



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: 28 June 2021

Appeal Ref: APP/W5870/W/20/3262076

20 Heathcote Avenue, Clayhill, Ilford IG5 0QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Pellumb Mazreku against the decision of the Council of the London Borough of Redbridge.
 - The appeal application ref: 2553/20 dated 10 August 2020 was refused on 5 October 2020.
 - The original application Ref 1532/20, dated 22 May 2020, was approved on 27 July 2020 and planning permission was granted subject to conditions.
 - The development permitted is the demolition of the existing bungalow and erection of two 2 bed dwellings (C3) with associated car parking, refuse and cycle storage.
 - The condition in dispute is number 5 which states *"No extensions or additions, including those permitted by Class A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Statutory Instrument revoking, re-enacting or amending that order) shall be carried out on the property the subject of this permission without the grant of a further specific permission from the Local Planning Authority."*
 - The reason given for the condition is *"In order that any further additions may be considered by the Local Planning Authority having regard to the size of the dwelling, its plot and the amenities enjoyed by occupants of neighbouring property and to comply with policies LP26 and LP30 of the Council's Local Plan."*
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Procedural Matter

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.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect on the character and appearance of the host property and street scene.

Reasons

4. The appeal site comprises a pair of recently constructed semi-detached dwellings. Whilst they are of 'traditional' form with round bay windows with gable projection to the front under a hipped roof, there are some contemporary finishes which give the dwellings a distinctive appearance. They appear as identical in size and design form a symmetrical pair of dwellings. Condition 5 of the original permission for their construction (1532/20) restricts permitted development rights and the appellant seeks the removal of the reference to

Class B, relating to roof alterations. On my site visit I saw that small side and rear box dormers have been added to both properties; these do not appear to be part of the approved scheme. Neither party appears to have referred to these and in any event, I am only able to determine the appeal made as set out above. I have therefore not referred to these in my appeal decision.

5. Paragraph 55 of the National Planning Policy Framework (the Framework) states that conditions should only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In the context of this appeal and the parties evidence, the tests of necessity and reasonableness appear to be the most relevant. National Planning Policy Guidance (PPG) also states that conditions restricting the future use of permitted development and the blanket removal of freedoms to carry out small scale domestic alterations are unlikely to meet the tests of reasonableness and necessity.
6. Therefore there need to be clear and convincing reasons for the removal of Class B roof alterations in this case bearing in mind the particular circumstances. The reason given for the condition is fairly general in its terms and whilst it does refer to the need to assess additions having regard to the size of the dwelling, its plot and the amenities enjoyed by occupants of neighbouring property, it seemed to me that the plot size and relationship with adjoining properties reflects the general plot size and pattern of development within its immediate context and is not unduly restricted in this regard.
7. The reason also refers to policies LP23 and LP26 of the Redbridge Local Plan 2015-2030 (2018) (LP) plan which seek to ensure that high quality design is achieved that responds to the existing character of a place. The Council considers that roof alterations enabled under permitted development would, for instance, enable a change from a hipped roof form to a gable end and that this would add considerable bulk and massing at roof level, out of keeping with the predominant hipped roof forms within the area. The Council also contend that such alterations may unbalance the symmetry of the pair of dwellings which were designed and built as an identical semi-detached pair.
8. Whilst I saw that some roof extensions and alterations have been carried out at other properties within the immediate context of the site and have had regard to the sites referred to by the appellant, the overall predominant roof form is hipped. In addition, I consider that the particular design of the dwellings as an identical semi-detached pair and the symmetry that this design provides does provide justification for the removal of permitted development rights in this particular case, given that such alterations, particularly to the roof, could be harmful to their appearance. Such alterations could also not only impact on the Heathcote Avenue street scene but also Cheriton Avenue to the east.
9. In this case therefore I consider that the condition as currently worded is justified and meets the PPG tests.

Conclusions

10. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR