the SPD is clear that the stated dimensions are not prescriptive and are given for general guidance. In addition, it notes at paragraph 3.1.1 that *'the Council will consider each development on its merits on the basis that each property is different'*.
10. While I find that the proposed development would conflict with the advisory dimensions in the SPD, I conclude that in this instance it would not have an adverse effect upon the character and appearance of either the building itself or that of the area. It would therefore accord with the Redbridge Local Plan 2018 (LP) policy LP26 which requires good design in keeping with the local area and with LP30 which requires extensions to complement the character of the original building.

Effect on living conditions

11. The proposed development shares a boundary with number 133 Woodlands Road and where there is a kitchen window at its rear first floor level. The proposed development would be set approximately 2.2 metres away from the boundary and for a depth of about 4 metres. However, the rest of the proposed extension would continue past the set-back and along the boundary.
12. The proposed extension would not comply with the SPD as it would extend beyond a line drawn at 45 degrees from the centre of the kitchen window towards it. The SPD advises that extensions should not normally protrude beyond such a line to protect the living conditions of neighbouring occupiers by reason of daylighting and enclosure.
13. The appellant considers that the effect of the 45-degree line should not apply as the affected window relates to a kitchen which is not a habitable room. However, the SPD does not exclude kitchens from the definition of habitable rooms and, in any event, it is often the case that a kitchen, which is a room used regularly, is considered to be so. In this instance, I do not consider that a reasonable case has been made to demonstrate that the kitchen is not regularly used and I have therefore considered it to be a habitable room.
14. I find that the proposed extension, by virtue of its position, length, height and massing would have a significantly enclosing effect upon the outlook for the

occupants of the adjoining property and would not be mitigated by the proposed 4 metre long set-back.

15. I conclude that the proposed development would be contrary to LP policy LP26 which requires high design quality and with LP30 which requires extensions to maintain an acceptable outlook from surrounding buildings. Furthermore, it would be contrary to the SPD which also aims to minimise the '*impact on the amenity of adjoining residents*'.

Conclusion

16. I have concluded that the proposed development would not cause harm to the character and appearance of the building or the area. However, I have also concluded that it would have a very significantly adverse impact upon the living conditions of the occupiers of number 133 Woodlands Road in respect of loss of outlook. Therefore, the appeal should be dismissed.

Steven Hartley

INSPECTOR