



Appeal Decision

Site Visit made on 9 March 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2021

Appeal Ref: APP/W5780/W/20/3262787

23 Jersey Road, Ilford, IG1 2HH

- 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 Mohammed Ali against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2076/20, dated 4 July 2020, was refused by notice dated 7 September 2020.
 - The development proposed is Demolish outbuilding. One 2 x 2 bedroom dwelling house with associated car parking, waste storage and amenity space at rear of 23 Jersey Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 19th January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The HDT results show that the London Borough of Redbridge has delivered 59% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (the Framework) would be engaged. The Council and appellant have had an opportunity to comment on the implications of this.

Main Issues

3. The main issues are:
 - the likely long-term effect of the development on protected trees;
 - whether the development would provide acceptable living conditions for future occupiers, with particular reference to amenity space; and
 - the effect of the development on the character and appearance of the area,

Reasons

Trees

4. The proposed dwelling would be sited in close proximity to a number of existing trees, including a Cherry Tree which is protected by a Tree Preservation Order. The appellant has not provided an arboricultural impact assessment to demonstrate how the dwelling and access could be constructed on the site without detriment to the protected tree. Furthermore, there are no details provided of any mitigation which could be provided in terms of the overall design and construction of the development.

5. I accept that the existing outbuilding has already been constructed in close proximity to the tree, however there is nothing in the evidence before me to indicate that the proposed dwelling could be constructed without the need for further groundworks, following the demolition of the outbuilding, which may result in damage to the root protection area.
6. It would also not be appropriate for this level of detail to be left to be agreed by condition as it is not possible, on the information before me, to conclude that it is possible for the proposed development to be constructed without resulting in harm to the protected tree.
7. Based on the evidence before me, there is insufficient information to establish that the works required to construct the proposed dwelling would not result in a serious and adverse impact on the protected Cherry Tree. This is contrary to policy LP38 of the Redbridge Local Plan 2015-2030 (LP) which seeks to retain trees in the interest of amenity.

Amenity Space

8. Policy LP29 of the LP 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 bed units. The plans submitted indicate that the proposed dwelling would have 50 sqm of amenity space which would meet the requirements of policy LP29.
9. However, this amenity space has been created following the subdivision of the existing garden and the resultant amenity space for 23 Jersey Road would fall below the minimum requirement set out within policy LP29. It would also conflict with policy LP7 of the LP, which supports the subdivision of existing housing plots and gardens to create new residential accommodation. But only where the development provides both existing and future occupiers with an appropriate level of external amenity space.
10. It has been put to me that the proposed layout of the site could be amended in order to provide a different configuration of the amenity space, including the area becoming a communal space shared between the two dwellings. It has also been suggested that the proposed flat roof on the rear elevation of the proposed dwelling could be used as a sitting out area. However, Annex M of the Procedural Guide Appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
11. It would also not be appropriate for this level of detail to be left to be agreed by condition as it is not possible, on the information before me, to conclude that any solution would provide both future and existing occupiers with acceptable living conditions and the suggested balcony may result in the loss of privacy for existing occupiers.
12. I have taken into account that the site is within close proximity to the nearby public open spaces of Loxford Park and Barking Park. Whilst these are relatively close to the site, using them would be significantly less convenient than using an appropriate amenity space at the appeal site. Therefore, the lack of an appropriately sized private space for the existing dwelling, in this instance, is not adequately mitigated by the proximity to public open space.

13. In conclusion, the proposal would fail to accord with policies LP7 and LP26 of the LP which require the subdivision of existing housing plots to ensure the provision of appropriate levels of amenity space as set out within the policy.

Character and appearance

14. The site is located off Mayville Road, which runs parallel to Jersey Road, a predominately residential area, comprising the rear garden of 23 Jersey Road and the existing outbuilding. The existing single outbuilding is visible from Mayville Road and would be demolished to facilitate the development.
15. The area is characterised by a range of dwelling types, with a number of other dwellings having a similar arrangement with dwellings located to the rear of properties fronting Jersey Road. The size of the plot is reasonable given the scale of the dwelling proposed and would replace an existing outbuilding of a similar footprint. The proposed dwelling would have its frontage and vehicular access onto Mayville Road and therefore would be read within the context of the existing dwellings within the locality.
16. The plot is of sufficient size to provide an appropriate level of parking and the proposed dwelling would not appear cramped within the plot with spacing available to the side and rear. The plot is of a similar size to others within Mayville Road, albeit that some have been merged to provide pairs of semi-detached dwellings. The proposed dwelling would reflect the character and width of the terraces on the opposite side of the road and therefore would not be out of character with the wider area.
17. The proposed dwelling, by virtue of its modest size and scale, reflects the dwellings within Mayville Road and would contribute positively to the character and appearance of the area. I therefore conclude that the proposed development would not harm the character and appearance of the area. It would not conflict with policy LP26 of the LP which, amongst other things, seeks high quality design and requires development to respect local character. It would also accord with policy D4 of the London Plan which seeks to deliver good design.

Other Matters

18. 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.
19. 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.

Housing Supply

20. The 2020 HDT results show that the Council has underdelivered against its housing requirement over the latest 3-year period. Consequently the presumption in favour of sustainable development contained in the Framework is engaged whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in the Framework, taken as a whole.

21. Considering the current shortfall, the provision of additional housing, noting its small scale, attracts modest weight. There would also be social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services.
22. Nevertheless, the identified adverse impacts of the development in respect of lack of appropriate amenity space for the existing dwelling and potential impact on protected trees are matters which attract significant weight and outweigh the benefits associated with the proposed development.
23. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict.

Conclusion

24. For the reasons outlined above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR

