



Appeal Decision

Site Visit made on 26 May 2021

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2021

Appeal Ref: APP/W5780/W/20/3264962

287-289 Cranbrook Road, Ilford, IG1 4UA

- 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 Bilal Sheikh against the decision of London Borough of Redbridge.
 - The application Ref 1058/20, dated 30 March 2020, was refused by notice dated 7 July 2020.
 - The development proposed is Change of use from education (D1) to 12 apartments (C3). Alterations to fenestrations and addition of 6 front, 6 rear and 2 side dormer windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Parts of the development have been implemented, including the addition of a third storey including the dormer windows noted in the above description. This aspect of the development matches the appeal plans.
3. A new version of the *London Plan* was adopted in early 2021, following the Council's decision and after lodgement of the appeal. This supersedes the previous version.

Main Issues

4. The main issues are:
 - Whether the proposed development would provide adequate living conditions for future occupiers, with regard to privacy and outlook;
 - The effect of the development on the character and appearance of the area; and
 - The effect of the proposal on the local supply of affordable housing.

Reasons

Living conditions

5. Each of the three windows into the three bedrooms on the ground-floor flat would face into communal areas. Two of the bedrooms would face towards the rear, into the shared garden, and the third would open onto the common pedestrian pathway running through the centre of the site. Although the site plan indicates that planting could form a barrier to the former, and a narrow strip could run along the latter, separating the flat from the pathway, these solutions would not prevent potential overlooking of the flat, as a result of shared space being

located directly outside bedrooms. This would be severely detrimental to the living conditions of the occupiers of this flat, and would result a loss or restriction of their privacy and related enjoyment of their home.

6. Good design principles generally seek to minimise the development of new single-aspect flats not only for reasons of outlook, but also in terms of cross-ventilation. London Plan Policy D6 requires housing development to maximise the provision dual-aspect dwellings. The appellant considers that flats would need to be enlarged to provide a dual aspect, which would not represent the optimal use of the site. The approach to achieving an optimal use as set out in the *National Planning Policy Framework* (2019) (the Framework) at paragraph 123 includes discretion in applying daylight and sunlight guidance, but does not include similar compromises for outlook or environmental sustainability, in the case of cross-ventilation.
7. I appreciate that alterations have been made to the scheme during its evolution to reduce the impacts on living conditions. However, there would still be harm, for the reasons set out above. The fact that flats would exceed minimum floor areas would not mitigate this harm.
8. I therefore conclude that the proposed development would not provide adequate living conditions for future occupiers, with regard to privacy and outlook. It would conflict with Local Plan Policies LP26 and LP29, which promote good residential design and amenity standards.

Character and appearance

9. The Council's objection relates to the number and prominence of the dormer windows on the additional top floor of the building. Given that this element of the development has been constructed, I had the benefit of observing them in place as part of my visit.
10. The windows are indeed prominent, given that they are the primary visual element of the additional floor, which has raised the overall height of the building to be taller than the neighbouring properties on both sides. However, the street is of mixed building character, and the appeal site marks a transition between commercial development to the south and the residential area to the north. The adjacent residential properties at 291-295 Cranbrook Road have been the subject of external alterations and do not have a particular significance in terms of their appearance.
11. The arrangement of the dormer windows is symmetrical, and they do not detract from the overall appearance of the building. Although the roof storey adds to its bulk, it is not particularly obtrusive or incongruous within the street scene. I therefore conclude that the development does not harm the character and appearance of the area, and that there is no conflict with Local Plan Policy LP26.

Affordable housing

12. I have received a signed and dated Unilateral Undertaking from the appellant. This provides for five of the proposed homes to be affordable housing in various tenures, representing 35% of the total number of flats. The Council has objected on the basis of a lack of clarification as to which specific flats would be designated for affordable housing, together with no clear definition of rent levels.

13. On the former objection, I have no assessment of local need and in the absence of a specific designation, I cannot be certain that the flats allocated for affordable housing would address local need. Likewise, I cannot be certain that the flats would be within the locally set threshold for affordability, as set out in London Plan Policy H6.
14. Nonetheless, the provision of affordable housing would be of some benefit within the local housing supply. Without the required information I cannot make a judgement as to its likely efficacy, and the proposal conflicts with London Plan Policy H6. However, there is no conflict with Local Plan Policy LP3, which seeks to maximise the provision of affordable housing in the borough.

Other Matters

15. The Council acknowledges an under-delivery of housing in the past three years against its target, thereby engaging paragraph 11(d) of the Framework. However, it has advised me that the development would have an impact on the Special Area of Conservation (SAC) at Epping Forest, a European Site designated within the Habitats Regulations¹. As the development is in an impact risk zone and no mitigation or compensatory measures have been specified. I am therefore unable to assess whether any harm to the biodiversity of the SAC would be avoided. As such, the proposal would conflict with paragraph 175 of the Framework, and paragraph 11(d) should therefore not be applied.
16. The Council has advised that it would require various other contributions were the appeal to be allowed, including payments towards mitigating any impact from the development on the Special Area of Conservation at Epping Forest, skills training and carbon offsetting. No obligation has been put forward for these.

Planning Balance

17. The provision of affordable housing is of benefit, but taking into account the concerns that I have raised, I cannot afford any more than moderate weight to this matter. The fact that the proposal would not harm the character and appearance of the area is a neutral factor in my decision.
18. I have identified that there would be significant harm with regard to living conditions. There would also be potential harm to the SAC. The fact that there is some local limited support for the scheme does not outweigh the harm. Moreover, as the harm outweighs the benefits, and there are no other material considerations to indicate otherwise, the appeal should be decided in accordance with the development plan for the area and is dismissed.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

G Rollings

INSPECTOR

¹ Conservation of Habitats and Species Regulations 2017.