
Appeal Decision

Site visit made on 25 May 2021

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th May 2021

Appeal Ref: APP/W5780/W/20/3264750

13 Summit House, High Street, Wanstead, London E11 2AA

- 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 John McDonagh against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1629/20, dated 4 June 2020, was refused by notice dated 27 July 2020.
 - The development proposed is described as '2nd and 3rd storey extension and change of use from commercial to 6no residential units and 1no commercial (A1)'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The London Plan 2021 was published after the appeal was made. It replaces the London Plan 2016 and forms part of the development plan. In addition, the latest Housing Delivery Test (HDT) results indicate that the presumption in favour of sustainable development, as set out at paragraph 11d of the National Planning Policy Framework (the Framework), is relevant in this case. The appellant and the Council have thus been provided with an opportunity to comment on any implications of both matters to the appeal. However, the Council has not identified any conflicts with the London Plan 2021. I therefore have no compelling reasons to find that the development offends it.
3. The appellant has provided a letter from a Lettings Agent with their appeal statement. The letter describes that marketing of the appeal site has been undertaken. The Council and interested parties have been able to consider this evidence and thus I have taken it into account in making a decision.

Main Issues

4. The main issues are:
 - the effect of the proposal on the living conditions of the occupiers of 15 High Street with regard to outlook and light receipt;
 - whether or not the proposal would provide an appropriate housing mix;
 - whether or not the proposal would result in an unacceptable loss of employment space; and

- whether or not the proposal would provide adequate living conditions for the future occupiers in respect of outlook and privacy.

Reasons

Living conditions of occupiers of No 15

5. The appeal site relates to Summit House, which is a mid-terrace building located between Wanstead High Street and Wellington Passage. It includes retail and office space and a 2 storey rear range with a flat roof. The adjacent building at 15 High Street features a rear projection and has residential accommodation at second and third floor levels. An outdoor terrace serving the second floor is located at a similar height to the roof of the site's rear range.
6. The proposal would include the construction of a 2 storey extension over the rear range. Notwithstanding a step back to provide for a balcony to the rear third floor flat, it would extend the full depth of the range. Having regard to the extension's height, depth and proximity to No 15, the proposal would harm outlook from the neighbours' second floor rear windows to the extent that it would be overbearing. However, as a result of its position and the orientation of the existing buildings, there would not be an unacceptably harmful impact on light levels to the neighbouring occupiers.
7. The appellant explains that the site already benefits from an implemented permission for a similar scheme¹. However, it involves an extension that would be shorter than the one now proposed. Whilst full details of the approved scheme have not been provided, I am satisfied that it is not directly comparable given the size differences. Additionally, the decision was made in December 2017 whereas the Redbridge Local Plan (RLP) is dated March 2018. The development plan has therefore changed since that decision was made. My findings thus remain unaltered.
8. The proposal would harm the neighbours' living conditions in terms of outlook substantially. It conflicts with RLP Policy LP26, which seeks to avoid adverse impacts on residential amenity.

Housing mix

9. The proposal would create 1-bed flats only. RLP Policy LP5 seeks that all housing proposals provide a range of dwelling sizes and tenures, with a focus on family sized homes with 3 or more bedrooms. However, it states that regard will be given to site sizes and constraints, context and character and financial viability in considering housing mix.
10. The Council sets out that the site could not reasonably provide 3-bedroom units and the appellant contends that there is a lack of safe external play areas in the area. However, the building is a relatively large one and compelling evidence indicating that the site cannot provide a mixture of 1 and 2-bed flats has not been provided. Additionally, I have been referred to an excerpt from an appeal decision² which suggests that 1 and 2-bed units are appropriate in scale in this town centre location.
11. The appellant contends that there is demand for 1-bed units on High Street. Whilst that may be the case, firm and substantive evidence which indicates

¹ Appeal reference: APP/W5780/W/17/318112

² Appeal reference: APP/W5780/A/05/1177447

that there is a lesser need for housing with more bedrooms in the borough has not been advanced.

12. I conclude that the proposal would fail to provide an appropriate housing mix. It conflicts with RLP Policy LP5 as a result.

Employment space

13. The site is not designated for employment purposes. Amongst other things, RLP Policy LP14 sets out that proposals for alternate uses on non-designated employment land should demonstrate that continued business activities will conflict with character, appearance and amenity of the locality and its surrounding area. It also requires demonstration that premises have been vacant for over 12 months, following active marketing using reasonable terms and conditions and have no reasonable prospect of being occupied for another business use.
14. The Lettings Agent's letter sets out that marketing of the site has been undertaken since March 2017. The marketing was online but that potentially interested parties were also targeted. In addition, I have no reason to doubt that occupancy rates of employment spaces in the area have declined over time and demand for offices has decreased as homeworking has become more prevalent. However, details of the rates advertised have not been provided and thus I cannot be certain that the marketing was undertaken on the basis of reasonable terms and conditions. Furthermore, convincing evidence has not been provided which indicates that there is no reasonable prospect that the building cannot be occupied for other business uses.
15. Based on the evidence before me, the proposal would result in an unacceptable loss of employment space. Consequently, it conflicts with RLP Policy LP14.

Living conditions for future occupiers

16. The Council contends that there would be inadequate levels of outlook and privacy for the occupiers of the proposed flats due to the relationship between windows around the courtyard. Concerns are raised regarding outlook from the ground floor flat's lounge and a lack of defensible space to its rear too.
17. Whilst the windows around the courtyard would be close to each other, there are differences in the floor levels of the part of the building fronting High Street and the rear range. Consequently, the windows on each side of the courtyard would be offset vertically. In addition, the opposing kitchen and bedroom windows would be positioned such that they would be offset in the horizontal plane too. The flats would be dual aspect and the rooms facing the courtyard would not be the primary living spaces. Subject to the windows being glazed and fixed shut in accordance with the drawings, adequate outlook and privacy levels would be secured.
18. The ground floor flat's finished floor level would be set up slightly in comparison with the ground level to the rear of the building. As a result, there would be sufficient outlook from the lounge windows above the proposed bin and cycle stores. Whilst the occupiers of the building and those accessing the bin store may walk close to the windows, the flat would be set back from Wellington Passage, which would provide a sense of separation from the public realm. Obscure glazing of the lower window panes or internal blinds could be used to ensure adequate privacy levels.

19. The proposal would provide adequate living conditions for the future occupiers in respect of outlook and privacy. In respect of this specific matter, the proposal accords with RLP Policies LP26 and LP29, which seek high standards of accommodation and set amenity and internal space standards.

Other Matters

20. The appellant contends that the proposal would be appropriate in the context of schemes that were allowed on appeal and constructed at Nos 21-23 and 25-27 High Street³. Relevant drawings have been provided. However, the constructed schemes are also not directly comparable with the proposal before me because both involve extensions to pairs of properties. Additionally, their relationships with adjacent neighbouring properties differ. Furthermore, both decisions pre-date the RLP. The constructed schemes thus do not lead me to alter my findings in respect of the above issues.
21. It is also highlighted that permitted development rights exist which allow 2 storey upward extensions and conversions from commercial to residential uses. However, compelling evidence has not been forthcoming which indicates that such development would or could be undertaken to the appeal building.
22. The site is located within the Wanstead Village Conservation Area. However, the Council has not indicated that the proposal would harm the conservation area. I have no reason to find otherwise and conclude that heritage assets would be preserved.
23. The Council has indicated that the proposal would harm the Epping Forest Special Area of Conservation (Habitats Site) in the absence of mitigation. If I were minded to grant permission, I would need to be satisfied that the proposal would not adversely affect the integrity of the Habitats Site. However, even if there would be no adverse effects, this would constitute a neutral consideration rather than a benefit weighing in favour of the proposal.

Planning Balance

24. It has been established that paragraph 11d of the Framework applies in this case. Permission should therefore 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.
25. The proposal would make use of the building and contribute valuably to the delivery and supply of housing in the borough, particularly in the context of the HDT results. Additionally, the accommodation would be in an accessible location on previously developed land. RLP Policy LP2 and the Framework promote higher density development in such areas, albeit the land would not be used effectively given the harm identified. I have no reason to doubt that the proposal has been designed with a focus on providing quality housing, the flats would be energy efficient and that noise insulation would be upgraded as part of the proposal. However, overall, the scale and thus the benefits of the development are modest.
26. Conversely, I attach substantial weight to the harm that would be caused to the living conditions of the occupiers of No 15 and moderate weight to the loss of employment space. I attach modest weight to the housing mix given that all

³ Appeal references: APP/W5780/A/05/1177447; APP/W5780/W/15/3025060

forms of housing would contribute to addressing the Council's delivery issues. Nevertheless, overall, the adverse effects would be substantial.

27. The adverse impacts would therefore significantly and demonstrably outweigh the benefits of the development when assessed against the Framework taken as a whole. The Framework does not therefore indicate that permission should be granted.

Conclusion

28. The proposal is contrary to the development plan. There are no material considerations which outweigh the conflict with the development plan. I have not therefore considered the effect of the proposal on the Habitats Site, as this would not have any bearing on my decision.

29. Accordingly, the appeal is dismissed.

Mark Philpott

INSPECTOR