



Appeal Decision

Site visit made on 4 May 2021

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/W5780/W/20/3258687

646 to 648 and 650a and 650b Cranbrook Road, Ilford IG6 1HJ

- 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 P Singh against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1295/20, dated 30 April 2020, was refused by notice dated 3 August 2020.
 - The development proposed is loft conversion with dormers and roof alterations to existing property at 646-648 Cranbrook Road to modify existing two units and add a third; erection of new two-storey structure to provide three further units (thereby six in total; four net additional); retention of retail with new retail store to rear; three parking spaces, six cycle spaces and private and communal amenity space.
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Procedural Matters

1. Since the appeal was lodged the relevant policies of the development plan have changed in that The London Plan 2021 (LP2021) was adopted in March 2021. I therefore refer to the relevant policies of that new plan.
2. The parties refer to a previous appeal decision¹ relating to a similar scheme which I have taken into account and to which I refer where relevant.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues are (a) whether the proposal provides for a satisfactory environment for future occupants in respect of communal and private amenity space, (b) the effect on the living conditions of the occupiers of Nos. 650a and 650b Cranbrook Gardens, and (c) the impact on the Epping Forest Special Area of Conservation (SAC).

Reasons

5. The appeal site contains a detached property consisting of a main two-storey element comprising of a retail premises on the ground floor and two flats above. There is also a large single storey extension to the rear which provides storage for the shop. It is located on the corner of Cranbrook Road, a busy main road, and Bute Road, a residential street. There is a rear yard and parking area with vehicular access off Bute Road, the remaining boundary of which is marked by a high brick wall.

¹ APP/W5780/W/19/3238447

6. The proposal involves the alteration and enlargement of the roof of the existing main building to create a large, hipped roof with small central flat 'crown' and the insertion of dormers and rooflights to provide an additional flat within the roofspace. In addition, a new two storey building is proposed within the rear yard area, also with a hipped roof, providing covered parking spaces and retail store on the ground floor, connected to the existing shop via a small single storey link, with two floors of residential accommodation above, the upper flat being within the roofspace. The area between the two buildings would provide a communal amenity area with cycle parking.

Adequacy of communal and private amenity space

7. The communal area of amenity space would be located between the two buildings in the central part of the site. Given its modest size and location, it would be likely to receive little sunlight and the two storey buildings would have an overbearing impact due to their very close proximity and position on both sides, with the single storey element adding further enclosure to the rear. To my mind, whilst it would provide a satisfactory area for cycle parking, it would be unattractive and therefore unsuitable for use as an outdoor communal amenity area.
8. The flats themselves, including those within the existing building, would each be provided with small terraces of 5 sq.m size which would provide useful outdoor private amenity for the occupants. LP2021 policy D6 states that a minimum of 5sq.m. should be provided for 1-2 person dwellings with an extra 1sq.m for each additional person. These standards accord with those set out Policy LP29 of the Redbridge Local Plan 2015-2030 (2018) (LP), and also requires those areas to be usable and to be orientated to maximise sunlight and outlook. The Council is concerned with regard to the size, orientation and usability of the covered terraces that have been provided for the existing flats. However, these flats currently have no amenity area. Therefore, it seems to me that the benefits of their provision are outweighed by their shortcomings in respect of the policy requirements.
9. Therefore, notwithstanding the poor quality of the communal amenity space, overall I find that adequate private amenity space would be provided for the proposed and retained flats. As a result, the proposal would accord with LP2021 policy D6 and Policies LP26 and LP29 which seek high standards of quality for housing including adequate external amenity space for all dwellings.

Living conditions

10. The proposed new building would be located around 6 metres from the rear elevation of the existing building, a similar relationship to that considered by the Inspector in the previous appeal in which it was concluded that there would be an unacceptable impact on the outlook from the windows of the kitchen and second bedroom of Unit 1. Whilst the proposal includes changes to the internal layout of unit 1, this does not affect the position of the affected bedroom window and the relocated kitchen window would be in a similar, if not more restricted position. Given that the overall design and location of the proposed building has not materially changed, this would result in the same, if not worse, impact on outlook given the repositioning of the kitchen window. I appreciate that this unit benefits from a triple aspect as emphasised by the appellant but that was the case with the previous scheme and in my view, the harmful impact would not be outweighed by this benefit.

11. I therefore find that the proposal would have a harmful effect on the living conditions of the occupiers of this first floor flat and as such would fail to accord with LP2021 Policies D3 and D6, and LP Policy 26 which seek high quality development that optimises capacity through a design-led approach, responds to site context and respects the amenity of surrounding residents. For these reasons it also conflicts with the London Plan Housing SPG.

Impact on the Epping Forest SAC

12. The site lies within the Zone of Influence of the Epping Forest SAC and as such the proposed new residential units have the potential to adversely impact on the area due to the influence of the new residents. A suitable enhancement scheme has been put in place by the Council towards which developments can contribute in order to offset the impacts that they have.
13. The suggestion by the appellant that a condition requiring the contribution to be paid direct to the Council would not satisfy the National Planning Practice Guidance which states that 'no payment of money or other consideration can be positively required when granting planning permission.' However, it does go on to say that it may be possible to use a negatively worded condition to prohibit the development authorised until a specified action has been taken, for example the entering of a planning obligation requiring the payment of a contribution. The appellant has indicated that such a method would be prohibitively costly in relation to the amount of contribution involved and the Council has clarified that such payments are usually made via direct automated payment. These circumstances whereby the requirement is simply for a payment to be made would fail to satisfy the above guidance.
14. The proposal would not therefore secure suitable mitigation and is thereby contrary to LP policy LP39 which seeks the protection and enhancement of existing sites of biodiversity value by supporting proposals that improve access, connectivity and the creation of new habitats.

Other Matters

15. The proposals would provide additional small residential units that would contribute to local supply and assist in boosting the supply of housing in the district as encouraged by relevant policies of the LP2021 and LP, which seek to optimise the delivery of housing on brownfield sites, as well as the National Planning Policy Framework. However, that policy also seeks to ensure that such units are of high quality, particularly in terms of the living environments provided. Whilst the government is looking to extend permitted development rights in this regard, I do not consider that this provides any justification for not applying such policy in this instance. I therefore consider that the overall benefits arising are insufficient to outweigh the harm identified.

Conclusions

16. Whilst I have found that the proposal would be acceptable in respect of the provision of amenity space, there would be unacceptable impacts in respect of the living conditions of existing occupiers and the Epping Forest SAC. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR