
Appeal Decision

Site visit made on 14 February 2021

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2021

Appeal Ref: APP/W5780/W/20/3259705
75 Forest Road, Hainault, Ilford, IG6 3HA

- 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 Pellumb Mazreku against the decision of London Borough of Redbridge Council.
 - The application Ref 1839/20, dated 24 June 2020, was refused by notice dated 2 September 2020.
 - The development proposed is retrospective planning application for retention of new dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for retention of new dwelling house at 75 Forest Road, Hainault, Ilford, IG6 3HA in accordance with the terms of the application, Ref 1839/20, dated 24 June 2020, subject to the following condition:
 - 1) The development hereby permitted is based upon the following plans:
ZAAVIA/75FR/501 (Issue A), ZAAVIA/75FR/502 (Issue A),
ZAAVIA/75FR/503 (Issue A), ZAAVIA/75FR/504 (Issue A),
ZAAVIA/75FR/505 (Issue A), ZAAVIA/75FR/506 (Issue A),
ZAAVIA/75FR/507 (Issue A) and Location Plan.

Background

2. Based upon the information before me it is evident that outline planning permission was granted on appeal in August 2017 and full planning permission was granted by the council in November 2017. Relevant conditions, pertaining to the full planning permission, were not formally discharged by the council prior to commencement of the development on the site. The completed dwelling on the site, whilst similar in terms of siting and in terms of appearance to the front of the site, is not in accordance with the originally approved plans and conditions. The dwelling as built is therefore unlawful and the application subject to this appeal sought to regularise that matter.

Main Issues

3. The main issues are the effect of the development on the character of the area and parking.

Reasons

Character and Appearance

4. The area is characterised primarily by two-storey terraced houses that follow a strong linear building line. Externally these are finished in painted brick and render. Many of the dwellings along Forest Road have been altered and extended to the side and rear with, amongst other things, hip to gable and rear dormer roof extensions.
5. The appeal site, having previous planning permissions for a detached dwelling set back from the building line and on a corner plot, was always going to be of different character and appearance to the adjacent, much older, terraced properties. Different is not the same as harmful.
6. Based upon the information before me the current dwelling does not appear to be significantly different in terms siting, scale or design to that which was originally approved and which, upon lawful completion, could have been altered under permitted development rights. The originally approved dwelling included a second floor in the roof space. Although a dormer was not proposed, permitted development rights were not removed and this could have been added later without the need for planning permission. Large rear dormers are present on other nearby dwellings, including on the neighbouring dwellings to either side of the appeal property. The large rear dormer is not out of character with the area.
7. The central part of the new dwelling is much the same as that which was originally approved. The main differences are to the rear. Ground floor projections to the side and rear were part of the original scheme, they now differ slightly by being wrapped around the dwelling rather than stepped. The width across the rear of the new dwelling is slightly wider than the previously approved scheme and the depth slightly less. These are very minor alterations. A small first floor projection has been added and the absence of first floor rear windows is unusual, but perhaps unsurprising for a dwelling that backs onto a large car park.
8. The appeal property is of very similar materials and appearance to neighbouring no.73 Forest Road, which appears to have been recently extended and renovated.
9. I therefore conclude on this matter that the dwelling is not incongruous or overbearing in terms of its scale and design and does not harmfully detract from the character and appearance of the area. The dwelling therefore accords with Policy LP26 of the Redbridge Local Plan 2015-2030 (adopted March 2018), which seeks to ensure, amongst other things, that development is of high quality design that maintains the appearance of the street scene.

Parking

10. The previously approved scheme showed a new vehicular access from the side road, 2 parking spaces and a turning area, which had nothing to restrict it from being used as additional parking space. The original plans also showed 2 parking spaces as being retained at the side of no. 73 for use by occupiers of that property. No enforceable conditions were imposed on the original permission to limit the parking on the site or to remove permitted development rights for increasing the area of hardstanding.

11. There is no plan identifying the access, parking and turning areas on the scheme currently before me. I have therefore assessed the arrangements as they existed at the time of my visit.
12. It is apparent from the photographs submitted by both parties, and from my site visit, that vehicular access to the new dwelling is taken directly from Forest Road, using the crossover that already existed to serve no.73. The parking area previously shown to be retained at the side of no.73 now forms part of the curtilage to the new dwelling. The alteration of the property boundaries has not resulted in any change of use of land and is therefore not a planning matter. No. 73 continues to have its own parking to the front. The local planning authority has not suggested that the amended access or parking arrangements would be detrimental to highway safety.
13. Due to the size of the hardstanding area to the front of the dwelling it is possible for more than 2 vehicles to park within the site. However, I believe this would also have been the case with the previously approved scheme. The parking of more than 2 or 3 vehicles would not be possible without the vehicles blocking each other in. The gates are significantly set back from the highway and this further restricts the amount of space available for parking and manoeuvring.
14. I have not been provided with a copy of the London Plan Parking Standards referred to, but according to the council's statement, the maximum number of parking spaces for a dwelling of this size, in this location, is 2. This is not disputed by the appellant. The development does not therefore accord with the London Plan and consequently nor does it accord with Policy LP23 of the Redbridge Local Plan 2015-2030 (adopted March 2018). This conflict with policy weighs heavily against the development.
15. However, having regard to the previously approved scheme, which I consider to be a material consideration of significant weight and which in my view would also have provided space for more than 2 dwellings to park within the site, I consider that on balance one extra parking space would not justify withholding planning permission for this otherwise acceptable development.

Conditions

16. Although the development is already complete, I have listed the approved plans for certainty as to what has been approved. The council suggested 3 further conditions. With regards to refuse storage it is apparent from photographs submitted by both parties that wheelie bins are stored to the rear of the dwelling in the generous garden. With regards to cycle parking it is evident that there is an existing large secure outbuilding to the rear of the property that can be used for this purpose. Planning Practice Guidance clearly states that conditions should not duplicate other legislation and should be relevant to planning. A condition requiring the dwelling to comply with building regulations does not therefore meet the relevant tests.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

Rachael Bartlett

INSPECTOR