



Appeal Decision

Site visit made on 7 December 2020

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

an Inspector appointed by the Secretary of State

Decision date: 31st December 2020

Appeal Ref: APP/W5780/D/20/3259005

85A Cranley Drive, Newbury Park, Ilford IG2 6AJ.

- 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 Imer Mazrreku against the decision of the London Borough of Redbridge Council.
 - The application Ref 1620/20, dated 4 June 2020, was refused by notice dated 21 August 2020.
 - The development proposed is loft conversion with rear dormer.
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Decision

1. The appeal is allowed and planning permission is granted for loft conversion with rear dormer at 85A Cranley Drive, Newbury Park, Ilford IG2 6AJ in accordance with the terms of the application, Ref 1620/20, dated 4 June 2020, and subject to the conditions at Schedule A.

Procedural Matters

2. The appellant has submitted slightly revised plans to correct errors in the originally submitted plans which showed an incorrect (as built) internal layout. As these were submitted after the application was considered and after the appeal was submitted I have given the Council the opportunity to comment.
3. Minor amendments to submitted appeal plans may exceptionally be made but must be treated with caution. Following the Wheatcroft Principles (*Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]*) they must not be accepted where the development is so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation.
4. It has been put to me in the Council's response that the appeal process should not be used to evolve a proposal and that the amendments made go to the heart of the planning application.
5. However, in this case the amendment to the submitted plans is minor and is simply to correct the existing internal layout. This correction has a consequent minor effect on the external appearance of the proposed box dormer in terms of fenestration. Having carefully reviewed the proposal on site I am satisfied that, as neither the size and scale of the dormer itself nor the number of windows would be changed, the amendment is not one that would affect third parties in any additional or different way to the submitted plans. The minor change is 'de minimis' and does not go to the heart of the proposal or alter the nature of the application. I am satisfied that in considering the proposal on the basis of the amended plans no injustice will be caused.

6. The proposal is chargeable development in respect of the Community Infrastructure Levy (CIL). The collection of the CIL contribution is undertaken by the relevant charging authority on service of a notice that planning permission has been granted in relation to chargeable development. As such, the requirement for and any enforcement of the payment of a contribution in relation to the development is not for consideration at this appeal.

Main Issues

7. The main issues are whether the proposed development would harm:-
- The character and appearance of the host property and the surrounding area including the visual amenities and outlook from neighbouring dwellings; and
 - The living conditions of the present and future occupants of No 85A itself in terms of inadequate levels of light and outlook to rooms in the loft space.
 - The living conditions of present and future occupants of neighbouring properties in terms of light levels, overlooking and privacy.

Reasons

Character and Appearance

8. Cranley Road and Cranley Drive properties which bound the appeal site are mainly 2 storey semi-detached or terraced houses in render and tile. The 2 storey appeal property has recently been constructed in what was part of the garden to No 11 Cranley Road but it faces onto Cranley Drive and sits adjacent to No 85. Accordingly, the plot is very small and the house has limited space to side and rear and the side separation to No 11 in particular is minimal.
9. The property at No 85A already has accommodation in the loft space comprising a bedroom, WC and shower and storage which is lit by 2 front facing and 2 rear facing rooflights. The proposal would retain the existing internal layout but introduce a rear box dormer to the rear roof slope.
10. I noted from the site inspection that box dormers to the rear of properties are prevalent and a characteristic of the streets around the appeal site with a large number constructed on the rear roof slopes of properties on Cranley Road the street adjacent to Cranley Drive. It would therefore be unreasonable in this case to conclude that the principle of a dormer extension would not be acceptable.
11. However, I acknowledge that it is important that the detailed design of these is controlled. The Council has produced the *Housing Design Supplementary Planning Document* (SPD) which provides guidance for householders considering dormer extensions amongst other things. The SPD stresses that a guiding principle for dormers is that they are designed to be subordinate to the roof slope. The SPD advises that this is best achieved by locating the dormer symmetrically so that it would be at least 0.5m below the ridge of the roof, 1m above the eaves and set in 1m from the edge of the roof. In this case the appeal proposal would comply in all respects other than for the set in from the eaves where 1 metre would not be achieved. The dormer would however sit symmetrically in the roof and would appear subordinate in the roof in inward views from surrounding properties and gardens. The design proposes a slightly greater set in from the edge of the roof which would in this case compensate for the reduced set in from the eaves. I am therefore satisfied that the spirit of the guidance would be observed and the failure to exactly deliver the eaves upstand would not justify the dismissal of the appeal.

12. For the above reasons the proposal would not harm the character and appearance of the dwelling or its surroundings and would not conflict with The *Redbridge Local Plan* (RLP) at Policy LP26 which requires development to respect the local character of the area particularly in terms of layout, form, style, massing and scale amongst other things. It would also not conflict with Policy LP30 which requires extension proposals to complement the character of the existing building in terms of scale, style, form and materials and be subordinate to it, incorporating a roof profile and materials sympathetic to the existing dwelling amongst other things.

Living Conditions

13. The minor amendment to the plans to correctly identify the position of the stairs as built (see Drawing Nos 5A and 6A) proposes two small rear facing vertical format windows within the dormer that would light the bedroom. These together with the front facing rooflights would provide adequate light levels to the loft bedroom.
14. It has been put to me that because the windows in the dormers are marked as obscure glazed there would be no outlook from the bedroom. However, I observed on the site visit that there are existing front rooflights and therefore there would be some outlook from the bedroom to the front of the property.
15. The position of the stair (as built) reduces the space available at the east end of the loft accommodation. As a result, the amended plans no longer include the proposed study in respect of which it had been put to me that, because it had the potential to be used as a bedroom, the 2 proposed rooflights would be inadequate as a source of light to that room.
16. However, even were a study to be created in the loft space as originally proposed, the two front rooflights proposed would be at a level to afford some outlook and would provide adequate light and ventilation to the room.
17. Third parties have raised concerns regarding loss of light as a result of the dormer and loss of privacy to properties and neighbouring gardens as a result of overlooking. However, because the dormer would sit within the roof slope and would be no higher than the existing ridge it would not have any additional impact on levels of sunlight or daylight to neighbouring properties and their gardens. The nature of development in the vicinity is such that there is already extensive overlooking of gardens between neighbouring properties particularly from upper floor windows but, in any event, the appellant proposes that the dormer windows would be obscure glazed and this can be conditioned in the event the appeal is allowed.
18. I am therefore satisfied that there would not be adverse effects on either the living conditions for the occupants of No 85A or for neighbouring occupants as a result of the proposal. Both RLP Policies LP26 and LP30 seek to ensure development does not result in an adverse impact on the amenity of occupiers of the development and neighbouring occupiers and for the above reasons the proposal would not be in conflict with these policies.

Conditions and Conclusion

19. The Council suggested standard conditions, which I have considered in the light of the advice in the *National Planning Policy Framework* and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty and I have written this to ensure it refers to the correct recently submitted plans. It is also necessary to ensure that the character and appearance of the property and surroundings is

protected by ensuring that the materials to be used in the construction of the dormer match those on the existing dwelling.

20. In view of the close proximity of neighbouring gardens it will be necessary to ensure that the windows in the dormer extension are obscure glazed and non-opening below head height and I attach a condition in order to control this.
21. Although this last condition was not proposed by the Council the appellant has indicated in their statement that they would accept such a condition and therefore it was not necessary to consult on its use.
22. I have considered the matters before me and, for the reasons given above, I conclude that the appeal should be allowed and permission granted for the dormer extension subject to the conditions set out in Schedule A.

P. D. Biggers

INSPECTOR

Schedule A – Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this approval.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01A (Submitted 16 Dec 2020); 04A (Submitted 16 Dec 2020); 05A (Submitted 16 Dec 2020); 06; and 06A (Submitted 16 Dec 2020).
- 3) The materials to be used in the construction of the external surfaces of the dormer extension hereby permitted shall match those used in the existing dwelling.
- 4) Before the windows are installed in the box dormer hereby permitted, details of the type of obscured glazing to be used in the windows shall be submitted to and approved in writing by the local planning authority. The windows in the dormer shall be fitted in accordance with the approved details and shall be constructed so that no part of those windows less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazed windows shall be retained thereafter.