
Appeal Decision

Site visit made on 31 March 2021

By Terrence Kemmann-Lane JP DipTP FRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/W5780/W/20/3264326
72 Love Lane, Woodford Green, IG8 8BH

- 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 Garry Scott against the decision of London Borough of Redbridge Council.
 - The application Ref 1806/20, dated 17 June 2020, was refused by notice dated 24 August 2020.
 - The development proposed is demolition of existing garage, partial demolition and extension of existing building to create 2 x 2 bedroom dwellings, along with associated cycle and refuse/recycling enclosures.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage, partial demolition and extension of existing building to create 2 x 2 bedroom dwellings, along with associated cycle and refuse/recycling enclosure at 72 Love Lane, Woodford Green, IG8 8BH, in accordance with the terms of the application, Ref 1806/20, dated 17 June 2020, subject to the conditions set out in the schedule attached to this decision.

Preliminary Matters

2. The proposed development was originally described on the application form as 'the reconfiguration of existing property and use of land to the side of 72 Love Lane which is currently used as a garage with side door to be demolished and the area utilised as a 2 bedroom house'. However, an alternative description was subsequently agreed as 'demolition of existing garage, partial demolition and extension of existing building to create 2 x 2 bedroom dwellings, along with associated cycle and refuse/recycling enclosures'. Since the latter better describes the nature of the proposed development, I have used it in the heading above.
3. Reference was made in the appellant's appeal statement to the policies of the London Plan and the results in the Housing Delivery Test. Since the London Plan 2021 was recently published and the 2020 Housing Delivery Test was published on 19 January (the appeal statement refers to 2019 as the latest version), I considered that I should provide the opportunity to update the appeal statement in regard to these 2 matters. A request was sent by the case officer and I have taken account of the reply. The reply was sent to the council for comment, but no response has been received.

Main Issues

4. The main issues in the case are i) the loss of a 3-bedroom, family sized dwelling set against the identified need for larger homes of 3+ bedrooms; and ii) the effect on the character and the prevailing form of development and on the appearance of the existing semi-detached properties.

Reasons

Background

5. As referred to in paragraph 3 above, the 2020 Housing Delivery Test (HDT) was published on 19 January 2021. The published results of the HDT, covering the period 2019-20, show that the measurement for Redbridge was 59%; and I am told that the previous results were 60% in 2019-20, 38% in 2017-18, and 68% in 2016-17. The consequence of the 59% figure is shown as "Presumption" (meaning in favour of sustainable development). The appellant also states that the Redbridge HDT Action Plan had noted at paragraph 4.5.3, that 'Redbridge has not delivered its annual housing target since 2006/07', and at paragraph 4.6.10, that 'small sites are far more reliant on housing¹ as a source than large sites'.
6. The presumption in favour of sustainable development as set out in paragraph 11 of the National Planning Policy Framework (the Framework), the 'tilted balance', therefore comes into play. With regard to paragraph 11 c) "*approving development proposals that accord with an up-to-date development plan without delay*", and 11 d) "*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date*", (my emphasis) *granting permission unless:*" (I need not set out the rest of the paragraph); the consequence is that I must regard the council's housing policies which are most important for determining the proposal as being out of date: in my footnote² below, I set out footnote 7 of paragraph 11 d).
7. However, as far as Policy LP26 'Promoting High Quality Design' of the Redbridge Local Plan 2015-2030 is concerned (referred to in the refusal notice), it is in accord with section 12 of the Framework, 'Achieving well-designed places', which states that "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*". What amounts to good design is a matter of planning judgement.

The loss of a 3-bedroom, family sized dwelling

8. As to the issue of the need for dwellings of 3+ bedrooms, the host dwelling in this appeal is described as being of 3 bedrooms. The appellant says that the third 'bedroom' is of 4.6m² in area and has not been used as such for many years. This floorspace falls below the minimum for a one bedspace single

¹ I interpret this to mean that small sites are a more reliable housing source in the short term than large sites, reflecting the content of paragraph 68 of the National Planning Policy Framework.

² Footnote 7: "*This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years*".

bedroom of at least 7.5m² as set out in paragraph 10c. of the 'Technical housing standards – nationally described space standard'. Therefore the reduction in the size of the host dwelling would not result in a loss of a practical 3 bedroom unit, let alone the loss of a 3+ bedroom unit. Further, the gain of an additional housing unit, in terms of the shortfall in housing supply in the borough, is small but welcome. Both units would meet current standards in all respects as far as floor space is concerned.

The effect on the character and the prevailing form of development and on the appearance of the existing semi-detached properties

9. The application site is No. 72 Love Lane and the land to the side, which is currently occupied by an attached single-storey garage. The host property is located on the south side of Love lane, within a residential area consisting primarily of two-storey, semi-detached properties and a three-storey flatted block to the south, on the opposite side of the road. The immediate group of properties have more generous plot widths than some others in the locality, but there are examples of narrower plot widths, including diagonally opposite the site.
10. The pair of houses, Nos. 70 and 72, together with the next pair, Nos. 66 and 68, are more or less as they were built: doorways at the centre of the pair, large ground floor windows, and 2 windows to the first floors. There are minor additions, such as enclosed porches in place of the original canopies. The next pair along, Nos. 62 and 64, have been altered by a large side extension to No. 62, which also has an elaborate and extensive porch. The final pair in this group, Nos. 58 and 60 almost appear to be a terrace of 3, since No. 58 has a substantial side extension which lines with the front elevation but has a separating vertical brick feature, set in the render at the point where the return flank would have been.
11. From the above description of the appearance of this group of semi-detached dwellings, it can be seen that the original simple uniform design has largely been lost. In my view, the appeal proposal would produce an effect somewhat similar to that at No.58. In my opinion the addition would not be so disruptive to the appearance of the individual pair of semis or the group as a whole, as to justify refusal of permission. The fact that an extra dwelling would result, albeit with 2 bedrooms, and with the existing house becoming a 2 bedroom unit, without pretensions to a third, would be a beneficial outcome for the local housing stock.

Other matters

A possible fall-back position

12. In view of my decision, the argument about a possible fall back as a conversion to a C4 small-HMO of up to 6-people does not need to be considered.

Epping Forrest Special Area of Conservation (SAC)

13. Natural England has provided advice that any development within 6.2km of the boundary of the Epping Forest Special Area of Conservation (SAC) shall require suitable mitigation so that no adverse effects on the integrity of the SAC will arise. For development of single dwellings the Council is therefore required to collect an amount of £30 per dwelling and requires a monitoring fee of £90 in

order to facilitate this. The monies collected are for the mitigation of the impact of proposed development in accordance with the Epping Forest Special Area of Conservation Mitigation Strategy. The Council is satisfied that the payments are necessary to ensure that development is acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development and satisfy the requirements of regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). I see no reason to disagree with the council's view on this. I am informed that the payment has been made.

Conclusions

14. For the reasons that I have set out above, the loss of a '3-bedroom, family sized dwelling', when set against the identified need for larger homes of 3+ bedrooms, bearing in mind the size of the current third bedroom, the value of an additional unit of accommodation and the general unmet housing need in the borough, is justified. The effect on the character and the prevailing form of development and on the appearance of the existing semi-detached properties is relatively small, and does not justify refusal of permission. I will therefore allow the appeal.

Conditions

15. The council has requested a number of conditions be imposed on any planning permission. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG I have amended some of the text. I consider that the conditions in the schedule below should be imposed for the following reasons: condition 2 - for certainty and avoidance of doubt; 3 and 5 to ensure a satisfactory appearance in relation to the surroundings; 4 to ensure that there is no additional pressure on car parking availability; 6 to ensure pedestrian safety and for highway users generally; 7 to enable continuing control by the local planning authority in the interests of adjacent occupiers bearing in mind the size of the curtilages of the units permitted; 8 to assist in the provision of accommodation for people with impaired mobility, in circumstances where the provision under the building regulations appears to be optional; 9 to reduce water consumption in the interests of sustainable development; 10 to ensure that the development deals in a satisfactory manner with surface water drainage; 11 to ensure that satisfactory arrangements are made for refuse, recycling and bicycle storage in the interests of appearance of the area and to avoid encroachment onto the highway and for reasons of sustainability, including encouraging sustainable modes of travel; 12 and 14 to protect the living environment of adjacent occupiers; and 13 to protect air quality and peoples' health.
16. I have not adopted some of conditions suggested by the council: it is not necessary in the circumstances of this development to require the incorporation of sustainable drainage systems; or to prohibit the creation of separate units of accommodation, since that would require planning permission; or to stipulate sound insulation requirements since this is covered under the building regulations.

Terrence Kemmann-Lane

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out strictly in accordance with the following approved plans: 201305 002, 1001 Rev A1 Floor Plans, 1002 Rev A1 Elevations, 1002 Rev A1 Block and Location Plan and Planning Statement.
- 3) Before any development commences above ground level, details of the materials to be used in the construction of the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with these approved details.
- 4) Before the development hereby permitted its first occupied, a scheme shall be submitted to and approved in writing by the local planning authority describing the means by which future occupiers (with the exception of a holder of a disabled person's badge) of this development shall be excluded from any local car parking permit scheme which may be in force in the area at any time. The scheme shall ensure that such future occupiers are notified in writing that they are excluded from obtaining a residence parking permit and have waived their rights and entitlement to a residence parking permit in any controlled parking zone in the vicinity of the development. The development shall only be completed and occupied in accordance with the approved scheme.
- 5) Before the development hereby permitted is occupied, details of all walls and/or fences to be erected within or on the perimeters of the site shall be submitted to and approved in writing by the local planning authority. The walls/fences as approved shall be erected at the site before first occupation of either of the 2 dwellings hereby permitted and shall be retained thereafter in accordance with the approved details.
- 6) Before any development commences above ground level, details of pedestrian visibility splays to be provided at the site shall be submitted to and approved in writing by the local planning authority. The pedestrian visibility splays shall be laid out in accordance with the approved plans and shall be permanently maintained and retained exclusively for their designated purpose.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1, Classes A and E shall be carried out without the specific permission of the local planning authority.
- 8) Before occupation, the dwellings shall comply with Building Regulations Optional Requirement Approved Document M4 (2) Category 2: Accessible and adaptable dwellings (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the

- appropriate Full Plans application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
- 9) The development hereby approved shall be designed to meet a water consumption target of 105 L per person per day, with an additional 5 L per person per day for external water use.
 - 10) Prior to the occupation of either dwelling hereby approved, surface water shall be disposed of via the main sewer and all paving shall be permeable and retained in that form thereafter.
 - 11) Details of the proposed refuse storage, recycling facilities and bicycle storage to be provided for both dwellings shall be submitted to and approved in writing by the local planning authority. The facilities as approved shall be provided prior to first occupation and then be retained at each dwelling at all times thereafter in accordance with the approved details.
 - 12) The roof area of the single story rear projection of both dwellings hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant a further specific permission from the local planning authority.
 - 13) All non-CHP gas fired boilers installed in this development must achieve dry NO_x emission levels no greater than 40 mg/kWh.
 - 14) Noise emitted from any new fixed building services, plant and equipment shall be designed to a level at least 10 dB below the lowest representative existing background noise level when assessed in accordance with BS4142: 2014 at a position 1m from the window of the nearest noise sensitive premises (ie Plant L_{Ar},T_r= -10dB LA90,T). This criterion applies to the total contribution of noise from all new plant items associated with the development hereby permitted that may run during any particular period.