
Appeal Decision

Site visit made on 13 April 2021

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021

Appeal Ref: APP/W5780/W/20/3263479
68 Marlands Road, Clayhall, Ilford, IG5 0JJ

- 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 Steve Mayville against the decision of the London Borough of Redbridge.
 - The application Ref.1010/20 dated 30 March 2020, was refused by notice dated 1 June 2020.
 - The development proposed is the demolition of existing garage and erection of a one bedroom Bungalow.
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Decision

1. The appeal is dismissed

Preliminary matters

2. The council's delivery of housing over the last three years, as shown in the published Housing Delivery Test, is below its housing target and therefore sub-paragraph 11(d) of National Planning Policy Framework (the Framework) is engaged by virtue of footnote 7.

Main Issues

3. The main issues in the case are i) the effect on the character and pattern of development of the area; ii) the adequacy of parking provision; and iii) the impact on Epping Forest Special Area of Conservation.

Reasons

The effect on the character and pattern of development of the area

4. The appeal site is situated within a well-established residential area, mainly consisting of 2-storey, semi-detached dwellings, generally on spacious plots. The proposal would sever about half of the rear garden of the host dwelling to provide the site for the proposed bungalow which would front onto Gayfere Road.
5. The proposed bungalow would sit forward of the regular building line in Gayfere Road. It would be separated from the neighbour at No.18 Gayfere Road by a parking space and by a low brick wall currently marking the boundary. The projection of the bungalow beyond the building line would be very noticeable. And so would the difference in scale between the bungalow and the adjacent substantial 2-storey house with its flat roofed 2-storey side extension.

6. Whilst the appeal proposal is designed in a modern idiom, which itself would not be unacceptable, and the materials indicated would be in keeping with housing in the immediate vicinity, it would nonetheless, for the reasons that I have just referred to, be markedly at odds with the character and pattern of development in the area. I recognise that it would have adequate private open space, has been designed to meet all modern requirements in respect of floorspace, etc, and would be energy efficient and adaptable. In many respects it would meet the adopted Redbridge Local Plan 2015-2030 (the local plan) policy LP7 (2 a) and c)) and policy LP29 requirements, but these laudable characteristics do not overcome the basic fact that it would be out of character with its immediate surroundings and be harmful to that character and the pattern of development in the area. I conclude that the development would be contrary to the local plan policy LP26, particularly part 1 and part 2 (b), (d) and (g) of that policy.
7. In reaching this conclusion, I have noted and viewed the development not far from this site, where the Council granted permission in September 2018, to demolish garage and erect 1x2 bedroom bungalow at 36 Marlborough Road. The frontage to this road, and the general character, is very different to the appeal site and its context, and the comparison is not persuasive.

Parking provision

8. As to parking provision, the proposed bungalow would have its own sufficient parking space. This space, and the proposed development generally, would remove the existing garage and parking space that served the host dwelling (that garage having now been demolished). However, I saw at my visit that No. 68 Marlands Road has now been provided with a paved parking area at the front. In any event, the double yellow line restrictions on kerb-side parking are limited in this area, and I am left with no concerns in respect of this issue.

The impact on Epping Forest Special Area of Conservation.

9. The development is located within 6.2km of the Epping Forest Special Area of Conservation (SAC). Local plan policy LP39: Nature Conservation and biodiversity, states (as far as relevant here):
*"1 The Council will protect and enhance the borough's natural environment and seek to increase the quantity and quality of the borough's biodiversity by:
(a) Not permitting development which would adversely affect the integrity of Epping Forest SAC, except for reasons of overriding public interest, and only where adequate compensatory measures are provided. Any development within 2km of the boundary of the Epping Forest Special Area of Conservation shall be the subject of early discussions with the Local Planning Authority and a screening assessment under the Habitat Regulations Assessment must be carried out to assess the impact of the development on the SAC;"*
10. There are two issues here in relation to the council's case: firstly the reference to 'within 2 km of the boundary' (rather than 6.2km) and secondly there is no mention of the 'suitable mitigation by providing a financial contribution to off-site measures of £30 per dwelling and a monitoring fee of £90' that the officer's report refers to, as does the council's appeal statement. From other casework I suspect that the local plan has been overtaken by later events, and

indeed, the appellant's Design and Access Statement says "As the proposed development falls within 2km of the Epping Forest Special Area of conservation (SAC), it is understood that suitable mitigation is required in the form of fees to ensure that no adverse effects will arise as a result of the proposed works. The fee of £120 will be paid at the appropriate point (when instructed to do so) with respect to the application". This appears to indicate an understanding of the present situation of a payment being required, even though it still makes reference to 'within 2km'.

11. In any event, the appellant's appeal statement indicates a change of attitude, where it says: "it is not considered that the quantum of additional traffic on roads (and associated air pollution) in the proximity of the SAC would result in a demonstrable net increase in traffic as a result of a one-bedroom bungalow, given the distance away and the other more likely options of vehicle destination. There would be no unacceptable impact on the SAC and therefore the proposal complies with Local Plan policies LP38 and 39" (I believe the reference to policy LP38 is in error, but again this shows an understanding that there is a policy requirement for a payment).
12. It appears to me that the current policy is to require the payment mentioned, and the lack of it is a consideration of considerable weight, justifying the refusal of permission.

Conclusion

13. On the basis of my findings in relation to the first issue in this case, I conclude that the appeal proposal would be out of character with its immediate surroundings and be harmful to that character and the pattern of development in the area. This objection is not overcome by the fact that the development would deliver additional housing suitable for elderly persons, for example, nor that there would be modest ongoing benefits for local services and facilities from its occupation, and that there would be temporary economic benefits arising from the construction. I also recognise that sub-paragraph 11(d) of the Framework is engaged by virtue of footnote 7, as mentioned in paragraph 2 above. However, 1 small dwelling is a minor benefit in relation to the overall requirement, and does not outweigh the objection arising from policy LP26 and the lack of mitigation with regard to Epping Forest Special Area of Conservation. For these reasons the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR