



Appeal Decision

Site Visit made on 8 December 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2020

Appeal Ref: APP/W5780/W/20/3257768

735a Eastern Avenue, ILFORD, IG2 7RT

- 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 U Thayaharan against the decision of the Council of London Borough of Redbridge.
- The application Ref 4810/19, dated 22 November 2019, was refused by notice dated 18 February 2020.
- The development proposed is first and second floor rear extension and sub-division to provide 2 no. two bedroom flats for three people.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the living conditions of the occupants of neighbouring properties with particular regard to light and outlook; the character and appearance of the area and the provision of larger family size units and whether the development would provide acceptable living conditions for future occupiers, with particular reference to amenity space, cycle and refuse storage.

Reasons

Living conditions of the occupants of neighbouring properties with particular regard to light and outlook

3. The proposed rear extension would be constructed along the boundary of 737 and 739 Eastern Avenue, which has residential uses at first and second floor and would extend approximately 3m beyond the current rear elevation. Given the extent of the projection, and the proximity of the adjacent window I find that the proposal would obstruct light to the nearest habitable room window.
4. In addition, the proximity, height and scale of the extension means that it would have an overbearing presence and would lead to a loss of outlook when viewed from within the closest habitable room. This would increase to an unacceptable degree the sense of enclosure which has already been created by the existing three storey outrigger.
5. With regard to the potential for increased overlooking from the existing flat roof, I do not consider that this would be any greater than that which currently exists. Although the proposal would result in an additional unit of

accommodation being provided, I do not consider this would result in any intensification of the use of this area over and above that which might occur as a result of the existing 3 bedroom dwelling.

6. Therefore, by virtue of its depth in proximity to the boundary, the proposed rear extension would have an overbearing impact and result in a loss of outlook when viewed from 737 and 739 Eastern Avenue, such that it would have a detrimental effect on the living conditions of residents of those dwellings. Accordingly, it would be contrary to policies LP26 and LP30 of the London Borough of Redbridge Local Plan 2015-2030 (LP) which seek to ensure appropriate standards of amenity for existing occupiers.

Character and appearance

7. The rear elevations of the properties within Eastern Avenue are a prominent feature within Oaks Lane and as a result of their overall scale are highly visible. Whilst other extensions have taken place to neighbouring properties along this part of Eastern Avenue, which vary in terms of their appearance, these are predominantly at first floor.
8. The proposed first and second floor extension would be located above the existing single storey rear extension on the ground floor. The development would introduce a flat roofed extension to the second floor which would be incongruous when viewed in the context of the existing terrace. It would be of a scale which leads to harm to the prevailing rhythm, character and appearance of this group of properties. As a result of that additional height, the rear projection would no longer maintain the appearance of visual subservience which currently exists to the rear of the building. Rather, it would appear as an unduly dominant feature to the detriment of its overall character, and that of the wider street scene.
9. In conclusion, there would be harm to the character and appearance of the host building and surrounding area. The proposal conflicts with policies LP26 and LP30 of the LP which, amongst other things, seeks to support development which is subordinate to the existing dwelling in terms of size, scale and height and complements the character of the building and requires development to respect local character.

Loss of larger family size unit

10. The appeal site comprises a three storey, mid terrace building within a mixed-use area and is part of the Eastern Avenue Key Retail Parade. The building has commercial uses on the ground floor which occupy the entire footprint of the site with residential use on the first and second floor comprising a single 3-bedroom dwelling.
11. Policy LP6 of the LP sets out a strategy of retaining larger family homes in specified locations in order to maintain a mixed housing offer in many neighbourhoods and ensuring the adequate provision of larger family homes. To this end the policy states that the Council will only support the conversion of larger homes into smaller self-contained units where it is located in a Metropolitan, District or Local Centre and the gross floor area of the existing property to be converted exceeds 130 sqm.

12. The appeal site is not located in any of the areas listed in Policy LP6 where the conversion of larger homes to smaller flats would be supported. Moreover, the existing property does not have a gross floor area that exceeds 130sqm, despite the size of the proposed flats meeting the requirements set out within the nationally described space standards. Accordingly, the proposal would be at odds with Policy LP6 of the LP and therefore it would harmfully undermine the strategy for retaining larger homes in the development plan.
13. However, the existing dwelling is not particularly conducive to use as a family home because it lacks any outdoor amenity space. Therefore, children would not have outdoor space to play or the family room to dry washing or sit out. Access from a flight of stairs would also prove difficult with a buggy or young children. This would suggest a use encompassing smaller households would be more appropriate. In this respect, it is unlikely that the two flats proposed would be used as family accommodation due to their size, access and lack of outdoor amenity space.
14. In addition, the existing dwelling is set above potentially noisy commercial uses that include motorcycle sales and tyre fitters. Family occupation, particularly when involving younger children, will often be more sensitive to noise impacts that could flow from such a use and therefore this adds weight to my conclusion that the existing flat is not especially suitable for use as family accommodation. Therefore, its loss to smaller flats would not be a matter resulting in significant harm. In addition, it has been acknowledged within the Council's officer report that the additional unit would contribute to meeting the Boroughs housing need through the addition of a second two-bedroom unit.
15. In conclusion, the proposal would be at odds with Policy LP6 of the LP but in this instance the harm resulting from this conflict would be modest for the reasons given above.

Whether the development would provide acceptable living conditions for future occupiers, with particular reference to amenity space and cycle and refuse storage.

16. Policy LP29 requires new development to provide external private or communal amenity space, setting a minimum of 5 sq m of private amenity space for 1-2 person dwellings. In this instance the properties would have access to the area provided by the flat roof of the existing commercial unit which is enclosed by railings. However, I have not been provided with any evidence to demonstrate that this area has a permitted use as amenity space, although it does provide access to the proposed and existing dwelling.
17. In addition, no details have been provided to indicate where refuse bins would be stored or whether there is sufficient space for secure cycle storage and this is of concern given the lack of any outside amenity space. Whilst I have been provided with a waste management plan, which refers to a dedicated bin store and a waste storage point within the rear access road, this has not been detailed within the submitted plans and given the lack of external space provided within the appeal site it is unclear how this would be achieved. Therefore, the imposition of a planning condition would not be appropriate in this case.
18. I have taken into account that the existing dwelling on the site does not currently have any amenity space but is within close proximity to the nearby public open spaces of the Memorial Gardens, Eastern Avenue and Seven Kings

Park. There would be only modest harm arising from the lack of amenity space, given it is unlikely that the two flats proposed would be used as family accommodation due to their size, access and lack of outdoor amenity space.

19. The current dwelling also lacks dedicated areas for cycle and refuse storage. However, I consider that the occupation of the 2 flats would result in an increased level of demand for these facilities and therefore I find demonstrable harm arising from the proposed development in respect of a lack of cycle and refuse storage.
20. In conclusion, the proposal would be at odds with Policy LP6 and LP26 of the LP which require the provision of appropriate cycle provision in accordance with London Plan standards and promotes high standards of accommodation with appropriate facilities for refuse, recycling and servicing.

Other Matters

21. The appeal site falls within a 'Zone of influence' for the European designated site of the Epping Forest Special Area of Conservation. Natural England has provided revised advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.
22. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Conclusion

23. The appeal scheme would provide an additional home that would contribute to the Council's housing land supply. This would be a minor benefit of the scheme that in this instance would tip the scales in favour of determining the proposal otherwise than in accordance with Policy LP6. However, it would not be a benefit of sufficient force to outweigh the totality of harm I have identified, which includes harm to the character and appearance of the host dwelling and area, to the existing occupiers of 737 and 739 Eastern Avenue and the lack of appropriate waste and cycle facilities.
24. For the reasons given above I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR