

Appeal Decision

Site Visit made on 7 September 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 05 October 2021

Appeal Ref: APP/W5780/W/21/3269515

8 Repton Grove, Clayhall, Ilford IG5 0RN

- 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 Victor Shore against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2043/20, dated 8 July 2020, was refused by notice dated 22 December 2020.
 - The development proposed is construction of a three bedroom house within the rear garden of 8 Repton Grove.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since determination of the application, the new London Plan was adopted on 2 March 2021 and the revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with the opportunity to comment on the relevance to their respective cases of these revisions to local and national policy.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect on the living conditions of neighbouring occupants, with respect to private amenity space, outlook and privacy;
 - whether the proposal would create satisfactory living conditions for future occupants.

Reasons

Character and appearance

4. The appeal site is an end-of-terrace dwelling on Repton Grove, adjacent to its junction with Humphrey Close. The terrace stands back-to-back with dwellings on Fullwell Avenue, with the rear gardens accessible by an alleyway running between the two rows. A wide pedestrianised area runs alongside the site and continues south to meet Fullwell Avenue.
5. The appeal site would occupy land forming the rear part of the garden of No 8. I saw on site that the appeal site is separated from the remainder of the garden by fencing, with no evident means of access. The area was overgrown

and not in active use at the time of my visit. The proposed detached dwelling would stand to the back edge of the pavement, with a vehicular access taken across the pedestrianised area from the short section of road on Humphrey Close. The dwelling would stand two storeys in height, but would have a further floor of accommodation within the roof space, facilitated by a wide dormer window and projecting stair enclosure at roof level.

6. The surrounding area is characterised by modest, two-storey terraced dwellings set out in linear patterns. The recently constructed dwellings to the northern side of Repton Grove have continued this pattern. I did not observe any examples of detached dwellings or significant development between the terraces in rear gardens. Given this prevailing pattern, the proposed dwelling would form an uncharacteristic addition to the townscape. It would stand conspicuously by itself within the established and deliberate gap in the built form occupied by the back-to-back rear gardens of Repton Grove and Fullwell Avenue. It would foreshorten the garden of No 8, leaving it uncharacteristically small relative to neighbouring dwellings. The proposed dwelling would also intrude into views across the rear gardens from Humphrey Close, and vice versa. In doing so it would harmfully erode the sense of openness and spaciousness which exists between the terraces.
7. Moreover, the proposed wide dormer window would, in effect, create a third storey to the dwelling, in contrast with the prevailing scale and form of surrounding development, as dormers are not prevalent on dwellings in either Repton Grove or Fullwell Avenue, and those present on the newer dwellings in Woodbury Crescent are small in size and form modest additions to the roof slope. In contrast, the proposed dormer and the anomalous stair overrun would create an awkward and disjointed roofline that would add to the incongruous appearance of the dwelling within its surroundings. The creation of a vehicular access across the large pedestrianised area would be a further anomalous feature that would detract from the public realm and draw further undue attention to the dwelling in the street scene.
8. The appellant argues that the existing site makes a poor contribution to the character of the area. However, whilst its overgrown condition can be seen from upper floors, it is screened at ground level by fencing. Moreover, its condition could be improved by maintenance rather than redevelopment.
9. For these reasons, I find that the proposed dwelling would significantly harm the character and appearance of the area, in conflict with Policies LP7 and LP26 of the Redbridge Local Plan 2015-2030 (March 2018) (the Local Plan) and Policy D3 of the London Plan (March 2021) which together require development of the highest architectural quality which is well integrated and has regard to the local character of the area, in terms of layout, form, style, massing, scale, density, orientation, materials and design.

Neighbours' Living Conditions

10. The proposed dwelling would be located some 9.5 metres from the rear elevation of No 8, much closer than the generous separation distances which exist at present owing to the deep rear gardens and back-to-back arrangement of the built form. Given this proximity, and the height and solid massing of the building, it would form an imposing structure that would dominate the view from the rear windows and garden of No 8, significantly and harmfully reducing the outlook enjoyed by occupants of No 8. Moreover, the dwelling would have

windows at first and second floor level that would directly face the existing dwelling at No 8 and would allow clear views into its windows and garden, which would lead to a harmful loss of privacy for neighbouring occupants.

11. I also note that whilst the garden of No 8 has already been sub-divided along the lines of the appeal scheme, it could be restored to its original size with the removal of fencing. Conversely, the proposal would formalise gardens which would fall significantly short of the amount of private amenity space required under Policy LP29. The front garden to No 8 is open to public view and also used for parking and would not compensate for this significant loss of private amenity space to the rear.
12. For these reasons, I conclude that the proposal would cause significant harm to the living conditions of neighbouring occupants, in conflict with Policies LP26 and LP29 of the Local Plan, and Policy D3 of the London Plan which together seek to deliver appropriate outlook, privacy and amenity for neighbours.

Whether satisfactory living conditions would be created

13. The proposed three-bedroom dwelling would meet with the required floorspace standard set out in the London Plan. The bedrooms would be of sufficient size, subject to two of the three being single occupancy. The Council points to the ceiling heights failing to meet the London Plan standard of 2.5 metres across 75% of the dwelling set out in Policy D6.
14. The ceilings at ground and first floor levels are indicated to measure 2.25 metres, with the loft floor measuring 2.1 metres at the highest point, reducing to some 1.4 metres under the roof slope. I am satisfied that the ground and first floor ceiling heights are not so low as to lead to oppressive internal spaces, but at roof level, the bedroom would be a cramped space with much of the circulation space leading from the door below 2 metres in height. I recognise that accommodation falling short of a relevant standard can still be acceptable if other aspects of the living space compensate for any shortcomings. However, whilst the top floor bedroom would benefit from adequate light and ventilation, this is no more than should be expected, and in terms of space, it does not exceed the minimum standard to a significant extent. These are not factors which mitigate or justify a new build development having such a shortfall in ceiling height against the London Plan standard.
15. Moreover, as already alluded to, the proposed garden at some 23 sqm would fall well short of the required 60 sqm under Policy LP29. The appellant argues that large gardens are not sought by many occupants due to the maintenance required, and points to the dwelling being suitably located to access public open spaces. However, a private amenity space provides valuable outdoor space for activities such as relaxation, storage, clothes drying and a safe space for children to play, which a public open space would not. The proposed garden would be an enclosed, north-facing space that would be directly overlooked by No 8 at close range. This would result in an inadequate space for what would ostensibly be a family-sized dwelling.
16. I note the appellant's reference to the size of some gardens in the development to the north of the appeal site. However, I have no details of the circumstances of this scheme to enable me to compare it with the scheme before me. This notwithstanding, the presence of other small gardens is not justification for providing a garden of only just over one-third the relevant size standard.

17. Therefore, I conclude that the proposal would fail to provide satisfactory living conditions for future occupants, in conflict with Policies LP26 and LP29 of the Local Plan and Policy D6 of the London Plan, which require housing developments to be of the highest quality internally and externally, to provide sufficient external private space and to meet relevant internal space standards.

Other Matters

Effect on Epping Forest SAC

18. The appeal site falls within the 'Zone of Influence' for the Epping Forest Special Area of Conservation (SAC). The SAC is designated for the presence of several qualifying habitats and species. The conservation objectives of the SAC are to ensure that the integrity of the site is maintained or restored as appropriate and that the site contributes to achieving the favourable conservation status of its qualifying features. As the competent authority at the appeal stage, I have a statutory duty to ensure that the integrity of this area is not harmed.
19. The limited evidence before me indicates that the Council, on the advice of Natural England (NE), has in place a scheme for mitigating the impacts on the integrity of the SAC by securing financial contributions in the amount of £30 per dwelling, plus a monitoring fee of £90. However, details of this scheme or the NE advice are not before me and thus I am unable to determine whether this would be satisfactory to mitigate any adverse impacts on the integrity of the SAC. Moreover, no mechanism has been put forward by the appellant to secure any mitigation.
20. However, my findings on the other main issues suggest that the circumstances that could have led to the granting of planning permission are not present. Therefore, it is not necessary for me to ascertain the appropriateness and delivery of the mitigation within an Appropriate Assessment. Consequently, I have not taken this matter further.

Planning Balance

21. I have found that the proposal would cause significant harm to the character and appearance of the area, and would have adverse effects on neighbours' and future occupants' living conditions, resulting in conflict with the development plan, taken as a whole, to which I afford significant weight.
22. The proposal would deliver the benefit of an additional dwelling to the Borough's housing stock, along with economic benefits from construction and future expenditure by occupants in the local area. However, given the small scale of the proposal, such benefits would be limited and taken together would not amount to material considerations which would outweigh the harm I have identified and consequent conflict with the development plan.

Conclusion

23. Therefore, for the reasons given, the appeal is dismissed.

K. Savage

INSPECTOR