



Appeal Decision

Site visit made on 30 November 2020

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/W5780/W/20/3251996

Land at Rear of 60 Buckingham Road, London E11 2EB.

- 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 J. Gates against the decision of the London Borough of Redbridge Council.
 - The application Ref 0186/20, dated 18 January 2020, was refused by notice dated 20 March 2020.
 - The development proposed is erection of part 1, part 2 and part 3 storey dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would:
 - Adversely affect the character and appearance of the surroundings of Buckingham Road, Nutter Lane and the Wanstead Grove Conservation Area including the impact on trees within the appeal site; and
 - Harm the living conditions of present and future occupants of Nos 62 and 64 Buckingham Road in terms of outlook, light levels, privacy and proximity.

Reasons

Character and Appearance

3. The appeal site is located to the rear of Nos 58-64 Buckingham Road between the rear garden boundaries to those properties and a public footpath running alongside the public open space off Nutter Lane. The site sits within the Wanstead Grove Conservation Area which is characterised, in Buckingham Road and its vicinity, by mainly two storey semi-detached properties finished in render with tiled roofs. It was clear from the site visit that there are examples of properties having extended into the roof space, the closest being No 62 Buckingham Road, but the frontage character of roads in the Conservation Area in the immediate vicinity of the site is of two storey construction with a high degree of uniformity to design and an attractive rhythm to the frontages.
4. The appeal site itself is relatively narrow at the southern end of the plot widening out slightly over its length with the northern half of the plot being planted with mature trees. It has a number of dilapidated sheds on the southern section.
5. I have been referred to 2 recently constructed modern infill developments and one apparently lapsed permission within the Conservation Area which the appellant

argues justifies the appeal proposal. However, looking at the completed developments on site in terms of the surrounding context and their design I am not persuaded that the cases are sufficiently comparable to the appeal proposal and I will determine it on its own merits.

6. The design of the dwelling would be detached but extend the full width of the plot. Although it has been put to me that the house would be 2 storey with rooms in the roof space, in reality the appearance would be of a 3 storeyed dwelling with a very strong half timbered gabled dormer sitting above the front bay and starting from below the eaves line. Indeed, the house is described in the application form as part 3 storey.
7. I note that in Nutter Lane there is a group of 4 older style terraced properties, 2 of which have a similar type of gabled dormer. However, these properties are visually unrelated to the appeal site but in any event have been designed as a group with the gabled dormers positioned centrally in the group and proportionate to the front elevation as a whole. The same would not be the case with the appeal proposal where the gabled dormer sits awkwardly against the short half hipped roof. Indeed, the half hipped roof itself would appear out of keeping in the context of neighbouring full hips which are the prevailing roof form in this part of the Conservation Area.
8. Although I note that some aspects of the design and the materials echo that used in the vicinity, the effect of the proposal would be to construct a house that due to its form, verticality, recessed front terrace-balcony and different roof pattern would appear incongruous and intrusive in the character of the Conservation Area.
9. It has been put to me that in the absence of an arboricultural assessment the impact of the development on the trees on site and therefore on character and appearance cannot be fully assessed. However, it was clear from the site inspection that there are no trees of any significance on the area where the house would be constructed. The trees are in the northern part of the site where the canopies and root plates would be clear of the construction area. There is a street tree on the street frontage the canopy of which would extend over the parking area at the front of the property but, if the appeal was to be allowed, a condition could be added to protect the tree and its root plate and canopy during construction and to ensure the use of permeable construction for the parking area.
10. I have also been invited to conclude that the proposed development would harm the openness of the Nutter Lane Recreation Ground. However, inasmuch as the field is already bounded to the west by houses in Buckingham Road and the proposed house would sit against these, I am not persuaded the development would have a significant impact on the openness and character of the field.
11. Notwithstanding my conclusion in respect of impact on trees and Nutter Field, for the reasons above, the design of the proposal would be harmful to the significance of this part of the Conservation Area and fail to preserve its established character. It matters not that the site is on the edge of the Conservation Area. It lies within the boundary and legislation requires that the character or appearance of the Conservation Area must be preserved or enhanced. Therefore the proposal would be contrary to Paragraphs 193 and 194 in the *National Planning Policy Framework* (the Framework). For the same reasons it would also be in conflict with Policy LP33 of the *Redbridge Local Plan* (RLP) which seeks to conserve and enhance the historic significance of the Borough's heritage assets and resists development that does not preserve or enhance the character of Conservation Areas.

12. I accept that the harm to the significance of the heritage asset would be less than substantial and, in these circumstances, Paragraph 196 of the Framework states that harm can be weighed against any public benefit. The appellant argues that the proposal would contribute to the supply of housing which I consider in further detail below in *Other Matters* and also that it would improve the area by removing dilapidated sheds. However, inasmuch as an alternative design for the dwelling could have avoided the harm to the Conservation Area, I am not persuaded that these benefits would be sufficient to outweigh the harm to the significance of the Conservation Area from the proposal.
13. Moreover, as set out above, the proposal in failing to respect the form, style, massing and design of the surrounding area, which is a requirement of Policy LP26 of the RLP, it would adversely affect the character and appearance of the Buckingham Road area and conflict with the policy.

Living Conditions

14. The house would be positioned against the garden boundary to Nos 62 and 64 with no set back from the boundary. It would rise almost 8 metres to the eaves line of the half hip and approximately 9.5 metres to the ridge with the side elevation constructed entirely of plain brick. The stated distance between the new house and Nos 62 and 64 would be between 16 and 18 metres.
15. I have been invited to conclude that on corner plots, the rear elevation to side elevation distances in many streets in the vicinity are less than would be the case with the appeal proposal. However, from the Conservation Area map these relationships appear few and, in any event, I do not have the information available in terms of heights, positioning etc to conclude whether these relationships would be comparable with the appeal case or not. I have therefore again assessed the proposal on its own merits in this regard.
16. It has been put to me in third party comments that the plans indicating a separation distance of 16-18 metres to Nos 62 and 64 do not allow for recent rear extensions at both properties which reduce the distance to less than 15 metres. In either case, however, the effect of the development on these two properties and in particular on their gardens due to the scale, height, depth, mass and design proposed would be overbearing and enclosing.
17. Moreover, whilst I accept that there would be sunlight from the south to the gardens, the height of the dwelling proposed would affect morning sunlight from the east particularly in the winter when the sun is lower in the sky and there would therefore be overshadowing of the gardens to Nos 62 and 64 in the early part of the day.
18. I note that, for the most part, there are no windows facing towards Nos 62 and 64. One side of the front bay window at first floor would offer the possibility of an oblique view towards No 64 but, were I to allow the appeal, this could be conditioned to be obscure glazed so that there would be no loss of privacy. It is unlikely that the new house would result in potential noise and disturbance over and above that which currently could arise between existing properties as residents use their indoor and outdoor spaces.
19. Notwithstanding my conclusions in respect of privacy and noise and disturbance, for the reasons above there would be harm from the development in terms of the overbearing impact it would have particularly on the occupants of Nos 62 and 64 and, in respect of loss of morning sunlight, to at least part of their gardens.

20. Accordingly, the proposal would conflict with Policy LP26 of the RLP which requires development to avoid any adverse impact on the amenity of neighbouring occupiers.

Other Matters

21. I acknowledge that the proposal would result in the provision of a new family house. In that way it would make a small contribution to meeting housing needs in Redbridge and London as a whole as sought by *London Plan* Policy 3.3 and RLP Policy LP2 and, although not yet adopted, the emerging *New London Plan*. I also acknowledge that it would constitute the effective use of land on small housing sites encouraged by the Framework at Paragraphs 68 and 117 and in *London Plan* Policy 3.4 and would comply in part with RLP Policy LP7 supporting the subdivision of land. However Paragraph 122 of the Framework requires that making efficient use of land must take into account the desirability of maintaining an area's prevailing character and setting and in this case the proposal fails. The *London Plan* carries a similar caveat at Policy 3.4 and RLP Policy LP7 requires development to comply with RLP design policy LP26 which, as set out above, it fails to do.
22. It has been put to me that the Council has a housing shortfall and I note that the published *Housing Delivery Target* (HDT) results for Redbridge in 2019 show that in the last 3 years the Borough achieved only a 60% delivery rate i.e. below the 75% threshold trigger point for the 'tilted balance' set out in the Framework at Paragraph 11d). I accept that in this context, the supply of further housing would be important even though in this case it is only one unit. However, as stated above, the slight benefit to housing supply could have been achieved with an alternative design for the dwelling that could have met the policy requirements of the RLP without impacting on character and appearance and living conditions for neighbours and therefore the Development Plan policies supporting housing delivery would not outweigh RLP policy LP26 in this case.
23. With the Framework's 'tilted balance' triggered it is important to apply that balance. Paragraph 11d) of the Framework provides that the presumption in favour should apply other than in two circumstances. The first of these applies in this case, namely where the development would conflict with Framework policies to protect areas or assets of particular importance. This would be the case here where the development would fail to preserve or enhance the character and appearance of the Conservation Area for the reasons set out above. This provides a clear reason for refusing the development proposed and it would not benefit from the presumption in favour of development.

Conclusion

24. In reaching my decision I have had regard to the matters before me. Notwithstanding the slight benefit the development would bring in adding to housing supply, this proposal conflicts with Development Plan policies. Moreover, the above assessment in terms of Paragraph 11 of the Framework shows that the presumption in favour of development would not apply and would not be a material consideration that would justify a departure from the Development Plan policies. For the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR