



Appeal Decision

Site visit made on 13 September 2021

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021

Appeal Ref: APP/W5780/W/21/3270352

105 Wanstead Park Avenue, Wanstead, London E12 5EE

- 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 Sayed against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4185/20, dated 30 November 2020, was refused by notice dated 5 February 2021.
 - The development proposed is the demolition of an existing concrete and tin garden building, and the partition of the rear garden of the existing dwellinghouse to allow for the construction of a detached single storey dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the application was determined, the National Planning Policy Framework 2021 ('Framework') has been published. Amongst other things, I have therefore considered this scheme against its policies, whose stance on the first main issue in this appeal is broadly similar to the now superceded version.

Main Issues

3. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Aldersbrook Conservation Area; and
 - the effect of the proposal on the Epping Forest Special Area of Conservation.

Reasons

Character and appearance

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out in respect of development affecting conservation areas, that special attention shall be paid to the desirability of preserving or enhancing their character or appearance.
5. Policy LP33 of the Redbridge Local Plan 2015-2030 (2018) ('RLP') reflects that statutory test. It resists development that does not preserve or enhance the character of conservation areas, and sets out that permission will be refused for development which will result in harm to it, or loss of its significance, unless

there are public benefits which outweigh that harm in accordance with the tests in the Framework.

6. The Aldersbrook Conservation Area ('ACA') is overwhelmingly characterised by two storey terraced, semi-detached, and occasionally detached, buildings, in an Edwardian style. They are consistently set back from the road, sometimes behind trees or vegetated front gardens, but are prominent in the streetscene.
7. I observed that their rear gardens, or landscaping within them, which can be seen particularly from the buildings' upper floors or across corner plots, contribute to the area's spacious and verdant character.
8. Indeed, the Aldersbrook Conservation Area and Lake House Estate Appraisal 2020, states that rear gardens are an important element of the area. It summarises that the character and appearance of the ACA and the Lake House Estate is defined by the collective contribution of Edwardian architectural details drawn from a common design palette, shared across houses of a similar date, form and scale, and the experience of those houses within a green and verdant setting.
9. The Aldersbrook Conservation Area and Lake House Estate Design Guide 2020 ('ADG') notes that there are limited opportunities for new buildings in the ACA. However, it continues that where this is contemplated, the design will need to respect the overall character of the estate, as well as complementing the interest and massing of adjacent properties, but without slavishly mimicking the historic houses. The Care and Design Guide for Aldersbrook Conservation Area Supplementary Planning Guidance 2005 takes a similar approach.
10. No 105 Wanstead Park Avenue ('No 105') is an end of terrace Edwardian dwelling. It is prominently positioned on a corner plot, such that its rear garden abuts Herongate Road. An existing outbuilding within its rear garden is largely hidden from the streetscene given its low height, together with boundary fencing and landscaping.
11. The proposed dwelling's front face would broadly align with the bay windows in Herongate Road, and it would have a similar front to back roof pitch. Rather than seeking to mimic the design detailing of its neighbours, it would be in a deliberately contemporary style, with a roof level amenity space, and an appropriate palette of materials, including timber cladding and glazing, along with slate and red and yellow bricks to reflect those on nearby buildings.
12. The proposed detached dwelling would be significantly taller and larger in scale than the outbuilding it would replace. Consequently, whilst subservient to neighbouring dwellings, it would be much more visible in the streetscene above the proposed timber fence. In those views, its single storey height and mass, and its bungalow form would be markedly at odds with nearby dwellings.
13. Additionally, whilst the appellant states that No 105's garden is significantly larger than most of its neighbours, having regard to the location plan, I note that although it is wider than some others nearby, its depth is broadly consistent with them. In occupying a significant proportion of this garden, the scheme would significantly reduce the gap to the rear of the host property, and it would thereby diminish the area's distinctive sense of spaciousness.
14. At part 2.5 of his Design and Access Statement ('DAS') the appellant cites infill developments which, he maintains, have adapted the character of the urban

grain. I do not have the details of all those, but from the photograph, the context and form of the end of terrace two storey dwelling on Clavering Road is different to this scheme; and the infill on Ingatestone Road a little way from this site, is a two storey Edwardian style building.

15. I also observed that the building on a corner plot to the rear of 41 Wanstead Park Avenue is a low garage block which, like the outbuilding here, is barely visible in the streetscene. Although dwellings have been inserted on corner plots to the rear of Wanstead Park Road, at 49 Empress Avenue and at 63 St Margaret's Road, the former is a functional, mid-twentieth century two storey dwelling, and the latter a two storey Edwardian style property.
16. Moreover, opposite all three of those plots the rear gardens of the Wanstead Park Road properties appear to be largely free of built development. Consequently, whilst some dwellings have been erected in the rear gardens of some corner plots, that is by no means characteristic of the area. Indeed, the birds eye views at part 1.2 of the Heritage Statement show that the nearest corner plots to this site retain a largely open or landscaped character.
17. I note that this scheme was submitted in an attempt to overcome the reasons for refusal in a previous application. However, I have considered this scheme on its merits, and for the above reasons, I have found that it would harm the character and appearance of the ACA. It would therefore conflict with RLP Policy LP33 and with the guidance in the ADG.
18. It would also conflict with RLP Policies LP26 and LP7 which collectively, and amongst other things, require development, including in back gardens, to respect local character, including the pattern of development.

The Epping Forest Special Area of Conservation

19. In its second reason for refusal the Council states that, in the absence of appropriate mitigation, the proposal would have an unacceptable impact on the Epping Forest Special Area of Conservation ('EFSAC'). Its delegated officer report sets out that as the site is within 6.2km of Epping Forest a financial contribution is required.
20. However, this matter is not addressed by any of the Council's suggested conditions in the event that the appeal is allowed, and I have no obligation before me. I have not been provided with any detailed evidence, such as the alleged impact of the proposal on the EFSAC, how much the proposed contribution would be, or how, where and when it would be spent.
21. Consequently, whilst RLP Policy LP39 seeks to protect and enhance the borough's natural environment, and to not permit development which would adversely affect the integrity of the EFSAC, I cannot be certain that the contribution sought would be necessary to make the development acceptable, or that it would be directly related to the development, and fairly and reasonably related to it in scale and kind. As RLP Policy LP33 addresses heritage assets it is not relevant to this issue.
22. For the above reasons, I am unable to conclude that a planning obligation seeking a financial contribution would comply with the tests at Framework paragraph 57. In these circumstances, the absence of a planning obligation does not weigh against the development; and I cannot, from the evidence before me, conclude that, without it, the scheme would harm the EFSAC.

Other matters

23. I have no cogent evidence that trees on the site require removal due to the risk of damage to property. In any event, this scheme is clearly not the only way that matter, or overshadowing from the conifers, could be addressed. Additionally, notwithstanding proposed tree planting, I have no persuasive evidence that there would be a net biodiversity gain; and I have few details to conclude whether insulation and thermal performance requirements would be exceeded.
24. In its favour, the scheme would make an efficient use of the land to deliver a single dwelling, thus contributing in a modest way to the Framework's requirement to significantly boost supply, and to addressing the pressing need for homes as set out in the development plan. There would be short term economic and employment benefits during construction, and social and economic benefits from subsequent occupation.
25. I have no doubt that local property prices put home ownership out of reach for many people. As this scheme would enable family members to live here, there would be a private benefit, although I have no mechanism before me to ensure that it would be so occupied.

Planning Balance and Conclusion

26. Summing up, on the basis of the available evidence, I am unable to conclude what the impact on the EFSAC would be, and whether the requested contribution would meet the relevant tests. Its absence does not therefore weigh against the development.
27. The scheme would however fail to preserve or enhance the character or appearance of the ACA. That is a matter to which I attribute great weight. However, in the words of the Framework, as that harm would be 'less than substantial', I am required to weigh it against the public benefits of the proposal.
28. In this case, the harm that the scheme would cause would not be outweighed by the modest public benefits. The scheme would conflict with the development plan when considered as a whole. Having regard to all other matters raised, including representations in favour and opposed, the appeal is therefore dismissed.

Chris Couper

INSPECTOR